

SENATE BILL No. 1091

January 27, 2010, Introduced by Senator SANBORN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1965 PA 285, entitled
"Professional investigator licensure act,"
by amending section 4 (MCL 338.824), as amended by 2008 PA 146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. This act does not apply to any of the following:

2 (a) A person employed exclusively and regularly by an employer
3 in connection with the affairs of the employer only, ~~and~~ ~~IF~~ there
4 exists a bona fide employer-employee relationship for which the
5 employee is reimbursed on a salary basis.

6 (b) An officer or employee of the United States, this state,
7 or a political subdivision of this state while that officer or
8 employee is engaged in the performance of his or her official

1 duties except that such officer or employee does not include a
2 professional investigator hired or employed under contract by the
3 United States, this state, or a political subdivision of this
4 state.

5 (c) The business of obtaining and furnishing information as to
6 the financial standing, rating, and credit responsibility of
7 persons or as to the personal habits and financial responsibility
8 of applicants for insurance, indemnity bonds, or commercial credit.

9 (d) A charitable philanthropic society or association duly
10 incorporated under the laws of this state that is organized and
11 maintained for the public good and not for private profit.

12 (e) An attorney admitted to practice in this state in
13 performing his or her duties as an attorney at law.

14 (f) A collection agency or finance company licensed to do
15 business under the laws of this state or any employee of a
16 collection agency or finance company while acting within the scope
17 of his or her employment when making an investigation incidental to
18 the business of the agency, including an investigation of the
19 location of the debtor or his or her assets and property in which
20 the client has an interest or upon which the client has a lien.

21 (g) An insurance adjuster who is employed on a salary basis by
22 an insurance company or a person, firm, partnership, company,
23 limited liability company, or corporation that acts for an
24 insurance company solely in the capacity of claim adjuster.

25 (H) A person, firm, partnership, company, limited liability
26 company, or corporation engaged in the business of public adjuster
27 acting for claimants in securing adjustments of claims against

Senate Bill No. 1091 as amended December 3, 2010

1 insurance companies and who does not perform investigative
2 services, including, but not limited to, surveillance activities.

3 (I) ~~(h)~~—A professional engineer acting within the scope of his
4 or her licensed professional practice who does not perform
5 investigative services, including, but not limited to, surveillance
6 activities or other activities outside of the scope of his or her
7 licensed professional practice.

8 (J) ~~(i)~~—A certified public accountant ~~acting within the scope~~
9 ~~of his or her licensed professional practice who does not perform~~
10 ~~investigative services, including, but not limited to, surveillance~~
11 ~~activities or other activities outside of the scope of his or her~~
12 ~~licensed professional practice~~ CURRENTLY LICENSED, REGISTERED, OR
13 CERTIFIED BY A REGULATORY AGENCY OF THIS OR ANY OTHER STATE OR A
14 PUBLIC ACCOUNTING FIRM CURRENTLY LICENSED, REGISTERED, OR CERTIFIED
15 BY A REGULATORY AGENCY OF THIS OR ANY OTHER STATE, INCLUDING THE
16 EMPLOYEES OF THE CERTIFIED PUBLIC ACCOUNTANT OR PUBLIC ACCOUNTING
17 FIRM [ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S OR THE PUBLIC
ACCOUNTING FIRM'S PROFESSIONAL PRACTICE].

18 (K) ~~(j)~~—A bail agent authorized under section 167b of the
19 Michigan penal code, 1931 PA 328, MCL 750.167b, while performing
20 his or her duties as a bail agent.