

HOUSE BILL No. 5806

February 11, 2010, Introduced by Reps. Haugh and Johnson and referred to the Committee on 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 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
9 duties except that such officer or employee does not include a

1 professional investigator hired or employed under contract by the
2 United States, this state, or a political subdivision of this
3 state.

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

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

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

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

20 (g) An insurance adjuster who is employed on a salary basis by
21 an insurance company or a person, firm, partnership, company,
22 limited liability company, or corporation that acts for an
23 insurance company solely in the capacity of claim adjuster. A
24 person, firm, partnership, company, limited liability company, or
25 corporation engaged in the business of public adjuster acting for
26 claimants in securing adjustments of claims against insurance
27 companies and who does not perform investigative services

1 including, but not limited to, surveillance activities.

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

7 (i) A certified public accountant acting within the scope of
8 his or her licensed professional practice who does not perform
9 investigative services, including, but not limited to, surveillance
10 activities or other activities outside of the scope of his or her
11 licensed professional practice.

12 (j) A bail **BOND** agent ~~authorized under section 167b of the~~
13 ~~Michigan penal code, 1931 PA 328, MCL 750.167b~~ **OR A FUGITIVE**
14 **RECOVERY AGENT, AS THOSE TERMS ARE DEFINED IN THE BAIL BOND**
15 **PERSONNEL LICENSURE ACT**, while performing his or her duties as a
16 bail **BOND** agent **OR FUGITIVE RECOVERY AGENT**.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 95th Legislature are
19 enacted into law:

20 (a) House Bill No. 5536.

21 (b) House Bill No. 5537.