

HOUSE BILL No. 5658

March 17, 2004, Introduced by Rep. Julian and referred to the Committee on Regulatory Reform.

A bill to amend 1965 PA 285, entitled
"Private detective license act,"
by amending section 26 (MCL 338.846), as amended by 2002 PA 474,
and by adding section 26a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 26. (1) A license granted under this act may be
2 renewed upon application and the payment of a renewal fee of
3 \$300.00, **presentation or certification of proof of completion of**
4 **continuing education**, and filing of a renewal surety bond or
5 liability insurance policy in the amount equivalent to that
6 specified in section 9.

7 (2) A renewal license shall be dated as of the expiration
8 date of the previously existing license. For the renewal of a
9 license, the licensee shall submit an application in such form as
10 prescribed by the department. Upon receipt of a completed

1 application, payment of the renewal, **presentation or**
2 **certification of proof of completion of continuing education,** and
3 proof acceptable to the department of bond or insurance, the
4 department shall renew a license. The department may defer the
5 renewal if there are uninvestigated complaints then outstanding
6 against the licensee or if there is a criminal complaint then
7 pending against the licensee.

8 **Sec. 26a. (1) Beginning October 1, 2004, and as a condition**
9 **of renewal of a license issued under this act, a licensee shall**
10 **have successfully completed not less than 18 clock hours of**
11 **continuing education meeting the requirements of this section**
12 **since the preceding license cycle. In the license cycle**
13 **beginning in calendar year 2004, the clock hours may be earned at**
14 **any time during the license cycle. Beginning January 1, 2007, at**
15 **least 2 clock hours of continuing education must be earned in**
16 **each year of the license cycle.**

17 **(2) Each licensee may select the courses in the area of**
18 **expertise so long as the course is approved by the department and**
19 **is at least 2 clock hours in duration. The department may make**
20 **exceptions to the requirements of this subsection if the licensee**
21 **provides evidence satisfactory to the department of good cause**
22 **for noncompliance. Service as a lecturer or discussion leader in**
23 **an approved course may be counted toward the requirements of this**
24 **section but only to the extent of 6 clock hours in each license**
25 **cycle.**

26 **(3) Acceptable subject matter areas must be determined by the**
27 **department to contribute to the professional competence of the**

1 individual and include, but are not limited to, the following:

- 2 (a) Accounting and auditing.
- 3 (b) Management.
- 4 (c) Computer science.
- 5 (d) Communications arts.
- 6 (e) Law.
- 7 (f) Ethics.
- 8 (g) Accident investigation.
- 9 (h) Background investigation.
- 10 (i) Business taxes.
- 11 (j) Criminal investigation.
- 12 (k) Court testimony.
- 13 (l) Employee theft.
- 14 (m) Process service.
- 15 (n) Personnel law.
- 16 (o) Product liability.
- 17 (p) Public records availability and access.
- 18 (q) Report writing.
- 19 (r) Substance abuse in the workplace.
- 20 (s) Surveillance techniques.
- 21 (t) Wage and hour law.
- 22 (u) Worker's compensation law.
- 23 (v) Executive protection.
- 24 (4) Beginning the effective date of the amendatory act that
- 25 added this section and until determined otherwise by rule of the
- 26 department, the courses offered by the Michigan council of the
- 27 private investigators, incorporated, that exist on the effective

1 date of the amendatory act that added this section are considered
2 adequate to qualify as continuing education under this section
3 and are adopted by reference. If those courses are superseded by
4 other courses of the Michigan council of the private
5 investigators, incorporated, the department may adopt by
6 reference those superseded courses by rule. In the case of an
7 updated course, the procedure in subsections (5) and (6) may be
8 used subject to departmental approval. Subject to approval of
9 the department under this section, courses or programs offered by
10 national or state private investigation organizations,
11 universities and colleges, and any other provider or organization
12 offering accounting, industrial, legal, and related education
13 programs are considered eligible for approval. Distance learning
14 and intra-firm and inter-firm education programs are also
15 considered eligible for approval. The department shall seek
16 advice from recognized industry associations and educational
17 institutions regarding course approval.

18 (5) Continuing education courses shall include all of the
19 following for department approval:

20 (a) A clear statement of the rationale, purpose, and goals
21 for each course.

22 (b) Department-approved instructors, based upon training,
23 background, education, and experience.

24 (c) A syllabus.

25 (d) A course administration description including a system
26 for verifying satisfactory completion of the course by each
27 licensee, for providing to the department a verified list of

1 those licensees awarded credit, and for providing participating
2 licensees with certificates that indicate satisfactory completion
3 of the course and that specify the department's assigned course
4 number.

5 (e) All course changes that affect the accuracy of the
6 application for approval or accompanying documentation, including
7 the detailed content outline.

8 (6) Annually, a sponsor shall complete and submit, on forms
9 provided by the department, an application form and documentation
10 necessary to demonstrate that the courses meet the criteria
11 established by subsection (5). The application shall be
12 submitted not less than 60 days before the first date of
13 instruction. An application shall include all of the following
14 information:

15 (a) The course title.

16 (b) The date, time, and location of the tentative course
17 offerings.

18 (c) The name, address, and telephone number of the sponsoring
19 entity.

20 (d) The name, address, and telephone number of the course
21 coordinator.

22 (e) The name, address, telephone number, and qualifications
23 of the instructors.

24 (f) A detailed outline of the course offering.

25 (g) A list of instructional materials.

26 (h) Methodology for verifying and monitoring attendance.

27 (i) A sample of the certificate of completion that will be

1 given to licensees.

2 (j) A sample of announcements or brochures of course
3 offerings and the student syllabus.

4 (7) Continuing education courses delivered through distance
5 learning shall be approved by the department before being offered
6 to licensees and shall contain all of the following:

7 (a) All requirements listed in subsections (3) and (5).

8 (b) The individual modules of instruction on a computer or
9 other interactive program.

10 (c) A list of at least 1 learning objective for each module
11 of instruction. The learning objective shall ensure that, if all
12 of the objectives are met, the entire content of the course is
13 understood.

14 (d) A structured learning method to enable the student to
15 attain each learning objective.

16 (e) A method of assessment of the student's performance
17 during each module of instruction.

18 (f) A method of remediation for any student who is deficient
19 in the method of assessment to repeat the module until the
20 student understands the content material.

21 (8) Within 5 calendar days after presentation of a course,
22 the sponsor shall submit the names to the department of the
23 students who have successfully completed the course. The sponsor
24 shall also issue a certificate of completion that includes at
25 least all of the following:

26 (a) The date of course completion.

27 (b) The name of the course and the name of the sponsor.

1 (c) The name of the student.

2 (d) The number of clock hours completed by the student.

3 (e) A signed certificate of completion.

4 (9) As used in this section:

5 (a) "Clock hours" means a period of not fewer than 50 minutes
6 of actual classroom instruction, not including outside
7 assignments and reading. For distance learning, clock hour means
8 the amount of material a student can process in 50 minutes of
9 computerized instruction.

10 (b) "Distance learning" means either of the following:

11 (i) Approved courses where the instructor and student may be
12 apart and instruction takes place through some type of electronic
13 medium.

14 (ii) Approved courses including, but not limited to,
15 instruction presented through interactive classrooms, computer
16 conferencing, and interactive computer systems.