



## **Exemptions for Private Investigators**

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The first key to understanding who is covered by the private investigator licensing requirements is the definition provided by West Virginia law. Except for specific exemptions, the licensing requirements cover those who do business as investigators.

### **What is the "private investigation" business?**

You are conducting a private investigation business if you:

1. do an investigation for hire, reward or any type of remuneration (thing of value), and
2. that investigation is to obtain information about:
  - an alleged or threatened crime;
  - the habits, activities, conduct, movement, location, association, transactions, reputation or character of any person;
  - the credibility of witnesses or other persons;
  - the location or recovery of lost or stolen property;
  - the causes of any fire, accident or injury to any real or person property;
  - the identity or location of any person responsible for any fire, accident or injury;
  - the truth or falsity of any statement, representation or depiction;
  - any matters involving evidence to be used before any court or any other judicial body;
  - the whereabouts of any missing or kidnapped person;
  - the affiliation or relationship of any person with any company, organization, or person associated with a company or organization;
  - a person seeking employment in place of a person on strike; or
  - the conduct, honesty, efficiency, loyalty, or activities of employees, agents, contractors and subcontractors.

Please note that "for hire" includes any arrangement, with or without pay, for which a person or firm provides this service on the request of another person.

### **What is the difference between an individual license and a firm license for investigations?**

If you do investigations on your own with no employees assisting in the investigations (whether paid or not), you may operate under an individual private investigator license. You may also do business in partnership with another West Virginia licensed private investigator under an individual license, but again, you may not employ investigative help.



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If you are a licensed investigator, you are required to obtain a private investigative firm license before you may hire or allow any unlicensed person to assist with investigations or accompany you during an investigation.

Doing business as a private investigator or investigative firm without the proper license could cost you not only fines and criminal penalties, but could prevent you from getting a license in the future.

### **Who is exempt from obtaining a private investigation license?**

You are not conducting a private investigation business and are exempt from the requirement to be licensed as a private investigator if you are:

- an adjuster for one or more insurance companies;
- employed exclusively and regularly by only one employer in connection with the affairs of that employer only;
- an officer or employee of the United States performing official duties or working for a private employer in off-duty hours;
- any law-enforcement officer of the State of West Virginia or its subdivisions engaged in official duties or working for a private employer in off-duty hours;
- an attorney or counselor-at-law or a representative of that attorney;
- a corporation authorized to operate central burglar or fire alarm protection business; or
- an investigator of crime appointed by a prosecuting attorney of a county.