

SENATE BILL No. 186

February 23, 2017, Introduced by Senator BOOHER and referred to the Committee on
Regulatory Reform.

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

1 principally of members of the regulated occupation. In all other
2 contexts, board means each agency created under this act.

3 (3) ~~(2)~~—"Censure" means an expression of disapproval of a
4 licensee's or registrant's professional conduct. ~~—which~~ **THE TERM**
5 **INCLUDES AN EXPRESSION OF DISAPPROVAL OF PROFESSIONAL** conduct **THAT**
6 is not necessarily a violation of this act or a rule promulgated or
7 an order issued under this act.

8 (4) ~~(3)~~—"Competence" means a degree of expertise ~~which~~ **THAT**
9 enables a person to engage in an occupation at a level ~~which~~ **THAT**
10 meets or exceeds minimal standards of acceptable practice for the
11 occupation.

12 (5) ~~(4)~~—"Complaint" means an oral or written grievance.

13 (6) ~~(5)~~—"Controlled substance" means ~~a drug, substance, or~~
14 ~~immediate precursor as set forth in section 7212, 7214, 7216, 7218,~~
15 ~~or 7220 of the public health code, Act No. 368 of the Public Acts~~
16 ~~of 1978, being sections 333.7212, 333.7214, 333.7216, 333.7218, and~~
17 ~~333.7220 of the Michigan Compiled Laws, not excluded pursuant to~~
18 ~~section 7227 of Act No. 368 of the Public Acts of 1978, being~~
19 ~~section 333.7227 of the Michigan Compiled Laws.~~ **THAT TERM AS DEFINED**
20 **IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
21 **333.7104.**

22 Sec. 316. (1) Unless otherwise provided in an article, a board
23 and the department shall develop an examination or test required by
24 an article. The board and the department in developing an
25 examination or test may adopt an examination or test prepared by
26 another agency if the board and the department determine that the
27 examination or test serves as a basis for determining whether a

1 ~~person~~ **AN INDIVIDUAL** has the knowledge and skills to perform an
2 occupation with competence.

3 (2) The material required by the board and the department to
4 develop an examination or test may be considered by the board in a
5 closed session, if the board meets the requirements of section 7 of
6 the open meetings act, 1976 PA 267, MCL 15.267.

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

17 **ARTICLE 14A**

18 **SEC. 1421. AS USED IN THIS ARTICLE:**

19 (A) "DISQUALIFYING MISDEMEANOR" MEANS A MISDEMEANOR THAT
20 INVOLVES ANY OF THE FOLLOWING:

21 (i) DISHONESTY OR FRAUD.

22 (ii) UNAUTHORIZED DIVULGING OR SELLING OF INFORMATION OR
23 EVIDENCE.

24 (iii) IMPERSONATION OF A LAW ENFORCEMENT OFFICER OR EMPLOYEE
25 OF THE UNITED STATES, THIS STATE, OR A POLITICAL SUBDIVISION OF
26 THIS STATE.

27 (iv) ILLEGALLY USING, CARRYING, OR POSSESSING A DANGEROUS

1 WEAPON.

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

3 (vi) A CONTROLLED SUBSTANCE UNDER THE PUBLIC HEALTH CODE, 1978
4 PA 368, MCL 333.1101 TO 333.25211.

5 (vii) AN ASSAULT.

6 (viii) CRIMINAL SEXUAL CONDUCT.

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

10 (C) "PRINCIPAL LICENSE HOLDER" MEANS AN INDIVIDUAL DESIGNATED
11 UNDER SECTION 1431.

12 (D) "PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT" MEANS
13 THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330,
14 MCL 338.1051 TO 338.1092.

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

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

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

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

26 (I) "SECURITY GUARD AGENCY" MEANS A PERSON, OTHER THAN A
27 PERSON DESCRIBED IN SECTION 1423(1), THAT IS ENGAGED IN THE

1 BUSINESS OF ARRANGING FOR OR PROVIDING ANY OF THE FOLLOWING:

2 (i) SECURITY GUARDS.

3 (ii) PATROL SERVICE.

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

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

8 (B) A PRIVATE COLLEGE SECURITY FORCE OR PRIVATE SECURITY
9 POLICE FORCE THAT IS SUBJECT TO THE PRIVATE SECURITY BUSINESS AND
10 SECURITY ALARM ACT.

11 (C) A PERSON THAT IS LICENSED AS A PROFESSIONAL INVESTIGATOR
12 UNDER THE PROFESSIONAL INVESTIGATOR LICENSURE ACT, 1965 PA 285, MCL
13 338.821 TO 338.851.

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

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

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

26 (B) GRADUATED FROM HIGH SCHOOL OR PASSED THE GENERAL
27 EDUCATIONAL DEVELOPMENT (GED) TEST OR ANOTHER GRADUATE EQUIVALENCY

1 EXAMINATION APPROVED BY THE DEPARTMENT.

2 (C) IS OF GOOD MORAL CHARACTER.

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

4 (i) A FELONY.

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

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

9 (F) MEETS ANY OF THE FOLLOWING:

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

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

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

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

26 (v) SERVED IN THE ARMED FORCES; WHILE SERVING IN THE ARMED
27 FORCES, ACTED AS A MILITARY POLICE OFFICER OR IN AN EQUIVALENT JOB

1 CLASSIFICATION FOR AT LEAST 2 YEARS; WAS SEPARATED FROM THAT
2 SERVICE, AND PROVIDES A FORM DD214 OR DD215 OR ANY OTHER FORM
3 SATISFACTORY TO THE DEPARTMENT THAT DEMONSTRATES THAT HE OR SHE WAS
4 SEPARATED FROM THAT SERVICE, WITH AN HONORABLE CHARACTER OF SERVICE
5 OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE; AND
6 HAS, AND PROVIDES WITH HIS OR HER APPLICATION AN AFFIDAVIT SIGNED
7 BY A COMMANDING OFFICER, SUPERVISOR, OR MILITARY SUPERIOR WITH
8 DIRECT KNOWLEDGE OF THE APPLICANT'S SERVICE THAT HE OR SHE HAS,
9 ENTRY-LEVEL EXPERIENCE IN OR BASIC KNOWLEDGE OF EACH OF THE
10 FOLLOWING:

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

12 (B) PROVIDING SECURITY AND PHYSICAL PROTECTION.

13 (C) AREA AND SITE SECURITY OPERATIONS.

14 (D) OVERSEEING PRISONERS AND CORRECTIONAL FACILITIES.

15 (E) RECONNAISSANCE AND SURVEILLANCE.

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

18 (A) THE APPLICANT'S NAME AND THE ADDRESS OF THE APPLICANT'S
19 PRINCIPAL PLACE OF BUSINESS.

20 (B) IF THE APPLICANT IS NOT THE SECURITY GUARD AGENCY, THE
21 SECURITY GUARD AGENCY'S NAME AND THE ADDRESS OF THE SECURITY GUARD
22 AGENCY'S PRINCIPAL PLACE OF BUSINESS.

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

26 (D) IF APPLICABLE, THE NAME OF THE INDIVIDUAL DESIGNATED BY
27 THE APPLICANT OR LICENSEE AS THE PRINCIPAL LICENSE HOLDER OF THE

1 SECURITY GUARD AGENCY.

2 (3) THE DEPARTMENT SHALL NOT ISSUE A LICENSE UNDER THIS
3 ARTICLE IF THE APPLICANT DOES NOT PROVIDE THE DEPARTMENT WITH
4 PROOF, IN THE FORM OF A CERTIFICATE OF INSURANCE, THAT IT HAS AND
5 MAINTAINS A POLICY OF LIABILITY INSURANCE THAT IS ISSUED BY AN
6 AUTHORIZED INSURER, AS DEFINED IN SECTION 108 OF THE INSURANCE CODE
7 OF 1956, 1956 PA 218, MCL 500.108; NAMES THIS STATE AS AN
8 ADDITIONAL INSURED; PROVIDES COVERAGE IN THE AMOUNT OF AT LEAST
9 \$400,000.00 PER OCCURRENCE; AND REQUIRES THE INSURER TO PROVIDE THE
10 DEPARTMENT WITH NOTICE OF CANCELLATION OF THE POLICY AT LEAST 30
11 DAYS BEFORE THE EFFECTIVE DATE OF THE CANCELLATION. A CERTIFICATE
12 OF INSURANCE REQUIRED UNDER THIS SUBSECTION MUST STATE THAT THE
13 POLICY MEETS ALL OF THESE REQUIREMENTS.

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

18 SEC. 1427. A LICENSE ISSUED UNDER THIS ARTICLE IS VALID FOR 4
19 YEARS.

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

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

24 SEC. 1431. (1) A LICENSEE THAT IS NOT AN INDIVIDUAL, OR AN
25 APPLICANT THAT IS APPLYING FOR A LICENSE ON BEHALF OF A PERSON THAT
26 IS NOT AN INDIVIDUAL, AS APPLICABLE, SHALL DESIGNATE AN INDIVIDUAL
27 AS THE PRINCIPAL LICENSE HOLDER OF THAT LICENSEE. SUBJECT TO

1 SUBSECTIONS (3), (4), AND (5), A LICENSEE MUST CONTINUOUSLY
2 MAINTAIN A DESIGNATED PRINCIPAL LICENSE HOLDER.

3 (2) AN INDIVIDUAL DESIGNATED AS A LICENSEE'S PRINCIPAL LICENSE
4 HOLDER IS AUTHORIZED TO ACT ON BEHALF OF THE LICENSEE FOR PURPOSES
5 OF THIS ARTICLE.

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

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

15 (B) PROVIDE TO THE DEPARTMENT THE NAME OF THAT INDIVIDUAL AND
16 ANY OTHER INFORMATION ABOUT THAT INDIVIDUAL THAT IS REASONABLY
17 REQUIRED BY THE DEPARTMENT.

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

27 (5) IF A SECURITY GUARD AGENCY IS REQUIRED TO HAVE A PRINCIPAL

1 LICENSE HOLDER UNDER THIS SECTION, THE SECURITY GUARD AGENCY'S
2 LICENSE UNDER THIS ARTICLE IS AUTOMATICALLY SUSPENDED DURING ANY
3 PERIOD OF TIME THE LICENSEE HAS NOT DESIGNATED A PRINCIPAL LICENSE
4 HOLDER AND NOTIFIED THE DEPARTMENT OF THAT DESIGNATION. HOWEVER, ON
5 REQUEST, THE DEPARTMENT MAY PERMIT THE LICENSE TO STAY IN FORCE FOR
6 60 DAYS TO ALLOW THE LICENSEE TO DESIGNATE A PRINCIPAL LICENSE
7 HOLDER.

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

10 (A) MEETS THE QUALIFICATIONS DESCRIBED IN SECTION 1425(1) (D)
11 AND (E).

12 (B) MEETS EITHER OF THE FOLLOWING:

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

16 (ii) IS AT LEAST 21 YEARS OLD.

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

19 (3) A LICENSEE SHALL NOT FALSELY STATE OR REPRESENT THAT AN
20 INDIVIDUAL IS OR HAS BEEN IN THE LICENSEE'S EMPLOY. A LICENSEE THAT
21 VIOLATES THIS SUBSECTION IS SUBJECT TO THE PENALTIES UNDER ARTICLE
22 6.

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

27 (2) A LICENSEE SHALL CAUSE FINGERPRINTS TO BE TAKEN OF HIMSELF

1 OR HERSELF, IF THE LICENSEE IS AN INDIVIDUAL, OF THE PRINCIPAL
2 LICENSE HOLDER IF THE LICENSEE IS NOT AN INDIVIDUAL, AND OF ALL
3 PROSPECTIVE EMPLOYEES IT INTENDS TO HIRE AS DIRECT PROVIDERS OF THE
4 LICENSEE'S SECURITY SERVICES. THE LICENSEE SHALL ENSURE THAT THOSE
5 FINGERPRINTS ARE SUBMITTED TO THE DEPARTMENT OF STATE POLICE AND
6 THE FEDERAL BUREAU OF INVESTIGATION FOR A STATE AND NATIONAL
7 CRIMINAL HISTORY BACKGROUND CHECK, ACCOMPANIED BY A FINGERPRINT
8 PROCESSING FEE IN THE AMOUNT REQUIRED UNDER SECTION 3 OF 1935 PA
9 120, MCL 28.273, AND ANY FEES IMPOSED BY THE FEDERAL BUREAU OF
10 INVESTIGATION. THE LICENSEE SHALL OBTAIN A COMPLETE AND SIGNED
11 EMPLOYMENT APPLICATION FROM EACH INDIVIDUAL FOR WHOM A CRIMINAL
12 HISTORY BACKGROUND CHECK IS REQUESTED AND CONDUCTED. THE LICENSEE
13 SHALL RETAIN EACH EMPLOYMENT APPLICATION FOR AT LEAST 1 YEAR FROM
14 THE DATE THE LICENSEE OBTAINS IT AND PROVIDE A COPY OF IT TO THE
15 DEPARTMENT ON REQUEST. THE LICENSEE SHALL ENSURE THAT ALL COMPLETED
16 FINGERPRINT BACKGROUND CHECK REQUEST FORMS ARE SUBMITTED TO THE
17 DEPARTMENT AFTER FINGERPRINTING IS COMPLETED. THE DEPARTMENT SHALL
18 USE THE RESULTS OF THE STATE CRIMINAL HISTORY BACKGROUND CHECK, AND
19 THE NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS RETURNED BY THE
20 FEDERAL BUREAU OF INVESTIGATION TO THE DEPARTMENT OF STATE POLICE,
21 TO MAKE A FITNESS DETERMINATION. A LICENSEE SHALL NOT EMPLOY AN
22 INDIVIDUAL AS A DIRECT PROVIDER OF ITS SECURITY SERVICES BEFORE
23 SUBMITTING THAT INDIVIDUAL'S FINGERPRINTS TO THE DEPARTMENT OF
24 STATE POLICE.

25 (3) IF THE TAKING OF FINGERPRINTS IS REQUIRED UNDER SUBSECTION
26 (2), A LAW ENFORCEMENT AGENCY OR ANY OTHER PERSON DETERMINED BY THE
27 DEPARTMENT OF STATE POLICE TO BE QUALIFIED MAY TAKE THOSE

1 FINGERPRINTS. IF A LICENSEE TAKES THE FINGERPRINTS, THAT LICENSEE
2 MUST FIRST OBTAIN TRAINING IN TAKING FINGERPRINTS FROM THE
3 DEPARTMENT OF STATE POLICE OR A LAW ENFORCEMENT AGENCY OR OTHER
4 PERSON THAT THE DEPARTMENT OF STATE POLICE DETERMINES IS QUALIFIED
5 TO TAKE FINGERPRINTS.

6 (4) THE DEPARTMENT OF STATE POLICE SHALL STORE AND MAINTAIN
7 ALL FINGERPRINTS SUBMITTED UNDER THIS SECTION IN AN AUTOMATED
8 FINGERPRINT IDENTIFICATION SYSTEM DATABASE THAT PROVIDES FOR AN
9 AUTOMATIC NOTIFICATION WHEN A SUBSEQUENT CRIMINAL ARREST
10 FINGERPRINT CARD SUBMITTED INTO THE SYSTEM MATCHES A SET OF
11 FINGERPRINTS PREVIOUSLY SUBMITTED UNDER THIS SECTION. IF THERE IS A
12 MATCH, THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY NOTIFY THE
13 DEPARTMENT. IF THE FEDERAL BUREAU OF INVESTIGATION IMPLEMENTS A
14 SIMILAR AUTOMATIC NOTIFICATION SYSTEM, THE DEPARTMENT OF STATE
15 POLICE SHALL FORWARD NOTIFICATIONS FROM THAT SYSTEM TO THE
16 DEPARTMENT.

17 (5) A LICENSEE MAY SUBMIT AN ELECTRONIC REQUEST TO THE
18 DEPARTMENT OF STATE POLICE FOR A PROVISIONAL BACKGROUND CHECK OF A
19 PROSPECTIVE EMPLOYEE THE LICENSEE INTENDS TO HIRE AS A DIRECT
20 PROVIDER OF ITS SECURITY SERVICES BASED ON A NAME CHECK. THE
21 LICENSEE SHALL OBTAIN A COMPLETE AND SIGNED EMPLOYMENT APPLICATION
22 FOR EACH INDIVIDUAL FOR WHOM A NAME CHECK IS REQUESTED AND
23 CONDUCTED. THE LICENSEE SHALL RETAIN EACH EMPLOYMENT APPLICATION
24 FOR AT LEAST 1 YEAR FROM THE DATE OF ITS SUBMISSION. THE DEPARTMENT
25 OF STATE POLICE SHALL CONDUCT THE PROVISIONAL BACKGROUND CHECK
26 WITHIN 3 DAYS AFTER IT RECEIVES THE ELECTRONIC REQUEST FROM A
27 LICENSEE ACCOMPANIED BY A FEE IN THE AMOUNT REQUIRED UNDER SECTION

1 3 OF 1935 PA 120, MCL 28.273. A LICENSEE MAY EMPLOY AN INDIVIDUAL
2 WHO RECEIVES PROVISIONAL CLEARANCE BASED ON THE NAME CHECK AS A
3 SECURITY GUARD, FOR A PERIOD OF TIME THAT DOES NOT EXCEED 90 DAYS,
4 PENDING FINAL CLEARANCE BASED ON THE FINGERPRINT CHECK REQUIRED
5 UNDER SUBSECTION (2). IF AN APPROVAL IS ONCE DENIED, THE LICENSEE
6 MAY NOT AGAIN EMPLOY THAT INDIVIDUAL AS A DIRECT PROVIDER OF ITS
7 SECURITY SERVICES UNLESS THE LICENSEE RECEIVES AN APPROVED
8 FINGERPRINT CLEARANCE FOR THAT INDIVIDUAL. A LICENSEE OR EMPLOYEE
9 OF A LICENSEE WHO USES A PROVISIONAL NAME CHECK OR RESULTS OF A
10 PROVISIONAL NAME CHECK FOR PURPOSES OTHER THAN PROSPECTIVE
11 EMPLOYMENT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
12 FOR NOT MORE THAN 93 DAYS, A FINE OF NOT MORE THAN \$1,000.00, OR
13 BOTH.

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

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

1 LONG AND 1 INCH HIGH, WITH CLEARLY LEGIBLE LETTERING CONTAINING THE
2 WORDS "SECURITY", "SECURITY GUARD", OR "LOSS PREVENTION". SHIRT
3 EPAULETS MAY BE ANY COLOR.

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

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

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

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

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

1 MICHIGAN SEAL.

2 (5) A LICENSEE SHALL NOT WEAR OR ALLOW AN EMPLOYEE TO WEAR A
3 UNIFORM, BADGE, OR INSIGNIA DESCRIBED IN THIS SECTION, EXCEPT IN
4 THE PERFORMANCE OF HIS OR HER DUTIES AS A SECURITY GUARD OR WHILE
5 COMMUTING DIRECTLY TO OR FROM HIS OR HER PLACE OR PLACES OF
6 EMPLOYMENT.

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

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

15 (B) IN THE FIRST 90 DAYS OF HIS OR HER EMPLOYMENT, THE
16 INDIVIDUAL COMPLETES AT LEAST 12 HOURS OF CLASSROOM TRAINING,
17 SELECTED BY THE LICENSEE, THAT MEETS THE REQUIREMENTS OF SUBSECTION
18 (2).

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

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

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

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

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

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

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

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

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

27 (2) THE CLASSROOM TRAINING DESCRIBED IN SUBSECTION (1) SHALL

1 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBJECTS:

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

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

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

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

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

27 SEC. 1443. (1) THIS ARTICLE DOES NOT IMPAIR OR AFFECT ANY ACT

1 DONE, OFFENSE COMMITTED, OR RIGHT ACCRUING, ACCRUED, OR ACQUIRED OR
2 ANY PENALTY, FORFEITURE, OR PUNISHMENT INCURRED BEFORE THE
3 EFFECTIVE DATE OF THIS ACT.

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

12 (3) R 28.4001 TO R 28.4007 OF THE MICHIGAN ADMINISTRATIVE CODE
13 ARE RESCINDED.

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. 189.

22
23 (b) Senate Bill No. 188.

24
25 (c) Senate Bill No. 187.