

MCLS § 338.1052

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Michigan Compiled Laws Service > *Chapter 338 Professions And Occupations* > *Act 330 of 1968 Private Security Business And Security Alarm Act*

§ 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:
 - (o) A video signal that is not transmitted over a public communication system.
 - (o) A fire alarm system.
 - (o) 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.
 - (o) 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.
 - (o) "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.
- (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 462.101to 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

Pub Acts 1968, No. 330, § 2, imd eff July 12, 1968; amended by Pub Acts 1969, No. 168, imd eff August 5, 1969; 1975, No. 190, imd eff August 5, 1975; [2000, No. 411](#), eff March 28, 2001 (see Mich. Const. note below); [2002, No. 473](#), imd eff June 21, 2002, by enacting § 1 eff October 1, 2002; [2010, No. 68](#), imd eff May 13, 2010 (see 2010 note below); [Pub Acts 2012, No. 581](#), eff January 2, 2013.

Annotations

Notes

Prior codification:

MSA § 18.185(2)

Editor’s notes:

[Michigan Constitution of 1963, Art. IV, § 27](#), provides:

“No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”.

[Pub Acts 2010, No. 68](#), enacting § 1, imd eff May 13, 2010, provides:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5094 of the 95th Legislature [[Pub Acts 2010, No. 67](#)] is enacted into law.”.

[Pub Acts 2012, No. 581](#), enacting § 1, provides:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1291 of the 96th Legislature [[Pub Acts 2012 No. 580](#)] is enacted into law.”

Effect of amendment notes:

The 2000 amendment deleted former subsection (1), paragraphs (a)–(d), (g), and (h); redesignated former subsection (1), paragraphs (e) and (f) as (a) and (b); added subsection (1), paragraphs (c)–(h); redesignated and revised former subsection (2) as subsections (2) and (3); and redesignated and revised former subsection (3) as (4).

The 2002 amendment in subsection (1), paragraph (a) substituted “consumer and industry services except that in reference to the regulation of private security police, department means the department of state police” for “state police”; in subsection (1), paragraph (b) substituted “sole proprietorship” for “person”, inserted “limited liability company,”; in subsection (1), paragraph (d) inserted “or educational institution”; and in subsection (1), paragraph (g) substituted “sole proprietorship” for “person” and inserted “limited liability company,”.

The 2010 amendment added subsection (1), paragraphs (a), (c), and (e); redesignated and revised former subsection (1), paragraph (a) as (b) from text which read: “ ‘Department’ means the department of consumer and industry

services except that in reference to the regulation of private security police, department means the department of state police.”; redesignated former subsection (1), paragraph (b) as (d); redesignated and revised former subsection (1), paragraph (c) as (f) from text which read: “ ‘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.”; redesignated and revised former subsection (1), paragraph (d) as (g) from text which read: “ ‘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.”; and redesignated former subsection (1), paragraphs (e)–(h) as (h)–(k).

The 2012 amendment by PA 581 substituted “licensing and regulatory affairs” for “energy, labor, and economic growth” in (1)(b); rewrote (1)(d), which formerly read: “‘Licensee’ means a sole proprietorship, firm, company, partnership, limited liability company, or corporation licensed under this act”; added (1)(e), (1)(i)(iv), and (5); redesignated former (1)(e) through (1)(k) as (1)(f) through (1)(l); substituted “authorized” for “created” in (1)(f); in the introductory language of (1)(i), substituted “and is remotely monitored by a central monitoring system” for “or to which police are expected to respond” in the first sentence and added “any of the following” in the last sentence; added the (1)(i)(i) through (1)(i)(iii) designations; substituted “person” for “sole proprietorship, firm, company, partnership, limited liability company, or corporation” in the first sentence of (1)(k); deleted “or business entity” following “means a person” in the introductory language of (1)(l); substituted “that provide” for “furnishing” in (2); substituted “is not subject to” for “are exempt from”; and made related and stylistic changes.

NOTES TO DECISIONS

1. Death or injury to guard.

2. Breach of contract.

1. Death or injury to guard.

In action against city for wrongful death of nonuniformed guard who was shot by city police officer on premises to which police had been called to investigate reported breaking and entering, city was properly denied directed verdict or judgment notwithstanding verdict for plaintiff under evidence, viewed in light most favorable to plaintiff, that city was informed of armed nonuniformed guard on city premises, that it failed to inform its police officer servant of such information, and that police officer, responding to breaking and entering report, shot and accidentally killed guard in question. [*Grayson v. Detroit*, 46 Mich. App. 152, 207 N.W.2d 413, 1973 Mich. App. LEXIS 1186 \(1973\)](#).

2. Breach of contract.

In nonjury action for breach of contract to provide security services for premises which subsequently sustained fire damage, trial court’s finding that plaintiff did not sustain burden of proving that breach caused damages in question was not clearly erroneous, and accordingly, could not be disturbed on review. [*Home Ins. Co. v. Commercial & Industrial Sec. Services, Inc.*, 57 Mich. App. 143, 225 N.W.2d 716, 1974 Mich. App. LEXIS 677 \(1974\)](#).

Absence of any evidence by plaintiff which would causally link defendant’s negligent acts to fire on premises justified trial court’s finding that fire loss thereon was not direct and proximate result of breach of contract by defendant to provide security services for premises. [*Home Ins. Co. v. Commercial & Industrial Sec. Services, Inc.*, 57 Mich. App. 143, 225 N.W.2d 716, 1974 Mich. App. LEXIS 677 \(1974\)](#).

In nonjury action grounded on breach of contract to supply security services for premises which subsequently sustained fire damage, burden of proof applied by trial court as to whether loss sustained was direct and proximate result of defendant’s breach was proper standard applicable to breaches of contract. [*Home Ins. Co. v. Commercial & Industrial Sec. Services, Inc.*, 57 Mich. App. 143, 225 N.W.2d 716, 1974 Mich. App. LEXIS 677 \(1974\)](#).

Opinion Notes

Agency Opinions

1. In general.

The department of state police does not have the authority under the act to issue a restricted license limited to the monitoring of alarm systems. Op Atty Gen, November 20, 1990, No. 6666

Business firm that provides both transportation and armed security services is subject to jurisdiction of public service commission for its transportation function and to department of state police for its armed security service. Op Atty Gen, July 27, 1976, No. 5064

Banks and savings and loan associations which employ private police or security guards are exempt from requirements of Private Security Guard Act. Op Atty Gen, August 19, 1976, No. 5071

2. Licensing requirement.

A contractor or subcontractor who works for an alarm system contractor must be licensed under the private security guard act if that contractor or subcontractor will be engaged in any of the specific activities described and regulated in that act. Op Atty Gen, November 20, 1990, No. 6666

A person who sells burglar alarm systems is not required to be licensed as an alarm system contractor under the Private Security Guard Act of 1968. Op Atty Gen, June 1, 1988, No. 6520

A person who monitors burglar alarm systems and takes action to call the police or other persons by prearrangement must be licensed as an alarm system contractor or agent under the Private Security Guard Act of 1968. Op Atty Gen, June 1, 1988, No. 6520

Research References & Practice Aids

Statutory references:

Section 37, above referred to, is [§ 338.1087](#).

ALR notes:

Liability of one contracting for private police or security service for acts of personnel supplied, [38 ALR3d 1332](#)

Regulation of private detectives, private investigators, and security agencies, [86 ALR3d 691](#)

Hierarchy Notes:

MCLS Ch. 338, Act 330

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