

# HOUSE BILL No. 4967

June 16, 2005, Introduced by Reps. Mortimer, Hildenbrand, Hune, Gaffney, Nofs, Stahl, Marleau, Acciavatti, Mayes and Sheltroun and referred to the Committee on Regulatory Reform.

A bill to amend 1968 PA 330, entitled  
"Private security business and security alarm act,"  
by amending section 17 (MCL 338.1067), as amended by 2002 PA 473.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 17. (1) A licensee may employ as many persons as he or  
2 she considers necessary to assist him or her in his or her work of  
3 security alarm system contractor, private security police, or  
4 private security guard and in the conduct of his or her business,  
5 and at all times during the employment is accountable for the good  
6 conduct in the business of each person so employed.

7           (2) Employees in the employ of a licensee after March 28, 2001  
8 shall meet the qualifications outlined in section 6(1)(c), (e),  
9 (j), and (k), be at least 18 years of age, and have had at least an

1 eighth grade education or its equivalent. An employee in the employ  
2 of a licensee on or before March 28, 2001 shall meet the  
3 qualifications outlined in section 6(1)(d), (e), (j), and (k), be  
4 at least 18 years of age, and have had at least an eighth grade  
5 education or its equivalent. Employees hired by a licensee after  
6 ~~the effective date of the amendatory act that added this sentence~~  
7 **OCTOBER 1, 2002** shall meet the qualifications outlined in section  
8 6(1)(c), (e), (j), and (k), be at least 18 years of age, and have  
9 at least a high school diploma, a GED, or its equivalent.

10 (3) A licensee shall keep and maintain in this state adequate  
11 and complete personnel information on all persons employed by him  
12 or her. A complete employee roster in a manner described by the  
13 department shall be filed with the department by each licensee on a  
14 quarterly basis. The rosters must be filed with the department by  
15 April 15, July 15, October 15, and January 15 for the preceding  
16 quarter. Failure to submit accurate rosters shall be cause for  
17 suspension of the license. ~~—A— THE DEPARTMENT SHALL NOT PROCESS A~~  
18 ~~renewal application —shall not be processed—~~ if the quarterly  
19 roster has not been received for each quarter of the preceding 2-  
20 year license period.

21 (4) **THE HOLDER OF A PRIVATE SECURITY GUARD LICENSE SHALL**  
22 **PROVIDE EMPLOYEES WHO ARE DIRECT PROVIDERS OF SECURITY SERVICES AND**  
23 **WHO ARE HIRED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT**  
24 **THAT ADDED THIS SUBSECTION AT LEAST 8 CLOCK HOURS OF PREEMPLOYMENT**  
25 **TRAINING, IN THE SUBJECT MATTER DESCRIBED IN SUBSECTION (5) AND**  
26 **ACCEPTABLE TO THE DEPARTMENT, BEFORE PLACEMENT AT A JOB SITE.**

27 (5) **PREEMPLOYMENT TRAINING SHALL BE IN THE FOLLOWING SUBJECT**

1 **MATTER AREAS:**

2 (A) STATE LAWS, RULES, AND REGULATIONS PERTAINING TO SECURITY  
3 GUARDS AND SECURITY POLICE, INCLUDING UNIFORM REQUIREMENTS.

4 (B) WEAPONS AND EQUIPMENT.

5 (C) ORIGIN AND LIMITATION FOR SECURITY GUARDS AND SECURITY  
6 POLICE.

7 (D) SEARCH AND SEIZURE ISSUES UNDER THE STATE AND FEDERAL  
8 CONSTITUTIONS, CASE LAW, AND STATE STATUTE.

9 (E) OVERLAPPING AND SEPARATION OR RESPONSIBILITIES OF LAW  
10 ENFORCEMENT OFFICERS AND SECURITY PERSONNEL.

11 (F) CIVIL LIABILITY REGARDING THE SECURITY BUSINESS.

12 (G) COMMUNICATION SKILLS.

13 (H) PROFESSIONALISM AND ATTITUDE.

14 (I) DEFENSIVE TACTICS.

15 (J) VERBAL DE-ESCALATION.

16 (K) REPORT WRITING.

17 (L) BASIC PATROL DUTIES.

18 (M) EMERGENCY RESPONSE.

19 (N) BIOHAZARDS.

20 (O) BOMB THREATS.

21 (P) WEATHER.

22 (Q) EVACUATION.

23 (R) FIRE PREVENTION.

24 (6) THE DEPARTMENT SHALL, BY RULE, DEVELOP OR ADOPT BY  
25 REFERENCE, OR BOTH, PREPLACEMENT TRAINING PROGRAMS IN THE SUBJECT  
26 MATTER AREAS DESCRIBED IN SUBSECTION (5). THE DEPARTMENT MAY ADOPT  
27 BY REFERENCE IN RULE ANY EXISTING APPLICABLE PREEMPLOYMENT TRAINING

1 PROGRAMS OFFERED BY THE MICHIGAN CONTRACT SECURITY ASSOCIATION OR  
2 OTHER ENTITY CONSIDERED ACCEPTABLE TO THE DEPARTMENT.

3 (7) EMPLOYEES WHO ARE DIRECT PROVIDERS OF SECURITY SERVICES  
4 WHO WERE HIRED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT  
5 THAT ADDED THIS SUBSECTION SHALL PARTICIPATE IN AND SUCCESSFULLY  
6 COMPLETE, NOT LATER THAN 90 DAYS AFTER ACCEPTING EMPLOYMENT, AN ON-  
7 THE-JOB TRAINING PROGRAM COMPLYING WITH THIS SUBSECTION. THE  
8 TRAINING PROGRAM OFFERED BY THE MICHIGAN CONTRACT SECURITY  
9 ASSOCIATION, CERTIFIED EMPLOYEE TRAINING PROGRAM, AS IT EXISTS ON  
10 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
11 SUBSECTION, IS ADOPTED BY REFERENCE. IF THAT PROGRAM IS  
12 SUPERSEDED, AMENDED, UPDATED, OR SUPPLEMENTED, THE DEPARTMENT MAY  
13 ADOPT THOSE CHANGES BY RULE. THE LICENSEE SHALL NOTE IN THE  
14 EMPLOYEE'S PERSONNEL FILE AND IN THE ROSTER DESCRIBED IN SUBSECTION  
15 (3) THE SUCCESSFUL COMPLETION OF THE ON-THE-JOB TRAINING PROGRAM.

16 (8) INSTRUCTORS CONDUCTING THE TRAINING UNDER SUBSECTIONS (5)  
17 AND (7) SHALL BE APPROVED BY THE DEPARTMENT. THE STANDARDS FOR  
18 INSTRUCTOR TRAINING OFFERED BY THE MICHIGAN CONTRACT SECURITY  
19 ASSOCIATION AS THEY EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY  
20 ACT THAT ADDED THIS SUBSECTION ARE ADOPTED BY REFERENCE.

21 (9) THE SUBJECT MATTER OF THE PREPLACEMENT AND ON-THE-JOB  
22 TRAINING PROGRAMS MAY BE OFFERED BY A HIGH SCHOOL, INTERMEDIATE  
23 SCHOOL DISTRICT, COMMUNITY COLLEGE, UNIVERSITY, TRADE ASSOCIATION,  
24 OR OTHER ENTITY APPROVED BY THE DEPARTMENT AS MEETING THE SUBJECT  
25 MATTER AND INSTRUCTIONAL QUALIFICATIONS DESCRIBED IN SUBSECTIONS  
26 (6), (7), AND (8). THE DEPARTMENT SHALL ACCEPT CLOCK HOURS OR  
27 EQUIVALENT CREDITS FOR ANY COURSES OFFERED BY A HIGH SCHOOL,

1 INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, UNIVERSITY, TRADE  
2 ASSOCIATION, OR OTHER ENTITY OFFERING THE COURSES DESCRIBED IN THIS  
3 SUBSECTION THAT ARE APPROVED BY THE DEPARTMENT AND IN COMPLIANCE  
4 WITH SUBSECTIONS (6), (7), AND (8).

5 (10) WITHIN 5 CALENDAR DAYS AFTER COMPLETION OF A PRESENTATION  
6 OF A PREPLACEMENT OR ON-THE-JOB TRAINING PROGRAM, THE PROVIDER  
7 SHALL SUBMIT TO THE LICENSEE WITH WHOM THE ATTENDEE IS EMPLOYED THE  
8 NAMES OF THE ATTENDEES WHO SUCCESSFULLY COMPLETED THE PROGRAM, AND  
9 THE LICENSEE SHALL INCLUDE THE INFORMATION ON THE EMPLOYEE ROSTER.  
10 FAILURE OF THE PROVIDER TO SUBMIT THE NAMES OF ATTENDEES IS GROUNDS  
11 FOR DISQUALIFICATION BY THE DEPARTMENT TO CONTINUE AS A PROVIDER OF  
12 THE TRAINING PROGRAM. THE LICENSEE SHALL MONITOR ALL EMPLOYEES'  
13 PARTICIPATION IN THE COURSES MANDATED BY THIS SECTION AND SHALL  
14 SUSPEND THE EMPLOYMENT OF AN EMPLOYEE NOT MEETING THE TRAINING  
15 REQUIREMENTS OF THIS SECTION UNTIL SUCH TIME AS THE TRAINING  
16 REQUIREMENTS ARE FULFILLED.

17 (11) FAILURE OF A LICENSEE TO ENFORCE AND MONITOR THE TRAINING  
18 REQUIREMENTS OF THIS SECTION IS GROUNDS FOR SUSPENSION OR  
19 REVOCATION OF ITS LICENSE.

20 (12) A PROVIDER OF TRAINING UNDER THIS SECTION IS IMMUNE FROM  
21 CIVIL LIABILITY FOR DAMAGES TO ANY PERSON OR PROPERTY CAUSED BY THE  
22 INDIVIDUAL WHO WAS TRAINED. THIS SUBSECTION DOES NOT APPLY IF THE  
23 PROVIDER WAS GROSSLY NEGLIGENT. THIS SUBSECTION IS IN ADDITION TO  
24 AND NOT IN LIEU OF IMMUNITY OTHERWISE PROVIDED BY LAW.

25 (13) ~~-(4)-~~ If a licensee falsely states or represents that a  
26 person is or has been in his or her employ, the false statement or  
27 representation is sufficient cause for the revocation of the

1 license.

2 (14) ~~(5)~~ A person shall not ~~falsely~~ DO 1 OR MORE OF THE  
3 FOLLOWING:

4 (A) FALSELY state or represent that he or she is an agent of a  
5 licensed security alarm system contractor, private security police  
6 officer, or private security guard.

7 (B) PROVIDE OR OFFER TO PROVIDE SERVICES AS A PRIVATE SECURITY  
8 GUARD WITHOUT BEING LICENSED UNDER THIS ACT OR EXEMPT FROM  
9 LICENSURE UNDER THIS ACT.

10 (15) A person who violates ~~this~~ subsection (14) is guilty of  
11 a ~~misdemeanor~~ FELONY punishable by imprisonment for not ~~more~~  
12 LESS than ~~93 days~~ 2 YEARS or a fine of not more than ~~\$500.00~~  
13 \$5,000.00, or both.

14 (16) AS USED IN THIS SECTION, "CLOCK HOURS" MEANS A PERIOD OF  
15 NOT FEWER THAN 50 MINUTES OF ACTUAL CLASSROOM INSTRUCTION, NOT  
16 INCLUDING OUTSIDE ASSIGNMENTS AND READING.

17 Enacting section 1. This amendatory act takes effect 180 days  
18 after the date it is enacted.