Kansas Attorney General Derek Schmidt (OAG) understands that the COVID-19 pandemic has affected many Kansans in a multitude of ways. One way some Kansans are being affected is with their inability to meet the ordinary renewal requirements for their private detective (PD) or private detective agency (PDA) license. Using a variety of available administrative laws, the OAG is implementing modifications and accommodations to the PD/PDA renewal process in order to help those who are facing the hurdles outlined above.

Q: How are the COVID considerations affecting the PDs and PDAs?

A: The main issues associated with PD and/or PDA renewal applications appear to be obtaining new fingerprints and, possibly, notaries. New fingerprints are required every 2 years (each renewal cycle) by K.S.A. 75-7b04, 75-7b05, and 75-7b07. Those fingerprints must be obtained through a law enforcement agency per K.A.R. 16-3-1. Notaries are typically applied at several points of a PD or PDA application form (as well as the PD firearms instructor certification renewal form).

Q: I’m a PD/PDA and cannot obtain a notary for relevant portions of my application, are there any options available?

A: The OAG has posted modified portions of the PD and PDA renewal applications online. The applicant will be able to provide unsworn statements, under penalty of perjury, in the place of those statements needing to be notarized. These modified forms can be found here: https://ag.ks.gov/licensing/pi-licensing/renewal-application-forms.
Q: I’m a PD/PDA and cannot obtain new fingerprints for my renewal application, are there any options available?

A: Unfortunately, new fingerprints can only be obtained through a law enforcement agency. HOWEVER, because of these difficult times, the OAG is allowing individuals who need to submit new sets of fingerprints with their renewal application to temporarily submit their renewal application without those new fingerprints. Assuming everything else has been submitted with that renewal application, the OAG will consider the application “timely and sufficient.”

Under Kansas administrative law, specifically K.S.A. 2019 Supp. 77-511(d), for persons who have a license requiring periodic renewal, a renewal application that has been submitted in a “timely and sufficient” manner means that that license cannot “expire” until one of two final steps has been met.

A “timely and sufficient” renewal applications includes a renewal application submitted:

1. in full in its original form with notaries and fingerprints;
2. in original form with notaries but no fingerprints;
3. in the modified form with unsworn statements and fingerprints; or
4. in the modified form with unsworn statements but no fingerprints.

The OAG will require the submission of missing fingerprints on or before December 31, 2020.

Q: Am I allowed to continue operating as a PD/PDA if my license has reached its expiration date?

A: If a “timely and sufficient” renewal application has been received the OAG, particularly where an application is missing fingerprints, the OAG will notify the applicant of that designation. With that designation, Kansas law says the PD/PDAs license would not expire while their renewal application in being considered by the OAG.

Q: How long will the COVID considerations announced by the OAG last?

Currently, the OAG anticipates that these allowances will run through December 31, 2020.

Q: What, if any, limitations or caveats need to be kept in mind?

Yes. At a foundational level, the OAG has no recognition or reciprocity agreements with any other jurisdictions for the Kansas PD/PDA license. Some jurisdictions may ordinarily allow a Kansas PD/PDA license to bypass some of their own licensing requirements. Those jurisdictions, if any exist, may not honor a PD/PDA license that has received an administrative continuance from the OAG under K.S.A. 77-511(d).