

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1471

By: Representative Blair

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §17-33-103 TO PROVIDE THAT CERTAIN PERSONS EXEMPT FROM THE ARKANSAS PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES ACT MUST COMPLY WITH ANY AND ALL TRAINING REQUIREMENTS AS ESTABLISHED BY THE BOARD; TO PROVIDE THAT ANY PERSON WHO QUALIFIES TO TESTIFY AS AN EXPERT WITNESS IN THE AREAS OF HIS INVESTIGATION OR ANALYSIS IS EXEMPT FROM THE PROVISIONS OF THE ARKANSAS PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code §17-33-103(a) is hereby amended to read as follows:

"17-33-103. Exemptions.

(a) This chapter does not apply to:

(1) A person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer only and where there exists an employer-employee relationship; however, any such person must comply with any and all training requirements as established by the Board;

(2) An officer or employee of the United States of America, of this state, or of a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) A person who has part-time or full-time employment as a law enforcement officer and who is certified by the State of Arkansas Commission on Law Enforcement Standards and Training as a law enforcement officer and receives compensation for private employment on an individual or an

independent contractor basis as a patrolman, guard, or watchman if the person is:

- (A) Employed in an employee-employer relationship; or
- (B) Employed on an individual contractual basis; and
- (C) Not in the employ of another law enforcement officer;

However, any such person must comply with any and all training requirements as established by the Board;

(4) A person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;

(5) Consumer reporting agencies as defined in 15 U.S.C. § 1681 et seq.;

(6) An attorney at law in performing his duties;

(7) Admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the state performing duties in connection with insurance transacted by them;

(8) An officer, employee, or agent of a communications common carrier, as defined in 47 U.S.C. § 153(h), while engaged in the normal course of business of the carrier or protecting the carrier or a user of the services of that carrier from fraudulent, unlawful, or abusive use of services.

(9) A person who, by education, experience, or background has specialized expertise or knowledge such as that which would qualify or tend to qualify such person as an expert witness, authorized to render opinions in proceedings conducted in a court, administrative agency, or governing body of this state or of the United States, and is anticipated to render an opinion as an expert witness in the area of his investigation or analysis."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are

hereby repealed.