

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0260.02 Christy Chase x2008

SENATE BILL 14-133

SENATE SPONSORSHIP

Newell, Guzman, Todd

HOUSE SPONSORSHIP

Melton, Fields, Hullinghorst

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF PRIVATE INVESTIGATORS BY THE
102 DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under the current "Private Investigators Voluntary Licensure Act" (voluntary act), a private investigator, at his or her option, may apply for a license from the division of professions and occupations (division) in the department of regulatory agencies and, upon satisfaction of the criteria for licensure, the director of the division is to issue a license to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

private investigator. Only a person who obtains a license from the division may refer to himself or herself as a licensed private investigator, but no private investigator is required to be licensed by the division.

The bill repeals the voluntary licensure program and creates the "Private Investigators Licensure Act", which establishes a new mandatory licensure program under which all persons conducting private investigations in this state must obtain a license from the division starting June 1, 2015. The definition of "private investigation", as it was defined under the voluntary act, is expanded to include investigations pertaining to the following:

- ! The location or recovery of lost or stolen property;
- ! The affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association or with any official, representative, or member of an organization, society, or association;
- ! The conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, contractors, or subcontractors; and
- ! The identity or apprehension of persons suspected of crimes or misdemeanors.

Under the mandatory licensure program, an applicant may apply for one of 2 types of licenses as follows:

- ! Level I private investigator license, which requires the applicant to be at least 21 years of age, be lawfully present in the United States, and pass a jurisprudence examination to demonstrate his or her knowledge and understanding of laws and rules applicable to the practice; or
- ! Level II private investigator license, which requires the applicant to satisfy the requirements applicable to a level I license and have an amount of verifiable, applicable experience as determined by the director.

All private investigator licensees must pass a fingerprint-based background check.

The bill continues the exemptions authorized in the voluntary act and further exempts certain professionals, agencies, and activities from the act, including:

- ! Collection and consumer reporting agencies;
- ! Certified peace officers;
- ! Government-employed investigators;
- ! An accountant, certified fraud examiner, or employee or independent contractor of an accountant or fraud examiner who conducts forensic accounting, fraud investigations, or related analysis of financial transactions using information publicly available or supplied to the person;
- ! A person serving process in accordance with rules of civil

1 STATE.

2 **12-58.5-103. [Formerly 12-58.5-103] Definitions.** AS USED IN
3 THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

4 (1) "APPLICANT" MEANS A PRIVATE INVESTIGATOR WHO APPLIES
5 FOR AN INITIAL OR RENEWAL LICENSE PURSUANT TO THIS ARTICLE.

6 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE
7 DIRECTOR'S DESIGNEE.

8 (3) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND
9 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

10 (4) "LICENSEE" MEANS A PRIVATE INVESTIGATOR LICENSED BY THE
11 DIRECTOR PURSUANT TO THIS ARTICLE AS A LEVEL I OR LEVEL II PRIVATE
12 INVESTIGATOR.

13 (5) "PRIVATE INVESTIGATION" MEANS UNDERTAKING AN
14 INVESTIGATION FOR THE PURPOSE OF OBTAINING INFORMATION FOR
15 OTHERS PERTAINING TO:

16 (a) A CRIME, WRONGFUL ACT, OR THREAT AGAINST THE UNITED
17 STATES OR ANY STATE OR TERRITORY OF THE UNITED STATES;

18 (b) THE IDENTITY, REPUTATION, CHARACTER, HABITS, CONDUCT,
19 BUSINESS OCCUPATION, HONESTY, INTEGRITY, CREDIBILITY, KNOWLEDGE,
20 TRUSTWORTHINESS, EFFICIENCY, LOYALTY, ACTIVITY, MOVEMENTS,
21 WHEREABOUTS, AFFILIATIONS, ASSOCIATIONS, OR TRANSACTIONS OF A
22 PERSON, GROUP OF PERSONS, OR ORGANIZATION;

23 (c) THE CREDIBILITY OF WITNESSES OR OTHER PERSONS;

24 (d) THE WHEREABOUTS OF MISSING PERSONS;

25 (e) THE DETERMINATION OF THE OWNERS OF ABANDONED
26 PROPERTY;

27 (f) THE CAUSES AND ORIGIN OF, OR RESPONSIBILITY FOR, LIBEL,

1 SLANDER, A LOSS, AN ACCIDENT, DAMAGE, OR AN INJURY TO A PERSON OR
2 TO REAL OR PERSONAL PROPERTY;

3 (g) THE BUSINESS OF SECURING EVIDENCE TO BE USED BEFORE AN
4 INVESTIGATORY COMMITTEE, BOARD OF AWARD OR ARBITRATION,
5 ADMINISTRATIVE BODY, OR OFFICER OR IN THE PREPARATION FOR OR IN A
6 CIVIL OR CRIMINAL TRIAL;

7 (h) THE BUSINESS OF LOCATING PERSONS WHO HAVE BECOME
8 DELINQUENT IN THEIR LAWFUL DEBTS, WHEN THE PRIVATE INVESTIGATOR
9 LOCATING THE DEBTOR IS HIRED BY AN INDIVIDUAL OR COLLECTION
10 AGENCY;

11 (i) THE LOCATION OR RECOVERY OF LOST OR STOLEN PROPERTY;

12 (j) THE AFFILIATION, CONNECTION, OR RELATIONSHIP OF ANY
13 PERSON, FIRM, OR CORPORATION WITH ANY ORGANIZATION, SOCIETY, OR
14 ASSOCIATION OR WITH ANY OFFICIAL, REPRESENTATIVE, OR MEMBER OF AN
15 ORGANIZATION, SOCIETY, OR ASSOCIATION;

16 (k) THE CONDUCT, HONESTY, EFFICIENCY, LOYALTY, OR ACTIVITIES
17 OF EMPLOYEES, PERSONS SEEKING EMPLOYMENT, AGENTS, CONTRACTORS,
18 OR SUBCONTRACTORS; OR

19 (l) THE IDENTITY OR APPREHENSION OF PERSONS SUSPECTED OF
20 CRIMES OR MISDEMEANORS.

21 (6) "PRIVATE INVESTIGATOR" OR "PRIVATE DETECTIVE" MEANS A
22 NATURAL PERSON WHO, FOR A FEE, REWARD, COMPENSATION, OR OTHER
23 CONSIDERATION, ENGAGES IN BUSINESS OR ACCEPTS EMPLOYMENT TO
24 CONDUCT PRIVATE INVESTIGATIONS.

25 **12-58.5-104. [Formerly 12-58.5-104] Licensure - title**
26 **protection - unauthorized practice - penalty - repeal.** (1) (a) BY JUNE
27 1, 2015, A PRIVATE INVESTIGATOR CONDUCTING PRIVATE INVESTIGATIONS

1 IN THIS STATE IS REQUIRED TO MEET THE QUALIFICATIONS SET FORTH IN
2 SECTION 12-58.5-106 AND TO OBTAIN A LICENSE FROM THE DIRECTOR.

3 (b) ONLY A PRIVATE INVESTIGATOR WHO OBTAINS A LICENSE
4 PURSUANT TO SECTION 12-58.5-106 MAY PRESENT HIMSELF OR HERSELF AS
5 OR USE THE TITLE OF A "LICENSED PRIVATE INVESTIGATOR", "PRIVATE
6 INVESTIGATOR", "LICENSED PRIVATE DETECTIVE", OR "PRIVATE
7 DETECTIVE".

8 (c) (I) IF A VOLUNTARY LICENSE IS ISSUED OR RENEWED ON OR
9 AFTER NOVEMBER 1, 2013, BUT PRIOR TO THE REPEAL AND RENACTMENT
10 OF THIS ARTICLE IN 2014, THE VOLUNTARY LICENSE EXPIRES ON THE
11 EFFECTIVE DATE OF THIS PARAGRAPH (c), AND THE DIVISION SHALL
12 REFUND THE PORTION OF THE VOLUNTARY LICENSE FEE PAID THAT IS
13 ATTRIBUTABLE TO THE LICENSE PERIOD FOLLOWING THE EFFECTIVE DATE
14 OF THIS PARAGRAPH (c).

15 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE DECEMBER 31,
16 2014.

17 (2) ANY PERSON WHO CONDUCTS PRIVATE INVESTIGATIONS OR
18 PRESENTS HIMSELF OR HERSELF AS OR USES THE TITLE "PRIVATE
19 INVESTIGATOR", "PRIVATE DETECTIVE", "LICENSED PRIVATE DETECTIVE",
20 OR "LICENSED PRIVATE INVESTIGATOR" WITHOUT AN ACTIVE LICENSE
21 ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND
22 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE
23 FIRST OFFENSE AND, FOR THE SECOND OR ANY SUBSEQUENT OFFENSE,
24 COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
25 IN SECTION 18-1.3-501, C.R.S.

26 **12-58.5-105. [Formerly 12-58.5-103 (6) (b)] Exemptions.**

27 (1) THIS ARTICLE DOES NOT APPLY TO:

1 (a) A COLLECTION AGENCY OR CONSUMER REPORTING AGENCY, AS
2 DEFINED IN SECTION 12-14-103 (2) AND (4.5), RESPECTIVELY;

3 (b) A PERSON CONDUCTING AN INVESTIGATION ON THE PERSON'S
4 OWN BEHALF, OR AN EMPLOYEE OF AN EMPLOYER CONDUCTING AN
5 INTERNAL INVESTIGATION ON BEHALF OF HIS OR HER EMPLOYER;

6 (c) AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE, AN
7 EMPLOYEE OF A LICENSED ATTORNEY , OR A PERSON UNDER CONTRACT TO
8 PERFORM PARALEGAL SERVICES FOR A LICENSED ATTORNEY;

9 (d) A CERTIFIED PEACE OFFICER OF A LAW ENFORCEMENT AGENCY
10 OPERATING IN HIS OR HER OFFICIAL CAPACITY;

11 (e) A CERTIFIED PUBLIC ACCOUNTANT CERTIFIED OR AUTHORIZED
12 TO PROVIDE ACCOUNTING SERVICES IN THE STATE PURSUANT TO ARTICLE
13 2 OF THIS TITLE; AN EMPLOYEE OF A CERTIFIED PUBLIC ACCOUNTANT; AN
14 EMPLOYEE OR AFFILIATE OF AN ACCOUNTING FIRM REGISTERED PURSUANT
15 TO SECTION 12-2-117; OR AN ACCOUNTANT OR PUBLIC ACCOUNTANT WHO
16 IS NOT REGULATED BY THE STATE, A CERTIFIED FRAUD EXAMINER, OR AN
17 EMPLOYEE OR INDEPENDENT CONTRACTOR WORKING UNDER THE
18 GUIDANCE OF AN ACCOUNTANT, PUBLIC ACCOUNTANT, OR CERTIFIED
19 FRAUD EXAMINER, WHO CONDUCTS FORENSIC ACCOUNTING, FRAUD
20 INVESTIGATIONS, OR OTHER RELATED ANALYSIS OF FINANCIAL
21 TRANSACTIONS BASED ON INFORMATION THAT IS EITHER PUBLICLY
22 AVAILABLE OR IS PROVIDED BY CLIENTS OR OTHER THIRD PARTIES;

23 (f) AN INVESTIGATOR EMPLOYED OR CONTRACTED BY A PUBLIC OR
24 GOVERNMENTAL AGENCY;

25 (g) A JOURNALIST OR GENEALOGIST;

26 (h) A PERSON SERVING PROCESS WITHIN THE STATE, PERFORMING
27 HIS OR HER DUTIES IN COMPLIANCE WITH THE COLORADO OR FEDERAL

1 RULES OF CIVIL PROCEDURE OR IN ACCORDANCE WITH APPLICABLE
2 FOREIGN STATE COURT RULES OR LAWS PERTAINING TO SERVICE OF
3 FOREIGN PROCESS WITHIN THIS STATE, OR PERFORMING ANY TASK
4 ASSOCIATED WITH EFFECTING SERVICE OF PROCESS, ALL OF WHICH
5 INCLUDE INQUIRIES RELATED TO EFFECTING PROPER SERVICE OF PROCESS
6 AND RESULTING SUPPORTING PROOFS, DECLARATIONS, AFFIDAVITS OF
7 SERVICE, OR DECLARATIONS OR AFFIDAVITS OF DUE DILIGENCE TO
8 SUPPORT ALTERNATIVE METHODS OF SERVICE OF PROCESS; EXCEPT THAT
9 A PROCESS SERVER WHO PERFORMS PRIVATE INVESTIGATIONS OUTSIDE THE
10 EFFORTS TO EFFECT SERVICE OF PROCESS IS NOT EXEMPT FROM THE
11 LICENSING REQUIREMENTS OF THIS ARTICLE AND MUST OBTAIN A LICENSE
12 UNDER THIS ARTICLE IN ORDER TO LAWFULLY PERFORM THOSE PRIVATE
13 INVESTIGATIONS;

14 (i) A PERSON ATTEMPTING TO RECOVER A FUGITIVE WHEN THAT
15 PERSON IS A BAIL BONDING AGENT OR CASH-BONDING AGENT QUALIFIED
16 TO WRITE BAIL BONDS PURSUANT TO ARTICLE 23 OF TITLE 10, C.R.S., OR
17 IS ACTING PURSUANT TO A CONTRACT WITH OR AT THE REQUEST OF A BAIL
18 BONDING AGENT OR CASH-BONDING AGENT WHO IS SO QUALIFIED;

19 (j) AN OWNER, EMPLOYEE, OR INDEPENDENT CONTRACTOR OF AN
20 AGENCY CONDUCTING AN INVESTIGATION TO DETERMINE THE ORIGIN AND
21 CAUSE OF A FIRE OR EXPLOSION;

22 (k) AN OWNER, EMPLOYEE, OR INDEPENDENT CONTRACTOR OF AN
23 AGENCY CONDUCTING AN INVESTIGATION FOR CAUSE ANALYSIS OR
24 FAILURE ANALYSIS WHERE THE INVESTIGATION IS CONDUCTED BY AN
25 ENGINEER LICENSED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE
26 ACTING WITHIN HIS OR HER AREA OF EXPERTISE AND WITHIN THE SCOPE OF
27 THE PRACTICE OF ENGINEERING; OR

1 (1) ANY OTHER PERSON LICENSED UNDER THIS TITLE WHO IS
2 PRACTICING WITHIN THE SCOPE OF HIS OR HER PRACTICE AS DEFINED IN
3 THIS TITLE.

4 **12-58.5-106. [Formerly 12-58.5-105] Private investigator**
5 **licenses - qualifications - fees - renewal - rules.** (1) A PRIVATE
6 INVESTIGATOR APPLYING FOR A LICENSE PURSUANT TO THIS SECTION MUST
7 SATISFY THE REQUIREMENTS OF THE PARTICULAR LICENSE FOR WHICH
8 APPLICATION IS MADE. THE DIRECTOR MAY ISSUE THE FOLLOWING TYPES
9 OF LICENSES TO APPLICANTS WHO, UPON APPLICATION IN THE FORM AND
10 MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED FEE,
11 AND SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (2) OF THIS
12 SECTION, PROVIDE EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE
13 APPLICANT SATISFIES THE QUALIFICATIONS FOR THE PARTICULAR LICENSE
14 AS FOLLOWS:

15 (a) **Level I private investigator license.** AN APPLICANT FOR A
16 LEVEL I PRIVATE INVESTIGATOR LICENSE MUST:

- 17 (I) BE AT LEAST TWENTY-ONE YEARS OF AGE;
- 18 (II) BE LAWFULLY PRESENT IN THE UNITED STATES; AND
- 19 (III) DEMONSTRATE KNOWLEDGE AND UNDERSTANDING OF THE
20 LAWS AND RULES AFFECTING THE ETHICS AND ACTIVITIES OF PRIVATE
21 INVESTIGATORS IN THIS STATE BY PASSING A JURISPRUDENCE
22 EXAMINATION DEVELOPED AND APPROVED BY THE DIRECTOR.

23 (b) **Level II private investigator license.** AN APPLICANT FOR A
24 LEVEL II PRIVATE INVESTIGATOR LICENSE MUST:

- 25 (I) SATISFY THE REQUIREMENTS FOR A LEVEL I PRIVATE
26 INVESTIGATOR LICENSE; AND
- 27 (II) HAVE AN AMOUNT OF VERIFIABLE, APPLICABLE EXPERIENCE

1 AS A PRIVATE INVESTIGATOR OR EQUIVALENT EXPERIENCE WITH A LOCAL,
2 STATE, OR FEDERAL LAW ENFORCEMENT AGENCY, MILITARY POLICE, THE
3 FEDERAL BUREAU OF INVESTIGATION, OR OTHER EQUIVALENT EXPERIENCE.
4 THE DIRECTOR SHALL DETERMINE, BY RULE, THE AMOUNT AND TYPE OF
5 EXPERIENCE, WHICH MAY INCLUDE POSTSECONDARY EDUCATION, AN
6 APPLICANT MUST HAVE TO SATISFY THE REQUIREMENTS OF THIS SECTION.

7 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS
8 SECTION, EACH APPLICANT FOR A LEVEL I OR LEVEL II PRIVATE
9 INVESTIGATOR LICENSE MUST HAVE HIS OR HER FINGERPRINTS TAKEN BY
10 A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
12 IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER
13 FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD
14 CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
15 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
16 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
17 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
19 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
20 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
21 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

22 (3) **[Formerly 12-58.5-105 (4)]** AN APPLICANT FOR LICENSURE
23 UNDER THIS SECTION SHALL PAY LICENSE, RENEWAL, AND REINSTATEMENT
24 FEES ESTABLISHED BY THE DIRECTOR PURSUANT TO SECTION 24-34-105,
25 C.R.S. A LICENSEE MUST RENEW HIS OR HER LICENSE IN ACCORDANCE
26 WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR PURSUANT TO SECTION
27 24-34-102 (8), C.R.S. IF A LICENSEE FAILS TO RENEW HIS OR HER LICENSE

1 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE
2 LICENSE EXPIRES, AND THE PERSON SHALL NOT CONDUCT PRIVATE
3 INVESTIGATIONS IN THIS STATE UNTIL THE PERSON PAYS THE APPROPRIATE
4 FEES TO REINSTATE THE LICENSE AND THE DIRECTOR REINSTATES THE
5 LICENSE. A PERSON WHOSE LICENSE EXPIRES AND WHO CONTINUES TO DO
6 BUSINESS AS A PRIVATE INVESTIGATOR IS SUBJECT TO THE PENALTIES
7 PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8), C.R.S.

8 **12-58.5-107. Surety bond required - rules.** A LICENSEE SHALL
9 NOT ENGAGE IN PRIVATE INVESTIGATION ACTIVITIES UNLESS THE LICENSEE
10 POSTS AND MAINTAINS, OR IS COVERED BY, A SURETY BOND IN AN AMOUNT
11 DETERMINED BY THE DIRECTOR BY RULE.

12 **12-58.5-108. [Formerly 12-58.5-106] Director's powers and**
13 **duties - consult with stakeholders- rules.** (1) THE DIRECTOR MAY
14 CONSULT WITH PRIVATE INVESTIGATORS, LAW ENFORCEMENT, CONSUMER
15 GROUPS, VICTIM ADVOCACY GROUPS, CIVIL LIBERTIES GROUPS, AND OTHER
16 STAKEHOLDERS TO OBTAIN RECOMMENDATIONS AND FEEDBACK
17 CONCERNING:

- 18 (a) THE REGULATION OF PRIVATE INVESTIGATORS;
- 19 (b) PRIVACY LAWS AND ISSUES, NEW OR CHANGING TECHNOLOGY,
20 AND THE IMPACT OF NEW OR CHANGING TECHNOLOGY ON PRIVACY; AND
- 21 (c) ANY CONTINUING EDUCATION THAT MAY BE NECESSARY TO
22 ENSURE PRIVATE INVESTIGATORS MAINTAIN KNOWLEDGE AND
23 UNDERSTANDING OF LAWS AND RULES AFFECTING THE PRACTICE,
24 PARTICULARLY THOSE CONCERNING PRIVACY ISSUES AND NEW OR
25 CHANGING TECHNOLOGY. IF A STAKEHOLDER GROUP RECOMMENDS THAT
26 CONTINUING EDUCATION REQUIREMENTS BE IMPOSED, NOTHING IN THIS
27 PARAGRAPH (c) ABROGATES THE REQUIREMENTS OF SECTION 24-34-901,

1 C.R.S., AND THE DIRECTOR IS NOT AUTHORIZED TO IMPOSE, BY RULE OR
2 OTHERWISE, ANY CONTINUING EDUCATION REQUIREMENTS ABSENT AN
3 ENACTMENT OF A BILL IMPOSING CONTINUING EDUCATION REQUIREMENTS
4 OR AUTHORIZING THE DIRECTOR TO ESTABLISH CONTINUING EDUCATION
5 REQUIREMENTS.

6 (2) IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED
7 OR IMPOSED UPON THE DIRECTOR BY THIS ARTICLE OR BY ANY OTHER LAW,
8 THE DIRECTOR MAY PROMULGATE RULES PURSUANT TO SECTION 24-4-103,
9 C.R.S., TO IMPLEMENT THIS ARTICLE, INCLUDING RULES TO:

10 (a) ESTABLISH THE FORM AND MANNER FOR APPLYING FOR A
11 LICENSE UNDER THIS ARTICLE;

12 (b) SPECIFY THE REQUIREMENTS FOR SATISFYING THE EXPERIENCE
13 COMPONENT FOR OBTAINING A LEVEL II PRIVATE INVESTIGATOR LICENSE
14 PURSUANT SECTION 12-58.5-106 (1) (b);

15 (c) DEFINE GENERALLY ACCEPTED STANDARD OF THE PRACTICE OF
16 PRIVATE INVESTIGATIONS;

17 (d) SET THE AMOUNT OF THE SURETY BOND REQUIRED BY SECTION
18 12-58.5-107; AND

19 (e) ADDRESS ANY OTHER MATTERS DETERMINED NECESSARY BY
20 THE DIRECTOR TO IMPLEMENT THIS ARTICLE.

21 **12-58.5-109. [Formerly 12-57.5-107] Disciplinary actions -**
22 **grounds for discipline - rules.** (1) THE DIRECTOR MAY DENY, SUSPEND,
23 OR REVOKE A LICENSE, PLACE AN APPLICANT OR LICENSEE ON PROBATION,
24 OR ISSUE A LETTER OF ADMONITION TO AN APPLICANT OR LICENSEE IF THE
25 APPLICANT OR LICENSEE:

26 (a) VIOLATES ANY ORDER OF THE DIRECTOR, ANY PROVISION OF
27 THIS ARTICLE, OR ANY RULE ADOPTED UNDER THIS ARTICLE;

1 (b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-58.5-106 OR
2 USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR
3 ATTEMPTING TO APPLY FOR A LICENSE;

4 (c) IS CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO
5 CONTENDERE TO A FELONY; TO AN OFFENSE, THE UNDERLYING FACTUAL
6 BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL
7 SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION
8 18-6-800.3 (1), C.R.S., OR STALKING, AS DEFINED IN SECTION 18-3-602,
9 C.R.S.; OR TO VIOLATION OF A PROTECTION ORDER, AS DEFINED IN
10 SECTION 18-6-803.5, C.R.S. IN CONSIDERING THE DISCIPLINARY ACTION,
11 THE DIRECTOR IS GOVERNED BY SECTION 24-5-101, C.R.S., IN
12 CONSIDERING THE CONVICTION OR PLEA.

13 (d) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE
14 OF PRIVATE INVESTIGATIONS IN ANOTHER JURISDICTION. EVIDENCE OF
15 DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE
16 FOR DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE
17 VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE.

18 (e) COMMITS AN ACT OR OMISSION THAT FAILS TO MEET
19 GENERALLY ACCEPTED STANDARDS OF THE PRACTICE OF PRIVATE
20 INVESTIGATIONS; OR

21 (f) FAILS TO COMPLY WITH SURETY BOND REQUIREMENTS AS
22 SPECIFIED IN SECTION 12-58.5-107.

23 (2) THE DIRECTOR MAY ADOPT RULES ESTABLISHING FINES THAT
24 HE OR SHE MAY IMPOSE ON A LICENSEE. THE RULES MUST INCLUDE A
25 GRADUATED FINE STRUCTURE, WITH A MAXIMUM ALLOWABLE FINE OF NOT
26 MORE THAN THREE THOUSAND DOLLARS PER VIOLATION. THE DIRECTOR
27 SHALL TRANSMIT ANY FINES HE OR SHE COLLECTS FROM A LICENSEE TO

1 THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND.

2 (3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
3 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
4 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
5 DISCIPLINARY SANCTIONS TO IMPOSE.

6 (4) THE DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE
7 A LICENSEE WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE
8 THAT THE LICENSEE HAS COMMITTED AN ACT ENUMERATED IN THIS
9 SECTION.

10 (5) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS
11 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE DIRECTOR OR AN
12 ADMINISTRATIVE LAW JUDGE APPOINTED BY THE DIRECTOR PURSUANT TO
13 PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION SHALL CONDUCT THE
14 HEARING AND OPPORTUNITY FOR REVIEW PURSUANT TO THAT ARTICLE.
15 THE DIRECTOR MAY EXERCISE ALL POWERS AND DUTIES CONFERRED BY
16 THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

17 (6) (a) THE DIRECTOR MAY REQUEST THAT THE ATTORNEY
18 GENERAL SEEK AN INJUNCTION IN ANY COURT OF COMPETENT
19 JURISDICTION TO ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED
20 BY THIS ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH
21 (a), THE ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE
22 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
23 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED
24 VIOLATION OF THIS ARTICLE.

25 (b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND
26 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND
27 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

1 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
2 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
3 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)
4 OF THIS SUBSECTION (6) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF
5 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
6 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,
7 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
8 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR
9 OR AN ADMINISTRATIVE LAW JUDGE.

10 (III) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY
11 WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN
12 WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS
13 BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE
14 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR
15 LICENSEE AN ORDER REQUIRING THE PERSON OR LICENSEE TO APPEAR
16 BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS,
17 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR
18 TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN
19 QUESTION. IF THE PERSON OR LICENSEE FAILS TO OBEY THE ORDER OF THE
20 COURT, THE COURT MAY HOLD THE PERSON OR LICENSEE IN CONTEMPT OF
21 COURT.

22 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
23 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
24 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS
25 TO THE DIRECTOR.

26 (7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, A PERSON ACTING
27 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, A WITNESS TESTIFYING

1 IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, OR A PERSON WHO
2 LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE FROM
3 LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS
4 OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF,
5 CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE INDIVIDUAL WAS ACTING
6 IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY,
7 MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO
8 WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT
9 THE ACTION HE OR SHE TOOK WAS WARRANTED BY THE FACTS.

10 (b) A PERSON PARTICIPATING, IN GOOD FAITH, IN MAKING A
11 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
12 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR
13 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE
14 PARTICIPATION.

15 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
16 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
17 C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN
18 ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE AN ORDER OF
19 THE DIRECTOR.

20 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
21 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
22 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
23 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
24 PROSECUTION.

25 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
26 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A LICENSEE IS
27 ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND

1 SAFETY OF THE PUBLIC, OR IF A PERSON IS CONDUCTING PRIVATE
2 INVESTIGATIONS OR PRESENTING HIMSELF OR HERSELF AS OR IS USING THE
3 TITLE "PRIVATE INVESTIGATOR", "PRIVATE DETECTIVE", OR "LICENSED
4 PRIVATE INVESTIGATOR" WITHOUT HAVING OBTAINED A LICENSE, THE
5 DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE
6 DIRECTOR SHALL SET FORTH IN THE ORDER THE STATUTES AND RULES
7 ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE
8 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
9 UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

10 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
11 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE
12 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
13 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
14 DIRECTOR OR ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, SHALL
15 CONDUCT THE HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,
16 C.R.S.

17 (11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
18 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS
19 VIOLATED ANY OTHER PORTION OF THIS ARTICLE, IN ADDITION TO ANY
20 SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR
21 MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE
22 DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO
23 CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

24 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON AGAINST
25 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO
26 PARAGRAPH (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER
27 AND SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL

1 AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR
2 FOR A HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON
3 THE PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL
4 SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID UNITED STATES MAIL, OR IN
5 ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR
6 MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b)
7 CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

8 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO
9 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
10 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
11 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (11). THE DIRECTOR MAY CONTINUE THE HEARING BY
13 AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE
14 MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES
15 PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD
16 THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF
17 TRANSMISSION OR SERVICE OF THE NOTIFICATION.

18 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
19 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES
20 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
21 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
22 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER
23 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
24 APPROPRIATE. THE DIRECTOR MUST ISSUE THE ORDER WITHIN TEN DAYS
25 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
26 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL
27 AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING MUST BE

1 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

2 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
3 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
4 HAS ACTED WITHOUT THE REQUIRED LICENSE OR HAS OR IS ABOUT TO
5 ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
6 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER
7 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
8 ACTS OR UNLICENSED PRACTICES.

9 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
10 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL
11 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
12 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
13 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
14 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS
15 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
16 REVIEW.

17 (12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
18 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
19 IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A VIOLATION
20 OF THIS ARTICLE, A RULE PROMULGATED PURSUANT TO THIS ARTICLE, OR
21 AN ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY OTHER ACT OR
22 PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION
23 PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A
24 STIPULATION WITH THE PERSON.

25 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL
26 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
27 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE

1 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
2 AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A
3 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
4 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

5 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
6 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
7 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF
8 THIS SECTION.

9 (15) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
10 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
11 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
12 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE AND
13 SEND THE LICENSEE A LETTER OF ADMONITION.

14 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
15 LICENSEE, THE DIRECTOR SHALL ADVISE THE LICENSEE THAT HE OR SHE
16 HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER
17 RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE
18 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH
19 THE LETTER OF ADMONITION IS BASED.

20 (c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE
21 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE
22 MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

23 (16) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
24 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
25 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
26 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
27 POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO

1 SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND
2 THE LICENSEE A CONFIDENTIAL LETTER OF CONCERN.

3 **12-58.5-110. [Formerly 12-58.5-108] Revocation.** A PERSON
4 WHOSE LICENSE IS REVOKED IS INELIGIBLE TO APPLY FOR A LICENSE UNDER
5 THIS ARTICLE UNTIL AT LEAST TWO YEARS AFTER THE DATE OF
6 REVOCATION OF THE LICENSE. THE DIRECTOR SHALL TREAT A SUBSEQUENT
7 APPLICATION FOR LICENSURE FROM A PERSON WHOSE LICENSE WAS
8 REVOKED AS AN APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE.

9 **12-58.5-111. [Formerly 12-58.5-109] Fees - cash fund.** THE
10 DIVISION SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO THIS
11 ARTICLE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE
12 DIVISION OF PROFESSIONS AND OCCUPATIONS CASH FUND CREATED IN
13 SECTION 24-34-105 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE
14 ANNUAL APPROPRIATIONS FROM THE DIVISION OF PROFESSIONS AND
15 OCCUPATIONS CASH FUND FOR EXPENDITURES OF THE DIVISION INCURRED
16 IN THE PERFORMANCE OF ITS DUTIES UNDER THIS ARTICLE.

17 **12-58.5-112. [Formerly 12-58.5-108] Repeal of article - review**
18 **of functions.** THIS ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2020.
19 PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES
20 SHALL REVIEW THE POWERS, DUTIES, AND FUNCTIONS OF THE DIRECTOR
21 REGARDING THE LICENSURE OF PRIVATE INVESTIGATORS UNDER THIS
22 ARTICLE AS PROVIDED IN SECTION 24-34-104, C.R.S.

23 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
24 (47.5) (i); and **add** (51.5) (h) as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for termination, continuation, or reestablishment.**
27 (47.5) The following agencies, functions, or both, shall terminate on

1 September 1, 2016:

2 (i) ~~The voluntary licensing of private investigators by the director~~
3 ~~of the division of professions and occupations in accordance with article~~
4 ~~58.5 of title 12, C.R.S.~~

5 (51.5) The following agencies, functions, or both, terminate on
6 September 1, 2020:

7 (h) THE LICENSING OF PRIVATE INVESTIGATORS BY THE DIRECTOR
8 OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE
9 WITH ARTICLE 58.5 OF TITLE 12, C.R.S.

10 **SECTION 3.** In Colorado Revised Statutes, 24-72-204, **amend**
11 (7) (b) (VIII) as follows:

12 **24-72-204. Allowance or denial of inspection - grounds -**
13 **procedure - appeal - definitions.** (7) (b) Notwithstanding paragraph (a)
14 of this subsection (7), only upon obtaining a completed requestor release
15 form under section 42-1-206 (1) (b), C.R.S., the department may allow
16 inspection of the information referred to in paragraph (a) of this
17 subsection (7) for the following uses:

18 (VIII) For use by any private investigator licensed pursuant to
19 ~~section 12-58.5-105~~ SECTION 12-58.5-106, C.R.S., licensed private
20 investigative agency, or licensed security service for any purpose
21 permitted under this paragraph (b);

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.