

**SUBSTITUTE FOR
SENATE BILL NO. 186**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 103 and 316 (MCL 339.103 and 339.316), section
103 as amended by 1994 PA 257 and section 316 as amended by 1998 PA
90, and by adding article 14A; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. (1) **"ARMED FORCES" MEANS THE ARMED FORCES OF THE**
2 **UNITED STATES.**

3 (2) ~~(1)~~—"Board" means, in each article which deals with a
4 specific occupation, the agency created in that article composed
5 principally of members of the regulated occupation. In all other
6 contexts, board means each agency created under this act.

7 (3) ~~(2)~~—"Censure" means an expression of disapproval of a

licensee's or registrant's professional conduct. ~~which~~ **THE TERM**
INCLUDES AN EXPRESSION OF DISAPPROVAL OF PROFESSIONAL conduct **THAT**
 is not necessarily a violation of this act or a rule promulgated or
 an order issued under this act.

(4) ~~(3)~~ "Competence" means a degree of expertise ~~which~~ **THAT**
 enables a person to engage in an occupation at a level ~~which~~ **THAT**
 meets or exceeds minimal standards of acceptable practice for the
 occupation.

(5) ~~(4)~~ "Complaint" means an oral or written grievance.

(6) ~~(5)~~ "Controlled substance" means ~~a drug, substance, or~~
~~immediate precursor as set forth in section 7212, 7214, 7216, 7218,~~
~~or 7220 of the public health code, Act No. 368 of the Public Acts~~
~~of 1978, being sections 333.7212, 333.7214, 333.7216, 333.7218, and~~
~~333.7220 of the Michigan Compiled Laws, not excluded pursuant to~~
~~section 7227 of Act No. 368 of the Public Acts of 1978, being~~
~~section 333.7227 of the Michigan Compiled Laws.~~ **THAT TERM AS DEFINED**
IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
333.7104.

Sec. 316. (1) Unless otherwise provided in an article, a board
 and the department shall develop an examination or test required by
 an article. The board and the department in developing an
 examination or test may adopt an examination or test prepared by
 another agency if the board and the department determine that the
 examination or test serves as a basis for determining whether a
~~person~~ **AN INDIVIDUAL** has the knowledge and skills to perform an
 occupation with competence.

(2) The material required by the board and the department to

1 develop an examination or test may be considered by the board in a
2 closed session, if the board meets the requirements of section 7 of
3 the open meetings act, 1976 PA 267, MCL 15.267.

4 ~~—— (3) A board and the department, in determining the form the~~
5 ~~recommended examination or test shall take, shall give special~~
6 ~~emphasis to an alternative form of testing which permits a person~~
7 ~~to demonstrate a special qualification a person may have which is~~
8 ~~not evident under a written examination, but which is related to an~~
9 ~~occupation. The alternative form of testing shall be structured to~~
10 ~~give weight to a person's experience, noninstitutional training,~~
11 ~~and innate skills and shall be flexible enough to enable a person~~
12 ~~with a mental or physical disability to demonstrate that the person~~
13 ~~has the requisite knowledge and skills.~~

14 ARTICLE 14A

15 SEC. 1421. AS USED IN THIS ARTICLE:

16 (A) "DISQUALIFYING MISDEMEANOR" MEANS A MISDEMEANOR THAT
17 INVOLVES ANY OF THE FOLLOWING:

18 (i) DISHONESTY OR FRAUD.

19 (ii) UNAUTHORIZED DIVULGING OR SELLING OF INFORMATION OR
20 EVIDENCE.

21 (iii) IMPERSONATION OF A LAW ENFORCEMENT OFFICER OR EMPLOYEE
22 OF THE UNITED STATES, THIS STATE, OR A POLITICAL SUBDIVISION OF
23 THIS STATE.

24 (iv) ILLEGALLY USING, CARRYING, OR POSSESSING A DANGEROUS
25 WEAPON.

26 (v) TWO OR MORE ALCOHOL-RELATED OFFENSES.

27 (vi) A CONTROLLED SUBSTANCE UNDER THE PUBLIC HEALTH CODE, 1978

1 PA 368, MCL 333.1101 TO 333.25211.

2 (vii) AN ASSAULT.

3 (viii) CRIMINAL SEXUAL CONDUCT.

4 (B) "PATROL SERVICE" MEANS ROVING ON FOOT OR IN A VEHICLE, TO
5 PROVIDE SECURITY FOR PROPERTY BY OBSERVATION, DIRECT OR INDIRECT
6 INTERVENTION, OR BOTH.

7 (C) "PRINCIPAL LICENSE HOLDER" MEANS AN INDIVIDUAL DESIGNATED
8 UNDER SECTION 1431.

9 (D) "PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT" MEANS
10 THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330,
11 MCL 338.1051 TO 338.1092.

12 (E) "SECURITY ALARM SYSTEM" MEANS THAT TERM AS DEFINED IN
13 SECTION 2 OF THE SECURITY ALARM SYSTEMS ACT, MCL 338.2182.

14 (F) "SECURITY ALARM SYSTEM PROVIDER" MEANS A SYSTEM PROVIDER
15 AS THAT TERM IS DEFINED IN SECTION 2 OF THE SECURITY ALARM SYSTEMS
16 ACT, MCL 338.2182.

17 (G) "SECURITY ALARM SYSTEMS ACT" MEANS THE SECURITY ALARM
18 SYSTEMS ACT, 2012 PA 580, MCL 338.2181 TO 338.2187.

19 (H) "SECURITY GUARD" MEANS AN INDIVIDUAL WHO PROVIDES
20 PROTECTION FOR PROPERTY ON THE PREMISES OF ANOTHER AS AN AGENT OR
21 EMPLOYEE OF A SECURITY GUARD AGENCY. THE TERM INCLUDES AN
22 INDIVIDUAL ENGAGED IN PATROL SERVICE.

23 (I) "SECURITY GUARD AGENCY" MEANS A PERSON, OTHER THAN A
24 PERSON DESCRIBED IN SECTION 1423(1), THAT IS ENGAGED IN THE
25 BUSINESS OF ARRANGING FOR OR PROVIDING ANY OF THE FOLLOWING:

26 (i) SECURITY GUARDS.

27 (ii) PATROL SERVICE.

1 SEC. 1423. (1) THIS ARTICLE DOES NOT APPLY TO ANY OF THE
2 FOLLOWING:

3 (A) A SECURITY ALARM SYSTEMS PROVIDER THAT HAS FILED A
4 REGISTRATION STATEMENT UNDER THE SECURITY ALARM SYSTEMS ACT.

5 (B) A PRIVATE COLLEGE SECURITY FORCE OR PRIVATE SECURITY
6 POLICE FORCE THAT IS SUBJECT TO THE PRIVATE SECURITY BUSINESS AND
7 SECURITY ALARM ACT.

8 (C) A PERSON THAT IS LICENSED AS A PROFESSIONAL INVESTIGATOR
9 UNDER THE PROFESSIONAL INVESTIGATOR LICENSURE ACT, 1965 PA 285, MCL
10 338.821 TO 338.851.

11 (2) IF A LICENSE TO CONDUCT BUSINESS AS A SECURITY GUARD
12 AGENCY IS ISSUED TO A PERSON UNDER THIS ARTICLE, THAT LICENSEE IS
13 NOT REQUIRED TO OBTAIN ANY OTHER LICENSE TO CONDUCT THE BUSINESS AS
14 A SECURITY GUARD AGENCY FROM A MUNICIPALITY OR POLITICAL
15 SUBDIVISION OF THIS STATE.

16 SEC. 1425. (1) SUBJECT TO SUBSECTION (3), THE DEPARTMENT SHALL
17 ISSUE A LICENSE TO CONDUCT BUSINESS AS A SECURITY GUARD AGENCY IF
18 IT IS SATISFIED THAT THE APPLICANT, IF THE APPLICANT IS AN
19 INDIVIDUAL, OR IF IT IS SATISFIED THAT THE PRINCIPAL LICENSE
20 HOLDER, IF THE APPLICANT IS NOT AN INDIVIDUAL, MEETS ALL OF THE
21 FOLLOWING QUALIFICATIONS:

22 (A) IS AT LEAST 21 YEARS OF AGE.

23 (B) GRADUATED FROM HIGH SCHOOL OR PASSED THE GENERAL
24 EDUCATIONAL DEVELOPMENT (GED) TEST OR ANOTHER GRADUATE EQUIVALENCY
25 EXAMINATION APPROVED BY THE DEPARTMENT.

26 (C) IS OF GOOD MORAL CHARACTER.

27 (D) HAS NOT BEEN CONVICTED OF EITHER OF THE FOLLOWING:

1 (i) A FELONY.

2 (ii) WITHIN THE 5-YEAR PERIOD PRECEDING THE DATE OF
3 APPLICATION, A DISQUALIFYING MISDEMEANOR.

4 (E) HAS NOT BEEN ADJUDGED INSANE, UNLESS HE OR SHE HAS BEEN
5 ADJUDGED RESTORED TO SANITY BY COURT ORDER.

6 (F) MEETS ANY OF THE FOLLOWING:

7 (i) WAS LAWFULLY ENGAGED IN BUSINESS AS A SECURITY GUARD
8 AGENCY IN ANOTHER STATE FOR A PERIOD OF AT LEAST 3 YEARS.

9 (ii) WAS LAWFULLY ENGAGED AS A SECURITY GUARD FOR A LICENSED
10 SECURITY GUARD AGENCY FOR AT LEAST 4 YEARS AND HAS AT LEAST 4 YEARS
11 OF EXPERIENCE SUPERVISING SECURITY GUARDS.

12 (iii) WAS LAWFULLY ENGAGED IN LAW ENFORCEMENT EMPLOYMENT AS A
13 CERTIFIED POLICE OFFICER ON A FULL-TIME BASIS FOR AT LEAST 4 YEARS
14 FOR A CITY, COUNTY, TOWNSHIP, VILLAGE, OR STATE GOVERNMENT OR FOR
15 THE UNITED STATES GOVERNMENT.

16 (iv) IS A GRADUATE WITH A BACCALAUREATE DEGREE OR ITS
17 EQUIVALENT IN THE FIELD OF POLICE ADMINISTRATION, CRIMINAL JUSTICE,
18 OR INDUSTRIAL SECURITY FROM AN ACCREDITED COLLEGE OR UNIVERSITY;
19 AND FOR A PERIOD OF 2 YEARS ON A FULL-TIME BASIS WAS AN EMPLOYEE OF
20 A SECURITY GUARD AGENCY OR WAS ENGAGED ON HIS OR HER OWN ACCOUNT AS
21 A SECURITY ADMINISTRATOR OR LOSS PREVENTION MANAGER IN PRIVATE
22 BUSINESS.

23 (v) SERVED IN THE ARMED FORCES; WHILE SERVING IN THE ARMED
24 FORCES, ACTED AS A MILITARY POLICE OFFICER OR IN AN EQUIVALENT JOB
25 CLASSIFICATION FOR AT LEAST 2 YEARS; WAS SEPARATED FROM THAT
26 SERVICE, AND PROVIDES A FORM DD214 OR DD215 OR ANY OTHER FORM
27 SATISFACTORY TO THE DEPARTMENT THAT DEMONSTRATES THAT HE OR SHE WAS

1 SEPARATED FROM THAT SERVICE, WITH AN HONORABLE CHARACTER OF SERVICE
2 OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE; AND
3 HAS, AND PROVIDES WITH HIS OR HER APPLICATION AN AFFIDAVIT SIGNED
4 BY A COMMANDING OFFICER, SUPERVISOR, OR MILITARY SUPERIOR WITH
5 DIRECT KNOWLEDGE OF THE APPLICANT'S SERVICE THAT HE OR SHE HAS,
6 ENTRY-LEVEL EXPERIENCE IN OR BASIC KNOWLEDGE OF EACH OF THE
7 FOLLOWING:

8 (A) ENFORCING RULES, REGULATIONS, AND GUIDELINES.

9 (B) PROVIDING SECURITY AND PHYSICAL PROTECTION.

10 (C) AREA AND SITE SECURITY OPERATIONS.

11 (D) OVERSEEING PRISONERS AND CORRECTIONAL FACILITIES.

12 (E) RECONNAISSANCE AND SURVEILLANCE.

13 (2) AN APPLICATION FOR A LICENSE AS A SECURITY GUARD AGENCY
14 UNDER THIS ARTICLE MUST CONTAIN AT LEAST ALL OF THE FOLLOWING:

15 (A) THE APPLICANT'S NAME AND THE ADDRESS OF THE APPLICANT'S
16 PRINCIPAL PLACE OF BUSINESS.

17 (B) IF THE APPLICANT IS NOT THE SECURITY GUARD AGENCY, THE
18 SECURITY GUARD AGENCY'S NAME AND THE ADDRESS OF THE SECURITY GUARD
19 AGENCY'S PRINCIPAL PLACE OF BUSINESS.

20 (C) THE ADDRESS OF EACH LOCATION IN THIS STATE, INCLUDING ANY
21 BRANCH OFFICES IN THIS STATE, AT WHICH THE SECURITY GUARD AGENCY
22 CONDUCTS OR WILL CONDUCT BUSINESS.

23 (D) IF APPLICABLE, THE NAME OF THE INDIVIDUAL DESIGNATED BY
24 THE APPLICANT OR LICENSEE AS THE PRINCIPAL LICENSE HOLDER OF THE
25 SECURITY GUARD AGENCY.

26 (3) THE DEPARTMENT SHALL NOT ISSUE A LICENSE UNDER THIS
27 ARTICLE IF THE APPLICANT DOES NOT PROVIDE THE DEPARTMENT WITH

1 PROOF, IN THE FORM OF A CERTIFICATE OF INSURANCE, THAT IT HAS AND
2 MAINTAINS A POLICY OF LIABILITY INSURANCE THAT IS ISSUED BY AN
3 AUTHORIZED INSURER, AS DEFINED IN SECTION 108 OF THE INSURANCE CODE
4 OF 1956, 1956 PA 218, MCL 500.108; NAMES THIS STATE AS AN
5 ADDITIONAL INSURED; PROVIDES COVERAGE IN THE AMOUNT OF AT LEAST
6 \$400,000.00 PER OCCURRENCE; AND REQUIRES THE INSURER TO PROVIDE THE
7 DEPARTMENT WITH NOTICE OF CANCELLATION OF THE POLICY AT LEAST 30
8 DAYS BEFORE THE EFFECTIVE DATE OF THE CANCELLATION. A CERTIFICATE
9 OF INSURANCE REQUIRED UNDER THIS SUBSECTION MUST STATE THAT THE
10 POLICY MEETS ALL OF THESE REQUIREMENTS.

11 (4) A PERSON MAY BRING AN ACTION ON AN INSURANCE POLICY
12 DESCRIBED IN SUBSECTION (3) IN THAT PERSON'S OWN NAME TO RECOVER
13 DAMAGES SUFFERED BY REASON OF A WRONGFUL ACT OF THE LICENSEE OR AN
14 AGENT OR EMPLOYEE OF THE LICENSEE.

15 SEC. 1427. A LICENSE ISSUED UNDER THIS ARTICLE IS VALID FOR 4
16 YEARS.

17 SEC. 1429. (1) A LICENSEE SHALL POST ITS LICENSE IN A
18 CONSPICUOUS PLACE IN THE LICENSEE'S OFFICE.

19 (2) A LICENSEE SHALL NOTIFY THE DEPARTMENT IN WRITING OF ANY
20 NAME OR ADDRESS CHANGE WITHIN 30 DAYS AFTER THE DATE OF THE CHANGE.

21 SEC. 1431. (1) A LICENSEE THAT IS NOT AN INDIVIDUAL, OR AN
22 APPLICANT THAT IS APPLYING FOR A LICENSE ON BEHALF OF A PERSON THAT
23 IS NOT AN INDIVIDUAL, AS APPLICABLE, SHALL DESIGNATE AN INDIVIDUAL
24 AS THE PRINCIPAL LICENSE HOLDER OF THAT LICENSEE. SUBJECT TO
25 SUBSECTIONS (3), (4), AND (5), A LICENSEE MUST CONTINUOUSLY
26 MAINTAIN A DESIGNATED PRINCIPAL LICENSE HOLDER.

27 (2) AN INDIVIDUAL DESIGNATED AS A LICENSEE'S PRINCIPAL LICENSE

1 HOLDER IS AUTHORIZED TO ACT ON BEHALF OF THE LICENSEE FOR PURPOSES
2 OF THIS ARTICLE.

3 (3) IF ITS PRINCIPAL LICENSE HOLDER IS NO LONGER AUTHORIZED TO
4 ACT IN THAT CAPACITY ON THE LICENSEE'S BEHALF, OR IS NO LONGER
5 AVAILABLE TO ACT IN THAT CAPACITY FOR ANY REASON, THE LICENSEE
6 SHALL DESIGNATE A DIFFERENT INDIVIDUAL, WHO MEETS THE REQUIREMENTS
7 OF SECTION 1425(1), AS ITS PRINCIPAL LICENSE HOLDER AND SHALL DO
8 ALL OF THE FOLLOWING WITHIN 10 DAYS AFTER IT MAKES THAT
9 DESIGNATION:

10 (A) PROVIDE WRITTEN NOTICE TO THE DEPARTMENT THAT IT HAS
11 DESIGNATED A DIFFERENT INDIVIDUAL AS ITS PRINCIPAL LICENSE HOLDER.

12 (B) PROVIDE TO THE DEPARTMENT THE NAME OF THAT INDIVIDUAL AND
13 ANY OTHER INFORMATION ABOUT THAT INDIVIDUAL THAT IS REASONABLY
14 REQUIRED BY THE DEPARTMENT.

15 (4) IF A LICENSEE DESIGNATING A DIFFERENT INDIVIDUAL AS ITS
16 PRINCIPAL LICENSE HOLDER DOES NOT COMPLY WITH SUBSECTION (3), OR
17 THE DEPARTMENT DOES NOT APPROVE OF THE DESIGNATION OF THAT
18 INDIVIDUAL AS THE LICENSEE'S PRINCIPAL LICENSE HOLDER, THE
19 DEPARTMENT SHALL NOTIFY THE LICENSEE OF ITS DISAPPROVAL. WITHIN 30
20 DAYS AFTER RECEIVING THAT NOTIFICATION, THE LICENSEE SHALL
21 DESIGNATE ANOTHER INDIVIDUAL UNDER SUBSECTION (3) AND MEET THE
22 REQUIREMENTS OF THIS SECTION FOR APPROVAL OF THAT INDIVIDUAL BY THE
23 DEPARTMENT AS ITS PRINCIPAL LICENSE HOLDER.

24 (5) IF A SECURITY GUARD AGENCY IS REQUIRED TO HAVE A PRINCIPAL
25 LICENSE HOLDER UNDER THIS SECTION, THE SECURITY GUARD AGENCY'S
26 LICENSE UNDER THIS ARTICLE IS AUTOMATICALLY SUSPENDED DURING ANY
27 PERIOD OF TIME THE LICENSEE HAS NOT DESIGNATED A PRINCIPAL LICENSE

1 HOLDER AND NOTIFIED THE DEPARTMENT OF THAT DESIGNATION. HOWEVER, ON
2 REQUEST, THE DEPARTMENT MAY PERMIT THE LICENSE TO STAY IN FORCE FOR
3 60 DAYS TO ALLOW THE LICENSEE TO DESIGNATE A PRINCIPAL LICENSE
4 HOLDER.

5 SEC. 1433. (1) A LICENSEE SHALL NOT EMPLOY AN INDIVIDUAL THAT
6 DOES NOT MEET ALL OF THE FOLLOWING:

7 (A) MEETS THE QUALIFICATIONS DESCRIBED IN SECTION 1425(1)(D)
8 AND (E).

9 (B) MEETS EITHER OF THE FOLLOWING:

10 (i) IS AT LEAST 18 YEARS OLD AND GRADUATED FROM HIGH SCHOOL OR
11 PASSED THE GENERAL EDUCATIONAL DEVELOPMENT (GED) TEST OR ANOTHER
12 GRADUATE EQUIVALENCY EXAMINATION APPROVED BY THE DEPARTMENT.

13 (ii) IS AT LEAST 21 YEARS OLD.

14 (2) A LICENSEE SHALL MAINTAIN AND KEEP IN THIS STATE ADEQUATE
15 AND COMPLETE PERSONNEL INFORMATION ON ALL OF ITS EMPLOYEES.

16 (3) A LICENSEE SHALL NOT FALSELY STATE OR REPRESENT THAT AN
17 INDIVIDUAL IS OR HAS BEEN IN THE LICENSEE'S EMPLOY. A LICENSEE THAT
18 VIOLATES THIS SUBSECTION IS SUBJECT TO THE PENALTIES UNDER ARTICLE
19 6.

20 SEC. 1435. (1) A LICENSEE SHALL NOT ALLOW AN INDIVIDUAL WHO IS
21 CONVICTED OF A FELONY OR A DISQUALIFYING MISDEMEANOR WHILE IN THE
22 EMPLOY OF THE LICENSEE AS A SECURITY GUARD TO CONTINUE THAT
23 EMPLOYMENT.

24 (2) A LICENSEE SHALL CAUSE FINGERPRINTS TO BE TAKEN OF HIMSELF
25 OR HERSELF, IF THE LICENSEE IS AN INDIVIDUAL, OF THE PRINCIPAL
26 LICENSE HOLDER IF THE LICENSEE IS NOT AN INDIVIDUAL, AND OF ALL
27 PROSPECTIVE EMPLOYEES IT INTENDS TO HIRE AS DIRECT PROVIDERS OF THE

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1 LICENSEE'S SECURITY SERVICES. THE LICENSEE SHALL ENSURE THAT THOSE
2 FINGERPRINTS ARE SUBMITTED TO THE DEPARTMENT OF STATE POLICE AND
3 THE FEDERAL BUREAU OF INVESTIGATION FOR A STATE AND NATIONAL
4 CRIMINAL HISTORY BACKGROUND CHECK, ACCOMPANIED BY A FINGERPRINT
5 PROCESSING FEE IN THE AMOUNT REQUIRED UNDER SECTION 3 OF 1935 PA
6 120, MCL 28.273, AND ANY FEES IMPOSED BY THE FEDERAL BUREAU OF
7 INVESTIGATION. THE LICENSEE SHALL OBTAIN A COMPLETE AND SIGNED
8 EMPLOYMENT APPLICATION FROM EACH INDIVIDUAL FOR WHOM A CRIMINAL
9 HISTORY BACKGROUND CHECK IS REQUESTED AND CONDUCTED. <<THE APPLICATION
MUST INCLUDE THE INDIVIDUAL'S WRITTEN CONSENT TO THE CRIMINAL HISTORY
BACKGROUND CHECK DESCRIBED IN THIS SECTION AND THE SUBMISSION OF HIS OR
HER FINGERPRINTS TO, AND INCLUSION OF HIS OR HER FINGERPRINTS IN, THE
STATE AND FEDERAL DATABASE SYSTEMS DESCRIBED IN SUBSECTION (4).>> THE
10 LICENSEE SHALL RETAIN EACH EMPLOYMENT APPLICATION <<AND WRITTEN CONSENT>>FOR AT
LEAST 1 YEAR FROM
11 THE DATE THE LICENSEE OBTAINS IT AND PROVIDE A COPY OF IT TO THE
12 DEPARTMENT ON REQUEST. THE LICENSEE SHALL ENSURE THAT ALL COMPLETED
13 FINGERPRINT BACKGROUND CHECK REQUEST FORMS ARE SUBMITTED TO THE
14 DEPARTMENT AFTER FINGERPRINTING IS COMPLETED. THE DEPARTMENT SHALL
15 USE THE RESULTS OF THE STATE CRIMINAL HISTORY BACKGROUND CHECK, AND
16 THE NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS RETURNED BY THE
17 FEDERAL BUREAU OF INVESTIGATION TO THE DEPARTMENT OF STATE POLICE,
18 TO MAKE A FITNESS DETERMINATION. A LICENSEE SHALL NOT EMPLOY AN
19 INDIVIDUAL AS A DIRECT PROVIDER OF ITS SECURITY SERVICES BEFORE
20 SUBMITTING THAT INDIVIDUAL'S FINGERPRINTS TO THE DEPARTMENT OF
21 STATE POLICE.

22 (3) IF THE TAKING OF FINGERPRINTS IS REQUIRED UNDER SUBSECTION
23 (2), A LAW ENFORCEMENT AGENCY OR ANY OTHER PERSON DETERMINED BY THE
24 DEPARTMENT OF STATE POLICE TO BE QUALIFIED MAY TAKE THOSE
25 FINGERPRINTS. IF A LICENSEE TAKES THE FINGERPRINTS, THAT LICENSEE
26 MUST FIRST OBTAIN TRAINING IN TAKING FINGERPRINTS FROM THE
27 DEPARTMENT OF STATE POLICE OR A LAW ENFORCEMENT AGENCY OR OTHER

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1 PERSON THAT THE DEPARTMENT OF STATE POLICE DETERMINES IS QUALIFIED
2 TO TAKE FINGERPRINTS.

3 <<(4) ALL OF THE FOLLOWING APPLY CONCERNING FINGERPRINTS SUBMITTED
4 TO THE DEPARTMENT OF STATE POLICE UNDER THIS SECTION:

5 (A) THE DEPARTMENT OF STATE POLICE SHALL STORE AND RETAIN ALL
6 FINGERPRINTS SUBMITTED TO IT UNDER THIS SECTION IN AN AUTOMATED
7 FINGERPRINT IDENTIFICATION SYSTEM DATABASE THAT PROVIDES FOR AN AUTOMATIC
8 NOTIFICATION WHEN A SUBSEQUENT CRIMINAL ARREST FINGERPRINT CARD SUBMITTED
9 INTO THE SYSTEM MATCHES A SET OF FINGERPRINTS PREVIOUSLY SUBMITTED UNDER
10 THIS SECTION. IF THERE IS A MATCH, THE DEPARTMENT OF STATE POLICE SHALL
11 IMMEDIATELY NOTIFY THE DEPARTMENT.

12 (B) THE DEPARTMENT OF STATE POLICE SHALL FORWARD ALL FINGERPRINTS
13 SUBMITTED TO IT UNDER THIS SECTION TO THE FEDERAL BUREAU OF INVESTIGATION
FOR REGISTRATION OF THOSE FINGERPRINTS IN THE FBI RAP BACK SYSTEM. IF THE
DEPARTMENT OF STATE POLICE RECEIVES NOTIFICATION OF A MATCH FROM THE
FEDERAL BUREAU OF INVESTIGATION, THE DEPARTMENT OF STATE POLICE SHALL
FORWARD THAT NOTIFICATION TO THE DEPARTMENT. THIS SUBDIVISION DOES NOT
APPLY UNTIL THE DEPARTMENT OF STATE POLICE IS A PARTICIPANT IN THE FBI
RAP BACK SYSTEM. AS USED IN THIS SUBDIVISION:

(i) "FBI RAP BACK SYSTEM" MEANS THE RAP BACK SYSTEM MAINTAINED BY
THE FEDERAL BUREAU OF INVESTIGATION.

(ii) "RAP BACK SYSTEM" MEANS A SYSTEM THAT WILL NOTIFY AUTHORIZED
ENTITIES OF ANY SUBSEQUENT CRIMINAL HISTORY REPORTED ON INDIVIDUALS WHOSE
FINGERPRINTS ARE REGISTERED IN THE SYSTEM.>>

14 (5) A LICENSEE MAY SUBMIT AN ELECTRONIC REQUEST TO THE
15 DEPARTMENT OF STATE POLICE FOR A PROVISIONAL BACKGROUND CHECK OF A
16 PROSPECTIVE EMPLOYEE THE LICENSEE INTENDS TO HIRE AS A DIRECT
17 PROVIDER OF ITS SECURITY SERVICES BASED ON A NAME CHECK. THE
18 LICENSEE SHALL OBTAIN A COMPLETE AND SIGNED EMPLOYMENT APPLICATION
19 FOR EACH INDIVIDUAL FOR WHOM A NAME CHECK IS REQUESTED AND
20 CONDUCTED. THE LICENSEE SHALL RETAIN EACH EMPLOYMENT APPLICATION
21 FOR AT LEAST 1 YEAR FROM THE DATE OF ITS SUBMISSION. THE DEPARTMENT
22 OF STATE POLICE SHALL CONDUCT THE PROVISIONAL BACKGROUND CHECK
23 WITHIN 3 DAYS AFTER IT RECEIVES THE ELECTRONIC REQUEST FROM A
24 LICENSEE ACCOMPANIED BY A FEE IN THE AMOUNT REQUIRED UNDER SECTION
25 3 OF 1935 PA 120, MCL 28.273. A LICENSEE MAY EMPLOY AN INDIVIDUAL
26 WHO RECEIVES PROVISIONAL CLEARANCE BASED ON THE NAME CHECK AS A
27 SECURITY GUARD, FOR A PERIOD OF TIME THAT DOES NOT EXCEED 90 DAYS,

1 PENDING FINAL CLEARANCE BASED ON THE FINGERPRINT CHECK REQUIRED
2 UNDER SUBSECTION (2). IF AN APPROVAL IS ONCE DENIED, THE LICENSEE
3 MAY NOT AGAIN EMPLOY THAT INDIVIDUAL AS A DIRECT PROVIDER OF ITS
4 SECURITY SERVICES UNLESS THE LICENSEE RECEIVES AN APPROVED
5 FINGERPRINT CLEARANCE FOR THAT INDIVIDUAL. A LICENSEE OR EMPLOYEE
6 OF A LICENSEE WHO USES A PROVISIONAL NAME CHECK OR RESULTS OF A
7 PROVISIONAL NAME CHECK FOR PURPOSES OTHER THAN PROSPECTIVE
8 EMPLOYMENT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
9 FOR NOT MORE THAN 93 DAYS, A FINE OF NOT MORE THAN \$1,000.00, OR
10 BOTH.

11 (6) THE DEPARTMENT OF STATE POLICE MAY ENTER INTO AN AGREEMENT
12 WITH A LICENSEE FOR THE PAYMENT OF FEES IMPOSED UNDER THIS SECTION.

13 SEC. 1437. (1) A LICENSEE SHALL NOT WEAR OR ALLOW AN EMPLOYEE
14 TO WEAR A PARTICULAR TYPE OF UNIFORM AND INSIGNIA THAT DECEIVES OR
15 CONFUSES THE PUBLIC, OR THAT IS IDENTICAL WITH THAT OF A LAW
16 ENFORCEMENT OFFICER OF THE FEDERAL GOVERNMENT, THIS STATE, OR A
17 POLITICAL SUBDIVISION OF THIS STATE. EACH UNIFORM JACKET, COAT, OR
18 SHIRT WORN BY A LICENSEE OR ITS EMPLOYEES SHALL HAVE AN
19 IDENTIFICATION PATCH ON EACH SHOULDER THAT INCLUDES THE NAME OF THE
20 LICENSEE. A SHOULDER IDENTIFICATION PATCH DESCRIBED IN THIS
21 SUBSECTION MAY BE ANY COLOR OR COLORS, MUST BE AT LEAST 12 SQUARE
22 INCHES IN SIZE, AND MAY NOT BE IN THE SHAPE OF A SHIELD OR ANY
23 SHAPE THAT IS USED BY ANY PUBLIC LAW ENFORCEMENT AGENCY IN THIS
24 STATE. A BREAST PATCH OF ANY COLOR SHALL BE AT LEAST 4-1/2 INCHES
25 LONG AND 1 INCH HIGH, WITH CLEARLY LEGIBLE LETTERING CONTAINING THE
26 WORDS "SECURITY", "SECURITY GUARD", OR "LOSS PREVENTION". SHIRT
27 EPAULETS MAY BE ANY COLOR.

1 (2) A LICENSEE OR EMPLOYEE OF A LICENSEE MAY WEAR A BADGE OR
2 SHIELD AS PART OF A SECURITY GUARD UNIFORM. A BADGE OR SHIELD SHALL
3 NOT BE SIMILAR IN SHAPE TO THAT OF ANY LAW ENFORCEMENT OFFICER OF
4 THE FEDERAL GOVERNMENT, THIS STATE, OR A POLITICAL SUBDIVISION OF
5 THIS STATE. A BADGE OR SHIELD MAY CONTAIN THE FLAG OF THE UNITED
6 STATES OF AMERICA OR THE SCALE OF JUSTICE. A UNIFORM MAY INCLUDE
7 DESIGNATIONS OF RANK, EMBLEMS, OR OTHER GARNISHMENTS THAT MAY BE
8 ANY COLOR, EXCEPT THAT THEY SHALL NOT BEAR THE SEAL OF THE STATE OF
9 MICHIGAN.

10 (3) IF A LICENSEE CONSIDERS ALTERNATIVE APPAREL TO BE MORE
11 APPROPRIATE FOR A LOCATION OR EVENT, THE LICENSEE MAY AUTHORIZE
12 EITHER OF THE FOLLOWING IN PLACE OF A UNIFORM DESCRIBED IN THIS
13 SECTION:

14 (A) DRESS SLACKS AND SHIRT WITH A BLAZER. THE BLAZER MUST BEAR
15 AN EMBLEM OR A CREST ON THE LEFT BREAST THAT INCLUDES THE FULL NAME
16 OF THE LICENSEE. THE EMBLEM OR CREST MAY BE ANY COLOR.

17 (B) DRESS SLACKS WITH A BUTTON-DOWN POLO SHIRT. THE SHIRT MUST
18 BEAR AN EMBLEM OR A CREST ON THE LEFT BREAST THAT INCLUDES THE FULL
19 NAME OF THE LICENSEE. THE POLO SHIRT MAY INCLUDE LETTERING ON THE
20 BACK WITH THE WORDS "SECURITY" OR "LOSS PREVENTION".

21 (4) IN INCLEMENT WEATHER, A LICENSEE OR EMPLOYEE MAY WEAR A
22 VINYL RAINCOAT OVER A UNIFORM DESCRIBED IN THIS SECTION. A LICENSEE
23 OR EMPLOYEE MAY WEAR A UNIFORM HAT OR CAP WITH THE UNIFORM. THE HAT
24 OR CAP MAY BEAR AN EMBLEM THAT DOES NOT INCLUDE THE STATE OF
25 MICHIGAN SEAL.

26 (5) A LICENSEE SHALL NOT WEAR OR ALLOW AN EMPLOYEE TO WEAR A
27 UNIFORM, BADGE, OR INSIGNIA DESCRIBED IN THIS SECTION, EXCEPT IN

1 THE PERFORMANCE OF HIS OR HER DUTIES AS A SECURITY GUARD OR WHILE
2 COMMUTING DIRECTLY TO OR FROM HIS OR HER PLACE OR PLACES OF
3 EMPLOYMENT.

4 SEC. 1439. (1) A LICENSEE THAT EMPLOYS OR ENGAGES AN
5 INDIVIDUAL TO PROVIDE SERVICES AS A SECURITY GUARD DIRECTLY TO THE
6 LICENSEE'S CUSTOMERS SHALL ENSURE THAT ALL OF THE FOLLOWING ARE
7 MET:

8 (A) BEFORE HE OR SHE ACTS AS A SECURITY GUARD WITHOUT DIRECT
9 SUPERVISION, THE INDIVIDUAL COMPLETES AT LEAST 12 HOURS OF ON-THE-
10 JOB, SITE-SPECIFIC TRAINING UNDER THE IMMEDIATE SUPERVISION OF AN
11 EXPERIENCED SUPERVISOR.

12 (B) IN THE FIRST 90 DAYS OF HIS OR HER EMPLOYMENT, THE
13 INDIVIDUAL COMPLETES AT LEAST 12 HOURS OF CLASSROOM OR ONLINE
14 TRAINING, SELECTED BY THE LICENSEE, THAT MEETS THE REQUIREMENTS OF
15 SUBSECTION (2). HOWEVER, NOT MORE THAN 50% OF THE NUMBER OF HOURS
16 OF TRAINING REQUIRED UNDER SUBSECTION (2) MAY CONSIST OF ONLINE
17 TRAINING, AND ONLINE TRAINING MAY NOT BE USED TO MEET ANY PORTION
18 OF THE HOURS OF CLASSROOM OR OTHER TRAINING REQUIRED UNDER
19 SUBDIVISIONS (C) TO (E).

20 (C) BEFORE HE OR SHE IS AUTHORIZED BY THE LICENSEE TO USE A
21 WEAPON OR RESTRAINT DEVICE WHILE ON DUTY, HE OR SHE COMPLETES THE
22 FOLLOWING REQUIRED TRAINING:

23 (i) FOR AN AEROSOL SPRAY OR CONDUCTED ENERGY DEVICE, ANY
24 MANUFACTURER-AUTHORIZED CERTIFICATION IN THE USE OF THE DEVICE FOR
25 SECURITY OR LAW ENFORCEMENT PERSONNEL. THE LICENSEE SHALL ENSURE
26 THAT THE INDIVIDUAL MAINTAINS THAT CERTIFICATION AT ALL TIMES WHILE
27 HE OR SHE IS EMPLOYED OR ENGAGED BY THE LICENSEE TO PROVIDE

1 SERVICES AS A SECURITY GUARD.

2 (ii) FOR A TACTICAL BATON, 4 CLASS HOURS OF TRAINING SELECTED
3 BY THE LICENSEE.

4 (iii) FOR A RESTRAINT DEVICE, 2 CLASS HOURS OF TRAINING
5 SELECTED BY THE LICENSEE.

6 (iv) FOR A FIREARM, AT LEAST 24 HOURS OF FIREARM RANGE AND
7 CLASSROOM TRAINING THAT INCLUDES AT LEAST 16 HOURS OF FIREARM RANGE
8 TRAINING AND AT LEAST 4 HOURS OF FIREARM CLASSROOM TRAINING.

9 HOWEVER, THIS SUBPARAGRAPH DOES NOT APPLY TO AN INDIVIDUAL WHO HAS
10 COMPLETED EQUIVALENT TRAINING AND WHO SERVED IN THE ARMED FORCES OR
11 IS A RETIRED LAW ENFORCEMENT OFFICER. AS USED IN THIS SUBPARAGRAPH,
12 "EQUIVALENT TRAINING" MEANS TRAINING THAT MEETS OR EXCEEDS THE
13 MINIMUM TRAINING STANDARDS DESCRIBED IN THIS SUBPARAGRAPH WITHIN
14 THE LAST 2 YEARS.

15 (D) THE INDIVIDUAL ANNUALLY COMPLETES AT LEAST 4 HOURS OF
16 FIREARMS TRAINING IF THE LICENSEE HAS AUTHORIZED HIM OR HER TO USE
17 A FIREARM WHILE ON DUTY.

18 (E) EVERY 2 YEARS, THE INDIVIDUAL COMPLETES AT LEAST 4 HOURS
19 OF CONTINUING CLASSROOM TRAINING IN THE SUBJECTS DESCRIBED IN
20 SUBSECTION (2) (A) TO (C); IN THE USE OF A TACTICAL BATON IF THE
21 LICENSEE HAS AUTHORIZED HIM OR HER TO USE A TACTICAL BATON WHILE ON
22 DUTY; AND IN THE USE OF A RESTRAINT DEVICE IF THE LICENSEE HAS
23 AUTHORIZED HIM OR HER TO USE A RESTRAINT DEVICE WHILE ON DUTY.

24 (F) BEFORE HE OR SHE IS AUTHORIZED BY THE LICENSEE TO USE A
25 FIREARM WHILE ON DUTY, HE OR SHE PROVIDES PROOF THAT IS
26 SATISFACTORY TO THE LICENSEE THAT HE OR SHE POSSESSES A LICENSE TO
27 CARRY A CONCEALED PISTOL UNDER 1927 PA 372, MCL 28.421 TO 28.435.

1 (2) THE CLASSROOM OR ONLINE TRAINING DESCRIBED IN SUBSECTION
2 (1) (B) SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING
3 SUBJECTS:

4 (A) A MINIMUM OF 6 HOURS OF COMPANY AND POSITION ORIENTATION
5 THAT INCLUDES MINIMUM UNIFORM REQUIREMENTS AND APPEARANCE; LIMITS
6 OF AUTHORITY AND EMPLOYMENT; LEGAL ASPECTS OF THE USE OF FORCE AND
7 THE POWER TO ARREST; PERSONS OR AUTHORITIES TO BE CONTACTED IN
8 EMERGENCIES OR UNUSUAL OCCURRENCES; LICENSEE OR PARENT COMPANY
9 STRUCTURE THAT AFFECTS GUARDS' DUTIES; GUARD COURTESY AND PUBLIC
10 DEMEANOR; AND REPORT WRITING.

11 (B) A MINIMUM OF 4 HOURS INVOLVING DEFENSIVE TACTICS THAT
12 INCLUDE SELF-DEFENSE; PRESSURE POINT TRAINING; DETECTION OF
13 SUBSTANCE ABUSE AND MENTAL ILLNESS; AND VERBAL AND SENSITIVITY
14 TRAINING.

15 (C) A MINIMUM OF 2 HOURS REGARDING EMERGENCY PREPAREDNESS THAT
16 INCLUDES THE GENERAL RESPONSIBILITIES PERTAINING TO MEDICAL
17 EMERGENCIES AND RESPONSE; FIRST AID AND CARDIOPULMONARY
18 RESUSCITATION, AND FOREIGN BODY OBSTRUCTION OF THE AIRWAY; CROWD
19 CONTROL; EXPOSURE TO BODILY FLUID; FIRE PREVENTION AND SAFETY; BOMB
20 THREATS; SEARCHES; WEATHER EMERGENCIES; CHEMICAL SPILLS, LEAKS, AND
21 RELATED WASTE; AND EVACUATION PROCEDURES.

22 (3) A LICENSEE SHALL PREPARE AND RETAIN A RECORD OF AN
23 INDIVIDUAL'S COMPLETION OF THE TRAINING DESCRIBED IN THIS SECTION
24 AND MAKE THAT RECORD AVAILABLE TO THE DEPARTMENT ON REQUEST.

25 SEC. 1441. A LICENSEE SHALL NOT USE ANY DESIGNATION OR TRADE
26 NAME THAT IMPLIES ANY ASSOCIATION WITH ANY MUNICIPAL, COUNTY, OR
27 STATE GOVERNMENT, WITH THE FEDERAL GOVERNMENT, OR WITH AN AGENCY OF

1 THE FEDERAL GOVERNMENT.

2 SEC. 1443. (1) THIS ARTICLE DOES NOT IMPAIR OR AFFECT ANY ACT
3 DONE, OFFENSE COMMITTED, OR RIGHT ACCRUING, ACCRUED, OR ACQUIRED OR
4 ANY PENALTY, FORFEITURE, OR PUNISHMENT INCURRED BEFORE THE
5 EFFECTIVE DATE OF THIS ACT.

6 (2) A LICENSE THAT WAS ISSUED UNDER THE PRIVATE SECURITY
7 BUSINESS AND SECURITY ALARM ACT AND IS CURRENTLY IN EFFECT ON THE
8 DATE OF THE AMENDATORY ACT THAT ADDED THIS ARTICLE SHALL REMAIN IN
9 EFFECT FOR THE TIME PERIOD FOR WHICH THAT LICENSE WOULD HAVE
10 REMAINED IN EFFECT IF THIS ARTICLE HAD NOT BEEN ENACTED; AND THAT
11 LICENSEE IS NOT REQUIRED TO OBTAIN A LICENSE UNDER THIS ARTICLE TO
12 CONDUCT BUSINESS AS A SECURITY GUARD AGENCY DURING THAT TIME
13 PERIOD.

14 Enacting section 1. Section 517 of the occupational code, 1980
15 PA 299, MCL 339.517, is repealed.

16 Enacting section 2. This amendatory act takes effect January
17 1, 2018.

18 Enacting section 3. This amendatory act does not take effect
19 unless all of the following bills of the 99th Legislature are
20 enacted into law:

21 (a) Senate Bill No. 187.

22 (b) Senate Bill No. 188.

23 (c) Senate Bill No. 189.