

February 7, 2016

Department of Criminal Justice Services
1100 Bank Street 12th Floor
Richmond, VA 23219
Attn: Barbara Peterson-Wilson

Dear Ms. Peterson-Wilson:

Attached please find a position paper prepared by the Private Investigators Association of Virginia, Inc. in response to the Department of Criminal Justice Services' (DCJS) request for public comment regarding the Notice of Intended Regulatory Action (NOIRA) published by DCJS regarding its intent to amend Virginia Administrative Code Citations: 6 VAC20-172 and 6 VAC20-174; Regulation title(s) 6 VAC20-172 Regulations Relating to Private Security Services Businesses - 6 VAC20-174 Regulations Relating to Private Security Services Registered Personnel. In that regard, DCJS has advised that this amendment is intended by DCJS to Address Insurance Requirements for Private Security Services Businesses and Independent Contractors.

As you are aware, The Private Investigator's Association of Virginia (PIAVA) is a 501c (6) non-profit organization consisting of Private Investigators who are registered with the Department of Criminal Justice Services (DCJS). Members abide by a code of ethics and strive to increase consumer awareness regarding the value of hiring properly licensed, trained and experienced private investigators. After consultation with its membership and knowledgeable representatives of the insurance industry, the PIAVA Board of Directors believes that no change should be made to The Virginia Administrative Code 6VAC20-172 Regulations Relating to Private Security Services Businesses which currently require individuals obtaining a business license to provide documentation verifying that a bond has been secured in the amount of \$100,000 or a certificate of insurance for comprehensive general liability insurance with a minimum coverage of \$100,000 per individual occurrence and \$300,000 general aggregate. In that regard, as current regulations specify a reasonable and adequate amount of comprehensive general liability insurance to be maintained by a Private Security Business licensed to perform private investigative services in Virginia, PIAVA believes no change is warranted in the nature or amount of coverage required for a licensed Private Security Business.

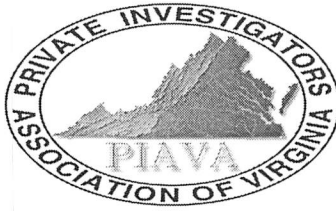
However, PIAVA recognizes that DCJS implementation of HB1718 necessitates issuance of regulations by DCJS that address the requirements for a reasonable amount of bond or insurance to be held by registered private investigators in Virginia who as "independent contractors" will perform private investigative services for licensed Virginia private security businesses. In that regard, PIAVA believes that registered personnel performing private investigative services as an independent contractor should be subject to the same minimum insurance requirement(s) as that of a licensed private security business.

Thank you for the opportunity to provide this comment. If questions arise regarding our position on this issue, you may contact the President of our association, Todd Troutner at (703) 966-6409, Executive Director Ronald C. McKown at (703) 280-1357, or myself at (703) 946-6791.

Very truly yours,



Edward R. Leary
Member of the Board of Directors



RESPONSE TO NOIRA - Virginia Department of Criminal Justice Services (DCJS); Virginia Administrative Code (VAC) Citation(s): 6 VAC20-172 and 6 VAC20-174; Regulation title(s) 6 VAC20-172 Regulations Relating to Private Security Services Businesses - 6 VAC20-174 Regulations Relating to Private Security Services Registered Personnel; Action title: Amend 6VAC20-172 and 6VAC20-174 to Address Insurance Requirements for Private Security Services Businesses and Independent Contractors

SUBJECT OF NOIRA: *Proposed language which will amend 6 VAC20-172 Regulations Relating to Private Security Services Businesses and 6 VAC20-174 Regulations Relating to Private Security Services Registered Personnel to allow private security services businesses licensed by DCJS to independently contract with private investigators and personal protection specialists registered with DCJS. Additionally the language will require that every registered personal protection specialist and private investigator hired as an independent contractor maintain comprehensive general liability in the amount to be determined by DCJS and provide evidence of such insurance to the private security services business with which they are contracting. The promulgation of this regulation addresses the language and requirements of HB1718 which became effective July 1, 2015.*

POSITION: *The Private Investigator's Association of Virginia (PIAVA) believes that no change should be made to The Virginia Administrative Code 6VAC20-172 Regulations Relating to Private Security Services Businesses, which currently require individuals obtaining a business license to provide documentation verifying that a bond has been secured in the amount of \$100,000 or a certificate of insurance for comprehensive general liability insurance with a minimum coverage of \$100,000 per individual occurrence and \$300,000 general aggregate. **As current regulations specify a reasonable and adequate amount of comprehensive general liability insurance to be maintained by a Private Security Business licensed to perform private investigative services in Virginia, no change is warranted in the nature or amount of coverage required.***

Implementation of HB1718 necessitates issuance of regulations by DCJS that address the requirements for a **reasonable** amount of bond or insurance to be held by registered private investigators in Virginia who as **"independent contractors"** will perform private investigative services for licensed Virginia private security businesses. **PIAVA believes that registered personnel performing private investigative services as an independent contractor should be subject to the same minimum insurance requirement(s) as that of a licensed private security business.**

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