Opinion No. 74-6

Mr. Virgil Hollis  
Suite 251, Executive Building  
4121 W. 83rd  
Prairie Village, Kansas 66208

Dear Virgil:

We have your letter of January 2, 1974, regarding the licen- censure of polygraph examiners under the provisions of K.S.A. Supp. 75-7b01 et seq. While this office is authorized under the Act to promulgate rules and regulations, none have been issued to date.

In the absence of a rule specifically dealing with polygraph examiners, the determination of whether such individuals must be licensed must be derived from the language of the Act itself. Your attention is directed to the definition of "detective business" found at K.S.A. Supp. 75-7b01 (a) which provides:

"'Detective business' means the furnishing of, making of or agreeing to make any investiga- tion for the purpose of obtaining information with reference to: Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trust- worthiness, efficiency, loyalty, activity, move- ment, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person; the location, disposition or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents or damage or in- jury to persons or to property; or securing evidence to be used before any court, board, officer or investi- gating committee."
It is rather clear from this language that an individual holding himself out to perform polygraph examinations for more than one client for any of the purposes enumerated above, and for "any consideration whatsoever" is required to be licensed.

We are hopeful that the foregoing will be of assistance.

Yours very truly,

VERN MILLER
Attorney General

VM:DRH:jsm

cc: Lance Burr
   Assistant Attorney General