



---

---

**HB 1718 Private investigators; personal protection specialist; independent contractors.**

Allows a licensed private security services business to hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department of Criminal Justice Services.

**POSITION: Supported, as introduced**

**COMMENTARY:**

**The Private Investigator's Association of Virginia, Inc. (PIAVA)** supports HB 1718, as introduced, which would permit licensed private security businesses in the Commonwealth to utilize persons who have been issued private investigator or personal protection specialist registrations either as employees or as independent contractors.

As many private investigative businesses in Virginia are often "one-person operations," operational considerations can at times dictate a necessity for the business to engage the services of well-qualified and trained personnel to perform private investigative services for a client for a limited period of time or to satisfy a short term business requirement. The current requirement for a business to hire such personnel as employees, in some instances, creates an unnecessary, arbitrary and potentially costly administrative burden for the business. Moreover, it can limit the opportunities a registered investigator has to be engaged to perform services for which he/she is trained and qualified.

Whenever such an action is permissible under provisions of applicable federal statute, business license holders should be allowed to engage a registrant as an "independent contractor" to perform investigative services. HB 1718 permits this flexibility by statutorily authorizing licensed businesses to choose the most efficient way to utilize registered personnel – either as employees or as independent contractors. The overall regulatory structure remains in place.

The legislation as proposed does not alter current requirements for licensed private security businesses to maintain liability insurance coverage which meets or exceeds established requirements. In view of that fact, we see no necessity for the legislation to address the subordinate issue whether a registrant employee or a registrant independent contractor should be required to maintain individual insurance coverage, which, in some instances, may in fact be duplicative to that held by the contracting licensed business. In the final analysis, one must recognize that it ultimately falls on a business owner and/or on a registrant to insure that he/she has adequate insurance coverage to meet the needs of his business practice and/or personal circumstances.