# PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT

## Act 330 of 1968

AN ACT to license and regulate private security guards, private security police, private security guard agencies, private college security forces, and security alarm systems servicing, installing, operating, and monitoring; to provide penalties for violations; to protect the general public against unauthorized, unlicensed and unethical operations by individuals engaged in private security activity or security alarm systems sales, installations, service, maintenance, and operations; to establish minimum qualifications for individuals as well as private agencies engaged in the security business and security alarm systems and operations; to impose certain fees; to create certain funds; and to prescribe certain powers and duties of certain private colleges and certain state departments, agencies, and officers.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

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The People of the State of Michigan enact:

### 338.1051 Short title.

Sec. 1.

This act shall be known and may be cited as the "private security business and security alarm act".

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001
**Constitutionality:** This act, which requires the licensing of guards, does not demonstrate the requisite degree of state action to bring the activities of guards under color of state law so as to subject their activities to constitutional restraint and to require guards to give suspects warnings of their constitutional rights before eliciting inculpatory statements, and especially does not subject the activities of private police who are employed to protect the property and employees of their employer to constitutional restraint because such guards need not be licensed under the act. Grand Rapids v Impens, 414 Mich 667; 327 NW2d 278 (1982).Participation by an off-duty deputy sheriff from another county, employed as a private guard, with other guards in the apprehension and detention of a shoplifting suspect did not provide a sufficient relationship so as to bring the activities of the guards under color of state law and require warnings of the suspect's constitutional rights before eliciting inculpatory statements by the suspect where the deputy did not obtain the statements and identified himself to the suspect only as a store employee. Grand Rapids v Impens, 414 Mich 667; 327 NW2d 278 (1982).

### 338.1052 Definitions; persons not subject to act.

Sec. 2.

(1) As used in this act:

(a) "Commission" means the commission on law enforcement standards created under section 3 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.603.

(b) "Department" means the department of licensing and regulatory affairs, except that in reference to the regulation of private security police and private college security forces, department means the department of state police.

(c) "Governing board" means a board of regents, board of trustees, board of governors, board of control, or other governing body of an institution of higher education.

(d) "Licensee" means a person licensed under this act.

(e) "Person" means an individual, limited liability company, corporation, or other legal entity.

(f) "Private college security force" means a security force authorized under section 37.

(g) "Private security guard" means an individual or an employee of an employer who offers, for hire, to provide protection of property on the premises of another, and includes an employee of a private college security force.

(h) "Private security police" means that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization, but does not include a private college security force.

(i) "Security alarm system" means a detection device or an assembly of equipment and devices that is arranged to signal the presence of a hazard that requires urgent attention and is remotely monitored by a central monitoring system. Security alarm system includes any system that can electronically cause an expected response by a law enforcement agency to a premises by means of the activation of an audible signal, visible signal, electronic notification, or video signal, or any combination of these signals, to a remote monitoring location on or off the premises. Security alarm system does not include any of the following:

(i) A video signal that is not transmitted over a public communication system.

(ii) A fire alarm system.

(iii) An alarm system that monitors temperature, humidity, or other condition that is not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises.

(iv) A system that is not monitored by a central monitoring station and does not set off an audible alarm.

(j) "Security alarm system agent" means an individual employed by a security alarm system contractor whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, monitoring, responding to, or causing others to respond to a security alarm system.

(k) "Security alarm system contractor" means a person engaged in the installation, maintenance, alteration, monitoring, or servicing of security alarm systems or who responds to a security alarm system. Security alarm system contractor does not include a business that only sells or manufactures security alarm systems unless the business services security alarm systems, installs security alarm systems, monitors or arranges for the monitoring of a security alarm system, or responds to security alarm systems at a protected premises.

(l) "Security business" means a person engaged in offering, arranging, or providing 1 or more of the following services:

(i) Security alarm system installation, service, maintenance, alteration, or monitoring.

(ii) Private security guard.

(iii) Private security police.

(2) All businesses that provide security alarm systems for the protection of persons and property and whose employees and security technicians travel on public property and thoroughfares in the pursuit of their duties are subject to this act.

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(3) A communications common carrier that provides communications channels under tariffs for the transmission of signals in connection with an alarm system is not subject to this act.

(4) A railroad policeman who is appointed and commissioned under the railroad code of 1993, 1993 PA 354, MCL 462.101 to 462.451, is not subject to this act.

(5) A system provider, as defined in section 2 of the security alarm systems act, that is registered under the security alarm systems act, is not subject to this act.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010 ;-- Am. 2012, Act 581, Imd. Eff. Jan. 2, 2013

### 338.1053 License required; permission for device delivering recorded message to public service, utility, or police agency required; violation; penalty.

Sec. 3.

(1) Unless licensed under this act, a sole proprietorship, firm, company, partnership, limited liability company, or corporation shall not engage in the business of security alarm system contractor, private security guard, private security police, private college security force, patrol service, or an agency furnishing those services. A person, firm, company, partnership, limited liability company, or corporation shall not advertise its business to be that of security alarm system contractor, security alarm system agent, private security guard agency, or an agency furnishing those services without having first obtained from the department a license to do so for each office and branch office to be owned, conducted, managed, or maintained for the conduct of that business.

(2) A person shall not sell, install, operate, adjust, arrange for, or contract to provide a device which upon activation, either mechanically, electronically, or by any other means, initiates the automatic calling or dialing of, or makes a connection directly to, a telephone assigned to a public service, utility, or police agency, for the purpose of delivering a recorded message, without first receiving written permission from that service, utility, or agency.

(3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $1,000.00, or both.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1974, Act 113, Eff. July 1, 1974 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 1978, Act 432, Imd. Eff. Oct. 5, 1978 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1054 Issuance of separate licenses for different security services; private detective or investigator services.

Sec. 4.

The department may issue separate licenses to security alarm system contractors, private college security forces, private security police, and private security guard agencies. This section does not prevent a private detective or private investigator licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851, from performing the services of a private security guard or private security police except that a private security guard or private security police may not perform the services of a private detective or private investigator without obtaining a private detective or private investigator license.

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**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1055 License; issuance; term; local license not required.

Sec. 5.

The department, upon proper application and upon being satisfied that the applicant is qualified, shall issue the applicant a license to conduct business as an alarm system contractor or a private security guard or agency for a period of 2 years from date of issuance. Upon the issuance of a license to conduct business as an alarm system contractor or a private security guard or agency, the applicant shall not be required to obtain any other license from a municipality or political subdivision of this state.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975

### 338.1056 License; qualifications; compliance; "armed forces" defined.

Sec. 6.

(1) The department shall issue a license to conduct business as a security alarm system contractor or a private security guard, private security police, or to a private security guard business, if it is satisfied that the applicant, if the applicant is an individual, or the individual who is the sole or principal license holder of the applicant if the applicant is not an individual, meets all of the following qualifications:

(a) Is not less than 21 years of age. However, this subdivision does not apply to an applicant described in subdivision (g)(v).

(b) Has a high school education or its equivalent.

(c) If the applicant's license is issued after March 28, 2001, has not been convicted of a felony.

(d) If the applicant's license was issued on or before March 28, 2001, was not convicted of a felony in the 5-year period preceding the date of application.

(e) Was not convicted of an offense listed in section 10(1)(c) in the 5-year period preceding the date of application.

(f) If he or she served in the armed forces, was separated from that service, and provides a form DD214, DD215, or any other form satisfactory to the department that demonstrates he or she was separated from that service, with an honorable character of service or under honorable conditions (general) character of service.

(g) If the applicant is applying for a private security guard or agency license, meets any of the following:

(i) Was engaged in the private security guard or agency business on his or her own account in another state for a period of at least 3 years.

(ii) Was engaged in the private security guard or agency business for a period of at least 4 years as an employee of the holder of a certificate of authority to conduct a private security guard or agency business and has experience reasonably equivalent to at least 4 years of full-time guard work in a supervisory capacity with rank above that of patrolman.

(iii) Was employed in law enforcement as a certified police officer on a full-time basis for at least 4 years for a city, county, or state government or for the United States government.

(iv) Was engaged in the private security guard or agency business as an employee or on his or her own account or as a security administrator in private business for at least 2 years on a

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full-time basis, and is a graduate with a baccalaureate degree or its equivalent in the field of police administration or industrial security from an accredited college or university.

(v) Served in the armed forces; while serving in the armed forces, acted as a military police officer or in an equivalent job classification for at least 2 years; was separated from that service, and provides a form DD214, DD215, or any other form satisfactory to the department that demonstrates he or she was separated from that service, with an honorable character of service or under honorable conditions (general) character of service; and has, and provides with his or her application an affidavit signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service that he or she has, entry-level experience in or basic knowledge of each of the following:

(A) Enforcing rules, regulations, and guidelines.

(B) Providing security and physical protection.

(C) Area and site security operations.

(D) Overseeing prisoners and correctional facilities.

(E) Reconnaissance and surveillance.

(h) If the applicant is applying for a security alarm system contractor license, has been lawfully engaged in either or both of the following:

(i) A security alarm system contractor business on his or her own account for a period of not less than 3 years.

(ii) A security alarm system contractor business for a period of not less than 4 years as an employee of the holder of a certificate of authority to conduct a security alarm system contractor business, and has experience reasonably equivalent to at least 4 years of full-time work in a supervisory capacity or passes a written exam administered by the department designed to measure his or her knowledge and training in security alarm systems.

(i) Provided the department the bond or surety required under section 9.

(j) Has not been adjudged insane, unless he or she has been adjudged restored to sanity by court order.

(k) Is not subject to any outstanding warrants for his or her arrest.

(2) If a person now doing or seeking to do business in this state is applying for a license under this section, the resident manager shall comply with the applicable qualifications of this section.

(3) As used in this section and section 9, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 1994, Act 326, Eff. Mar. 30, 1995 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2012, Act 419, Imd. Eff. Dec. 21, 2012 ;-- Am. 2014, Act 128, Eff. Aug. 20, 2014

### 338.1056a License to operate private college security force; issuance to private college or university.

Sec. 6a.

The department may issue a license to operate a private college security force to a private college or university, but shall not issue that license until the private college or university has demonstrated compliance with the requirements of sections 37 to 42.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010

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**338.1057 License; application; references; investigation; approval; nonrenewable temporary license; fees; section inapplicable to private college security force.**

Sec. 7.

(1) The department shall prepare a uniform application for the particular license and shall require the person filing the application to obtain reference statements from at least 5 reputable citizens who have known the applicant for a period of at least 5 years, who can attest that the applicant is honest, of good character, and competent, and who are not related or connected to the applicant by blood or marriage.

(2) Upon receipt of the application and application fee, the department shall investigate the applicant's qualifications for licensure.

(3) Except for a private college security force, the application and investigation are not considered complete until the applicant has received the approval of the prosecuting attorney and the sheriff of the county in this state within which the principal office of the applicant is to be located. If the office is to be located in a city, township, or village, the approval of the chief of police may be obtained instead of the sheriff. Branch offices and branch managers shall be similarly approved.

(4) If a person has not previously been denied a license or has not had a previous license suspended or revoked, the department may issue a nonrenewable temporary license to an applicant. If approved by the department, the temporary license is valid until 1 or more of the following occur but not to exceed 120 days:

(a) The completion of the investigations and approvals required under subsections (1), (2), and (3).

(b) The completion of the investigation of the subject matter addressed in section 6.

(c) The completion of the investigation of any employees of the licensee as further described in section 17.

(d) Confirmation of compliance with the bonding or insurance requirements imposed in section 9.

(e) The applicant fails to meet 1 or more of the requirements for licensure imposed under this act.

(5) The fees for a temporary license shall be the applicable fees as described in section 9.

(6) This section does not apply to a private college security force.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

**338.1058 Application; signature and verification; contents; photographs; section inapplicable to private college security force.**

Sec. 8.

(1) Each applicant shall sign and verify the application. Each application shall contain at least all of the following:

(a) The name and principal address where the individual or business entity is located in this state.

(b) The address and location of any branch office of the business.

(c) The certificate of incorporation of the business, if applicable.

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(2) Each applicant shall submit 2 passport quality photographs of the applicant with the application. If the applicant is a business entity, the resident manager of the business shall submit 2 passport quality photographs of himself or herself.

(3) This section does not apply to a private college security force.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

**338.1059 License; issuance; term; revocation; form; fees; bond; additional license for branch office; refunds; receipt of completed application; issuance of license within certain time period; report; security business fund; service in armed forces; waiver of fee; "completed application" defined.**

Sec. 9.

(1) The department shall issue a license to an applicant when the requirements of this act are met and the department is satisfied of the good character, competence, and integrity of the applicant, if the applicant is an individual, or if the applicant is an entity other than a private college or university, of its individual members or officers, or, if the applicant is a private college or university, of its governing board.

(2) A license issued under this act is valid for 2 years, but the department may revoke a license at any time for good cause shown. The department shall prescribe the form of a license certificate.

(3) The department shall not issue a license under this act unless the applicant pays the department a fee of $500.00 if the applicant is a security alarm system contractor, or for any other applicant, 1 of the following fees, as appropriate:

(a) If the applicant is an individual or sole proprietorship, $200.00.

(b) If the applicant is an entity, $300.00.

(4) The department shall not issue a license under this act unless the applicant provides the department a bond in the principal amount of $25,000.00. The bond shall be conditioned on the faithful and honest conduct of the business by the applicant and approved by the department. In lieu of a bond, an applicant may furnish a policy of insurance issued by an insurer authorized to do business in this state that names the licensee and the state as coinsureds in the amount of $25,000.00 for property damages, $100,000.00 for injury to or death of 1 person, and $200,000.00 for injuries to or deaths of more than 1 person arising out of the operation of the licensed activity. The bond shall be payable for the benefit of the people of the state and a person injured by the willful, malicious, and wrongful act of the licensee or any agents or employees of a licensee may bring an action on the bond or insurance policy in his or her own name to recover damages suffered by reason of the wrongful act.

(5) If a licensee intends to open 1 or more branch offices, the licensees may receive a license for each branch if the branch license is approved under section 7 and the licensee pays the department an additional fee of $50.00 for each private security guard branch office license and $100.00 for each security alarm system contractor branch office license.

(6) A licensee shall post an additional license issued under subsection (5) in a conspicuous place in the branch office, and each additional license expires on the same date as the initial license.

(7) Subject to subsection (8), if a license is denied, revoked, or suspended for cause, the department shall not refund the license fees or any part of the license fees.

(8) Beginning July 23, 2004, the department shall issue or deny an application for an initial or renewal license within 180 days after the applicant files a completed application. An

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application is considered received on the date the application is received by any agency or department of this state. If an application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after the department receives the incomplete application, describing the deficiency and requesting the additional information. A 180-day period described in this subsection is tolled from the date the department notifies the applicant of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(9) If the department fails to issue or deny a license in the time required under this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license in the time required under this section does not allow the department to otherwise delay the processing of an application, and on completion, the department shall place the application in sequence with any other completed applications received at that same time. The department shall not discriminate against an applicant in processing an application based on the fact that the license fee was refunded or discounted under this subsection.

(10) Beginning October 1, 2005, the director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 180-day time period described in subsection (8).

(b) The number of applications denied.

(c) The number of applicants not issued a license within the 180-day time period and the amount of money returned to licensees and registrants under subsection (8).

(11) The fees collected by the department under this section shall be deposited into the security business fund created in subsection (12).

(12) The security business fund is created in the state treasury. The department shall deposit all license fees collected under this act into the fund. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and be available for appropriation and expenditure by the department in subsequent fiscal years. The money in the fund shall not lapse to the general fund. The department shall expend money from the fund, on appropriation, only for enforcement and administration of this act. The department is the administrator of the fund for auditing purposes.

(13) The department, or the department of state police if section 29 applies, shall waive an initial license fee required under this section, or any application processing fee charged by the department for an initial license, if the applicant is an individual who served in the armed forces and he or she provides to the department a form DD214, form DD215, or any other form that is satisfactory to the department that demonstrates he or she was separated from that service with an honorable character of service or under honorable conditions (general) character of service.

(14) As used in this section, "completed application" means an application that is complete on its face and submitted with any applicable licensing fees and any other information, records, approval, security, or similar item required by law or rule from a local unit of

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government, a federal agency, or a private person but not from another department or agency of this state.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 270, Imd. Eff. July 23, 2004 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010 ;-- Am. 2014, Act 128, Eff. Aug. 20, 2014

### 338.1060 License; revocation; grounds; failure to pay fines or fees; surrender of license; misdemeanor.

Sec. 10.

(1) The department may revoke any license issued under this act if it determines, upon good cause shown, that the licensee or his or her manager, if the licensee is an individual, or if the licensee is not an individual, that any of its officers, directors, partners or its manager, has done any of the following:

(a) Made any false statements or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provision of this act.

(c) Been, while licensed or employed by a licensee, convicted of a felony or a misdemeanor involving any of the following:

(i) Dishonesty or fraud.

(ii) Unauthorized divulging or selling of information or evidence.

(iii) Impersonation of a law enforcement officer or employee of the United States, this state, or a political subdivision of this state.

(iv) Illegally using, carrying, or possessing a dangerous weapon.

(v) Two or more alcohol related offenses.

(vi) Controlled substances under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(vii) An assault.

(d) Knowingly submitted any of the following:

(i) A name other than the true name of a prospective employee.

(ii) Fingerprints not belonging to the prospective employee.

(iii) False identifying information in connection with the application of a prospective employee.

(2) The department shall not renew a license of a licensee who owes any fine or fee to the department at the time for a renewal.

(3) Within 48 hours after notification from the department of the revocation of a license under this act, the licensee shall surrender the license and the identification card issued under section 14. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1994, Act 326, Eff. Mar. 30, 1995 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002

### 338.1061 Refund of application or license fee.

Sec. 11.

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The department shall not refund a license or application fee unless a showing is made of mistake, inadvertence, error in the collection of the fee, or noncompliance with the time periods described in section 9(5).

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2004, Act 270, Imd. Eff. July 23, 2004

### 338.1062 Posting certificate of license.

Sec. 12.

Upon receipt of a certificate of license from the department the licensee shall post it in a conspicuous place in his office.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968

### 338.1063 Change in name or location; report; failure to notify department.

Sec. 13.

(1) Any change in the name or location of the agency or of a branch office or subagency shall be reported by the licensee to the department at least 10 days before the change becomes effective, upon receipt of which the department shall prepare and forward a certificate showing the change. The licensee shall return the old certificate within 3 business days after the change.

(2) Failure to notify the department of a change in name or location may result in license suspension.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002

### 338.1064 Identification card; issuance; form; contents; recall; custody; unauthorized use; suspension and reinstatement; duplicates.

Sec. 14.

(1) Upon issuing a license, the department shall issue an identification card to the principal license holder, and if the licensee is a partner in a partnership to each partner, and if the license holder is a corporation to each resident officer or manager but only if requested by a resident officer or manager.

(2) The form and contents of the identification card shall be prescribed by the department, and the card shall be recalled by the department if the license is revoked.

(3) Only 1 identification card shall be issued for each person entitled to receive it. The licensee is responsible for the maintenance, custody, and control of the identification card and shall not let, loan, sell, or otherwise permit unauthorized persons or employees to use it. This section does not prevent an agency from issuing its own identification cards to its employees if they are approved as to form and content by the department. The individual card shall not bear the seal of the state, and the employee shall be designated as either security alarm system agent, private security police officer, private college security force officer, security guard, or security technician.

(4) The department may suspend a license issued under this act if the licensee fails to comply with any of the requirements of this act. Unless a license is required to be revoked for

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a violation of this act, the department shall reinstate a suspended license upon the licensee complying with this act and the licensee paying a $100.00 reinstatement fee.

(5) Upon proper application and for sufficient reasons shown, the department may issue duplicates of the original certificate of license or identification card.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

**338.1065 Nonassignability of license.**

Sec. 15.

A license issued under the provisions of this act is not assignable, and is personal to such licensee.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968

**338.1066 Unlawful manufacture of badge or shield; unlawful display of badge, shield, card, or license; distribution of card or license; buying or receiving spurious identification; violation; penalty; confiscation of card or license; separate offenses.**

Sec. 16.

A person shall not manufacture a badge or shield which purports to indicate that the holder is a licensed alarm system contractor, alarm system agent, private security guard or agency, or any of those persons as listed, in section 2. A person shall not display for sale a badge, shield, identification card, or certificate of license, by which the holder might mislead the public into thinking that the holder is a licensed alarm system contractor, alarm system agent, or private security guard, or agency. A person, firm, company, partnership, or corporation shall not distribute an identification card or certificate of license in this state except as provided by this act. A person shall not knowingly buy or receive from a source a form of spurious identification as an alarm system contractor, alarm system agent, or a private security guard or agency. A violation of this section is a misdemeanor, and an unauthorized identification card or certificate of license shall be confiscated by a law enforcement officer of the state. Each day the violation continues shall constitute a separate offense.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975

**338.1067 Employees of licensee; conduct and qualifications; personnel information; employee roster to be filed with department; false statements or representations; revocation of license; misdemeanor.**

Sec. 17.

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

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

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had at least an eighth grade education or its equivalent. An employee in the employ of a licensee on or before March 28, 2001 shall meet the qualifications outlined in section 6(1)(d), (e), (j), and (k), be at least 18 years of age, and have had at least an eighth grade education or its equivalent. Employees hired by a licensee after June 21, 2002 shall meet the qualifications outlined in section 6(1)(c), (e), (j), and (k), be at least 18 years of age, and have at least a high school diploma, a GED, or its equivalent.

(3) A licensee shall keep and maintain in this state adequate and complete personnel information on all persons employed by him or her. A complete employee roster in a manner described by the department shall be filed with the department by each licensee on a quarterly basis. The rosters must be filed with the department by April 15, July 15, October 15, and January 15 for the preceding quarter. Failure to submit accurate rosters is cause for suspension of the license. A renewal application shall not be processed if the quarterly roster has not been received for each quarter of the preceding 2-year license period.

(4) If a licensee falsely states or represents that a person is or has been in his or her employ, the false statement or representation is sufficient cause for the revocation of the license.

(5) A person shall not falsely state or represent that he or she is an agent of a licensed security alarm system contractor, private security police officer, private college security force officer, or private security guard. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 1972, Act 78, Imd. Eff. Mar. 9, 1972 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 1994, Act 326, Eff. Mar. 30, 1995 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

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### 338.1067a Notifying law enforcement agency of suspected crime.

Sec. 17a.

If a private security guard, private security police officer, or private college security force officer acting in the course of his or her employment reasonably suspects that any of the following crimes have occurred, he or she shall immediately notify a law enforcement agency of that suspected crime:

(a) An assaultive crime, as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) A violation of section 145c or 539j of the Michigan penal code, 1931 PA 328, MCL 750.145c and 750.539j.

**History:** Add. 2012, Act 591, Eff. Mar. 28, 2013

### 338.1068 Employment of unqualified employees; fingerprints; fee; background check of prospective employee; employment application; refusal to surrender identification.

Sec. 18.

(1) A licensee shall not knowingly employ any person who fails to meet the requirements of section 17.

(2) The licensee shall cause fingerprints to be taken of all prospective employees who are direct providers of the security business, which fingerprints shall be submitted to the department of state police and the federal bureau of investigation for a state and national

criminal history background check. The fingerprints shall be accompanied by a fingerprint processing fee in the amount prescribed by section 3 of 1935 PA 120, MCL 28.273, as well as any fees imposed by the federal bureau of investigation. The results of the national criminal history background check as returned by the federal bureau of investigation to the department of state police shall be used by the department to make a fitness determination. A licensee shall not employ a person who is a direct provider of the security business before submitting fingerprints to the department of state police.

(3) The fingerprints required to be taken under subsection (2) may be taken by a law enforcement agency or any other person determined by the department of state police to be qualified to take fingerprints. If a licensee takes the fingerprints, that licensee shall obtain training in taking fingerprints from the department of state police or a law enforcement agency or other person determined qualified by the department of state police.

(4) A licensee shall request the department of state police to conduct a background check of each prospective employee who is a direct provider of the security business based upon a name check. The licensee shall obtain a complete and signed employment application for all individuals for whom a name check is requested and conducted. The employment application shall be retained for at least 1 year from the date of its submission. The department of state police shall conduct the background check upon a written, electronic, or telephonic request of a licensee accompanied by a fee of $15.00. The background check shall be conducted not later than 3 days after the date a written request is made and not later than 24 hours after a telephonic or electronic request is made. Provisional clearance based on the name check shall allow the employee to be employed as a security guard, for a period of time not to exceed 90 days, pending final clearance based upon a fingerprint check as provided for in subsection (2). If an approval is once denied, that individual may not again be employed as a direct provider of the security business by the submitting licensee except upon receipt of an approved fingerprint clearance. A licensee or employee of a licensee who uses a name check or results of a name check for purposes other than prospective employment is guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than $1,000.00, or both.

(5) The department of state police may enter into an agreement with a licensee for the payment of fees imposed pursuant to this act.

(6) Any employee who, upon demand, fails to surrender to the licensee his or her identification card and any other property issued to him or her for use in connection with his or her employer's business is guilty of a misdemeanor.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1994, Act 326, Eff. Mar. 30, 1995 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002

### 338.1069 Uniform and insignia; shoulder identification patches or emblems; badge or shield; deadly weapons; tactical baton.

Sec. 19.

(1) The particular type of uniform and insignia worn by a licensee or his or her employees must be approved by the department and shall not deceive or confuse the public or be identical with that of a law enforcement officer of the federal government, state, or a political subdivision of the state in the community of the license holder. Shoulder identification patches shall be worn on all uniform jackets, coats, and shirts and shall include the name of the licensee or agency. Shoulder identification patches or emblems shall not be less than 3 inches by 5 inches in size.

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(2) A badge or shield shall not be worn or carried by a security alarm system agent, private security police officer, private college security force officer, or an employee or licensee of a security alarm system contractor, private security police organization, private college security force, or private security guard agency, unless approved by the director of the department.

(3) A person who is not employed as a security guard shall not display a badge or shield or wear a uniform of a security guard. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(4) A person licensed as a security alarm system contractor, security alarm system agent, or a private security guard or agency is not authorized to carry a deadly weapon unless he or she is licensed to do so in accordance with the laws of this state.

(5) A licensee may authorize his or her employees to carry any commercially available tactical baton.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

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### 338.1070 Confidentiality of information; false reports, penalty.

Sec. 20.

(1) Any person who is or has been an employee of a licensee shall not divulge to anyone other than his employer or former employer, or as the employer shall direct, except as he may be required by law, any information acquired by him during his employment in respect to any of the work to which he shall have been assigned by the employer. Any employee violating the provisions of this section and any employee who wilfully makes a false report to his employer in respect to any work is guilty of a misdemeanor.

(2) Any manager, executive or employee of a licensee who wilfully sells, divulges or otherwise discloses information to other than clients, except as he may be required by law, any information acquired by him or them during employment by the client is guilty of a misdemeanor, and shall be subjected to immediate suspension of license by the department and revocation of license upon satisfactory proof of the offense to the department.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968

### 338.1071 Violations of act; report of convictions.

Sec. 21.

The prosecuting attorney of the county in which any conviction for a violation of any provision of this act shall, within 10 days thereafter, make and file with the department a report showing the date of such conviction, the name of the person convicted and the nature of the charge.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968

### 338.1072 Advertising.

Sec. 22.

(1) Every advertisement by a licensee soliciting or advertising for business shall contain his or her business name and address as they appear in the records of the department.

(2) A licensee shall, upon notice from and order of the department, discontinue any advertising or the use of any advertisement, seal, or card that, in the opinion of the department, may tend to mislead the public. Failure to comply with any such order of the department is cause for revocation or suspension of the license.

(3) A person not licensed under this act who advertises his or her business to be that of a private security guard or security alarm agency, irrespective of the name or title actually used, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than $1,000.00, or both.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001

**338.1073 Trade names; approval.**

Sec. 23.

No licensee shall use any designation or trade name which has not been first approved by the department, nor shall any licensee use any designation or trade name which implies any association with any municipal, county or state government or the federal government, or agency thereof.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968

**338.1074 Compliance with labor laws.**

Sec. 24.

Each sole proprietorship, partnership, firm, limited liability company, or corporation licensed and operating under the provisions of this act where there is an employer-employee relationship must comply with the state and federal laws applicable and must make written records and reports in accordance with the applicable state and federal laws.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002

**338.1075 Renewal license; application; bond; fee; date; form; approval; effect of failure to renew; deposit of fees into security business fund.**

Sec. 25.

(1) Subject to section 9(5), a license granted under this act may be renewed by the department upon application by the licensee, filing a renewal surety bond in the amount specified in section 9, and the payment of a renewal fee of $100.00 if a sole proprietorship, $150.00 if a private security police organization, a private college police force, or a private security guard firm, company, partnership, limited liability company, or corporation, or $250.00 if a security alarm system contractor.

(2) A renewal license shall be dated as of the expiration date of the previously existing license. For the renewal of a license, the licensee shall submit an application in a form provided by the department. The department may defer the renewal of license if there is an uninvestigated outstanding criminal complaint pending against the licensee or a criminal case pending in any court against the licensee.

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(3) A person who fails to renew a license on or before the expiration date shall not engage in activities regulated by this act. A person who fails to renew a license on or before the expiration date may, within 30 days after the expiration date, renew the license by payment of the required license fee and a late renewal fee of $25.00. An applicant who fails to renew within the 30-day period must reapply for a license under section 7.

(4) The fees collected by the department under this section shall be deposited into the security business fund created in section 9(9).

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 270, Imd. Eff. July 23, 2004 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1076 Continuation of business upon death of licensee; notice; sale of business.

Sec. 26.

Upon the death of an individual licensed under this act, the business with which the decedent was connected may be carried on for a period of 90 days by the following: (a) In the case of an individual licensee, the surviving spouse, or if there be none, the executor or administrator of the estate of the decedent; (b) In the case of a partner, the surviving partners; (c) In the case of an officer of a firm, company, association, organization, or corporation, the officers thereof. Within 10 days following the death of a licensee, the department shall be notified in writing. The notification shall state the name of the person legally authorized to carry on the business of the deceased.

Upon the authorization of the department, the business may be carried on for a further period of time when necessary to complete any business commitments pending at the death of the decedent.

Nothing in this section shall be construed to restrict the sale of an alarm system business or a private security guard agency, if the vendee qualifies for a license under the provisions of this act.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975

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### 338.1077 Departmental agents; employment, powers, rules and regulations.

Sec. 27.

The department may employ such agents as are necessary to carry out the provisions of this act and to enforce compliance therewith. The department and each agent employed by him, in respect to violations of any of the provisions of this act, has all the powers of a peace officer. All rules and regulations of the department shall be made in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

**History:** 1968, Act 330, Imd. Eff. July 12, 1968
**Admin Rule:** R 28.4001 et seq. of the Michigan Administrative Code.

### 338.1078 Repealed. 2000, Act 411, Eff. Mar. 28, 2001.

**Compiler's Notes:** The repealed section pertained to licensing of existing businesses.

## 338.1079 Licensure of private security police; rules; applicability of act to private security guards and police; use of pistols.

Sec. 29.

(1) The licensure of private security police and private college security forces shall be administered by the department of state police. The application, qualification, and enforcement provisions under this act apply to private security police and private college security forces except that the administration of those provisions shall be performed by, and the payment of the appropriate fees shall be paid to, the department of state police. The director of the department may jointly promulgate rules with the department of state police under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to facilitate the bifurcation of authority described in this subsection.

(2) This act does not require licensing of any private security guards employed for the purpose of protecting the property and employees of their employer and generally maintaining security for their employer. However, any person, firm, limited liability company, business organization, educational institution, or corporation maintaining a private security police organization or a private college security force may voluntarily apply for licensure under this act. When a private security police employer or private college security force employer as described in this section provides the employee with a pistol for the purpose of protecting the property of the employer, the pistol shall be considered the property of the employer and the employer shall retain custody of the pistol, except during the actual working hours of the employee. All such private security people shall be subject to the provisions of sections 17(1) and 19(1).

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**History:** 1968, Act 330, Imd. Eff. July 12, 1968 ;-- Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002 ;-- Am. 2010, Act 68, Imd. Eff. May 13, 2010

**Constitutionality:** This act, which requires the licensing of guards, does not demonstrate the requisite degree of state action to bring the activities of guards under color of state law so as to subject their activities to constitutional restraint and to require guards to give suspects warnings of their constitutional rights before eliciting inculpatory statements, and especially does not subject the activities of private police who are employed to protect the property and employees of their employer to constitutional restraint because such guards need not be licensed under the act. Grand Rapids v Impens, 414 Mich 667; 327 NW2d 278 (1982).Participation by an off-duty deputy sheriff from another county, employed as a private guard, with other guards in the apprehension and detention of a shoplifting suspect did not provide a sufficient relationship so as to bring the activities of the guards under color of state law and require warnings of the suspect's constitutional rights before eliciting inculpatory statements by the suspect where the deputy did not obtain the statements and identified himself to the suspect only as a store employee. Grand Rapids v Impens, 414 Mich 667; 327 NW2d 278 (1982).

## 338.1080 Private security police officers; arrest powers; limitations.

Sec. 30.

A private security police officer, as described in section 29, who is properly licensed under this act has the authority to arrest a person without a warrant as set forth for public peace officers in section 15 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15, when that private security police officer is on the employer's premises. Such authority is limited to his or her hours of employment as a private security police officer and does not

extend beyond the boundaries of the property of the employer and while the private security police officer is in the full uniform of the employer.

**History:** Add. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001

### 338.1081 Training requirements.

Sec. 31.

An applicant for licensure as private security police under this act under section 29, or the employee of the applicant, shall comply with training requirements as prescribed by the department under this act.

**History:** Add. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001 ;-- Am. 2002, Act 473, Eff. Oct. 1, 2002

### 338.1082 Violation of act; penalty.

Sec. 32.

Except as otherwise provided in this act, a licensee, manager, or employee of a licensee who violates this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or by a fine of not more than $1,000.00, or both.

**History:** Add. 1974, Act 113, Eff. July 1, 1974 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001

### 338.1083 Installation or operation of security alarm systems; requirements.

Sec. 33.

A security alarm system may not be installed or operated in this state unless the security alarm system is either installed by a security alarm system contractor licensed under this act or is installed by the owner or occupant of a residence in his or her residence.

**History:** Add. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;-- Am. 2000, Act 411, Eff. Mar. 28, 2001

### 338.1085 Repealed. 2000, Act 411, Eff. Mar. 28, 2001.

**Compiler's Notes:** The repealed section pertained to false alarms.

### 338.1087 Applicability of section to private college security forces; authorization; action by governing board; designation of private college security officer; qualifications; rules; fee; employment as certified or licensed law enforcement officers.

Sec. 37.

(1) This section and sections 38 to 42 apply only to private college security forces.

(2) Subject to subsection (10) and consistent with this act, a private college or university in this state that has students residing in college or university housing may, through action of its governing board, authorize a private college security force. The action of the governing board shall do all of the following:

(a) Authorize a private college security force.

(b) Authorize appointment of persons to be members of that private college security force.

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(c) Authorize the assignment of duties, including the enforcement of college or university regulations, and state and local law under section 37a.

(d) Prescribe the oath of office.

(e) Limit employment to those individuals who meet the requirements of subsections (4), (5), (6), and (7).

(3) A person appointed under subsection (2) shall be known and designated as a private college security officer and may act as a private college security officer upon being appointed by a private college or university licensed under this act.

(4) Except as provided in subsection (7), private college security officers must meet the selection qualifications prescribed in R 28.14203, R 28.14204, and R 28.14209 of the Michigan administrative code, and must meet the standards and requirements applicable to at least 1 category of recruits as set forth in R 28.14313 (military preservice recruits), R 28.14314 (basic recruits), R 28.14315 (preservice recruits and preservice college recruits), R 28.14316 (preservice college recruits), and R 28.14317 (agency basic recruits) of the Michigan administrative code, as promulgated by the commission.

(5) Private college security forces are subject to the provisions of R 28.14318, R 28.14319, and R 28.14320 of the Michigan administrative code, as promulgated by the commission.

(6) Except as provided in subsection (7), private college security officers may participate in the recognition of prior basic law enforcement training and experience program as prescribed in R 28.14401, R 28.14402, R 28.14403, R 28.14404, R 28.14405, R 28.14406, R 28.14407, R 28.14408, R 28.14409, R 28.14410, R 28.14413, and R 28.14414 of the Michigan administrative code, as promulgated by the commission.

(7) Subsections (4), (5), and (6) do not apply to an individual who meets all of the following requirements:

(a) He or she is employed as a security officer by a private college or university on July 12, 1968.

(b) He or she is certified as a law enforcement officer by the commission on July 12, 1968 or was previously certified as a law enforcement officer by the commission while employed by the private college or university as a law enforcement officer but that certification became void during that period of employment.

(c) The private college or university authorizes the creation of a private college security force under this act.

(8) Investigations conducted to determine if a candidate for appointment as a private college security officer meets the selection qualifications, standards, and requirements in subsection (4) are governed by R 28.14601, R 28.14602, R 28.14603, R 28.14604, R 28.14606, R 28.14608, and R 28.14609 of the Michigan administrative code, as promulgated by the commission. This section does not require the commission to conduct the investigation or review of an applicant for employment as a private college security officer.

(9) The governing board of a private college or university that creates a private college security force under this section may be subject to a fee payable to the commission under section 11 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.610.

(10) The governing board of a private college or university that creates a private college security force under this section and that intends to appoint private college security officers who are sworn and fully empowered to exercise the authority and power of a peace officer under section 37a shall ensure that not less than 50% of those private college security officers have been employed as certified or licensed law enforcement officers under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, for not less than 5 years.

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**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010 ;-- Am. 2016, Act 324, Imd. Eff. Nov. 22, 2016

### 338.1087a Authority and power as peace officer.

Sec. 37a.

(1) A private college security officer appointed under section 37 may be sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a sheriff as a deputy sheriff, excluding deputation as a special deputy, as provided in section 9d of the commission on law enforcement standards act, 1965 PA 203, MCL 28.609d.

(2) A private college security officer sworn and fully empowered as provided in this section may exercise the authority and power of a peace officer as prescribed in an oath of office administered by a chief of police of a village, city, or township law enforcement agency, or county sheriff, as provided in section 9d of the commission on law enforcement standards act, 1965 PA 203, MCL 28.609d.

**History:** Add. 2016, Act 324, Imd. Eff. Nov. 22, 2016

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### 338.1088 Creation of private college security force; approval of county prosecuting attorney, sheriff, and city police chief.

Sec. 38.

The governing board of a private college or university shall not create a private college security force under section 37 unless, before that security force is created, the governing board obtains the approval of the prosecuting attorney and the sheriff of each county within which the private college or university owns, maintains, or controls property. If the property of the private college or university is located entirely within 1 city, the governing board also shall obtain the approval of the chief of police of that city. If the property of the private college or university is not located entirely within 1 city, the governing board also shall obtain the approval of the chief of police of each city within which the private college or university owns, maintains, or controls property. Before granting approval, the prosecuting attorney, the sheriff, and the chief of police, as required, shall make a determination that the proposed private college security force is needed to assure adequate public safety on the property of the private college or university. Any of the persons whose approval is required under this section may rescind that approval at any time after his or her approval was granted, in which case the private college security force is no longer authorized and shall cease to operate.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1089 Power to make arrests; limitation.

Sec. 39.

(1) Unless sworn and fully empowered as provided in section 37a, upon being appointed under section 37 by a private college or university licensed under this act, private college security officers have the power to make arrests as provided in section 30.

(2) Unless sworn and fully empowered as provided in section 37a, upon being appointed under section 37 by a private college or university licensed under this act, private college security officers may exercise the powers conferred in this act only on property owned or leased by the private college or university, wherever situated.

(3) Unless sworn and fully empowered as provided in section 37a, private college security officers are not law enforcement officers as defined in the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010 ;-- Am. 2016, Act 324, Imd. Eff. Nov. 22, 2016

### 338.1090 Private college security force oversight committee.

Sec. 40.

The governing board of a private college or university shall not grant powers and authority to the private college security officers of the private college or university unless, before those powers and authority are granted, the governing board establishes a private college security force oversight committee. The committee shall be composed of the sheriff and the prosecuting attorney of the county in which the private college or university is located, the chief of police if the private college or university is located in a municipality that has a police force, and 6 individuals appointed by the administration of the private college or university. The committee shall receive and address grievances by persons against the private college security officers or the private college security force of the private college or university. The committee may recommend to the governing board that disciplinary measures be taken by the private college or university against a private college security officer who is found responsible for misconduct in office.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1091 Participation in state, county, or municipal retirement system prohibited; uniforms, vehicles, and badges distinct from local law enforcement agency.

Sec. 41.

Members of the private college security force at a private college or university are not eligible to participate in any state, county, or municipal retirement system and shall not be reimbursed for training with state funds. The uniforms, vehicles, and badges of private college security officers shall be distinctive from those of the local law enforcement agency where the private college or university is located.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010

### 338.1092 Liability insurance.

Sec. 42.

The governing board of a private college or university that creates a private college security force shall provide liability insurance coverage for each member of the private college security force without cost to the member, which will insure the member against any liability arising out of or in the course of the member's employment for not less than $250,000.00 of coverage, unless that indemnification is provided by a program of self-insurance.

**History:** Add. 2010, Act 68, Imd. Eff. May 13, 2010

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