

# HOUSE BILL No. 5902

May 12, 2004, Introduced by Reps. Palsrok, Richardville, Shackleton, Stahl, Voorhees, Amos, Taub, LaJoy, Meyer, Garfield, Nitz, Milosch, DeRoche, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen and referred to the Committee on Commerce.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 207, 405, 409, and 411 (MCL 339.207,  
339.405, 339.409, and 339.411), section 405 as added by 1988 PA  
463 and sections 409 and 411 as amended by 2002 PA 611.

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

1       Sec. 207. (1) If provided in an article, the department may  
2 issue a license to, or grant approval to, a school, institution,  
3 or other person offering training or education in an occupation.

4       (2) If provided in an article, the department may grant  
5 approval or recognition to a program of continuing education,  
6 unless the approval or recognition of the program is the  
7 responsibility of a board.

8       (3) **The department shall process a request under subsection**  
9 **(1) within 6 months after the submission of the completed**

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1 application in the manner described in section 411(6), which  
2 6-month period includes the 90-day period described in subsection  
3 (4) regarding board approval.

4 (4) ~~-(3)-~~ A board shall make a recommendation on the  
5 licensure or approval or recognition of a school, institution, or  
6 other person or a program within 90 days after a request for that  
7 recommendation is made by the department.

8 Sec. 405. (1) An application for a license or registration  
9 shall be accompanied by a ~~nonrefundable~~ application processing  
10 fee **that is nonrefundable, subject to section 411(7).**

11 (2) The department may also require that the application be  
12 accompanied by the fee for a required examination or inspection  
13 or the fee for the initial license or registration period.

14 Sec. 409. (1) ~~The~~ **Except as otherwise provided in section**  
15 **411, the** department shall not issue a license or registration to  
16 a person who has completed the requirements for a license or  
17 registration or who seeks to renew a license or registration  
18 until the person has paid the license or registration fee.

19 (2) License and registration fees shall be prescribed on a  
20 per year basis. If licenses and registrations are established by  
21 rules promulgated by the department under section 202 as biennial  
22 or triennial renewals, the fee required shall be twice or 3  
23 times, as appropriate, the per year amount.

24 (3) Unless otherwise provided by this act or rules  
25 promulgated under this act, all requirements for licensure or  
26 registration shall be completed by the applicant within 1 year  
27 after receipt of the application by the department or mailing of

1 a notice of an incomplete application to the last known address  
2 on file with the department, whichever is later. If the  
3 requirements are not completed, the fees paid shall be forfeited  
4 to the department and the application shall be void. A person  
5 whose application has been determined to be void under this  
6 subsection shall submit a new application and fees and shall meet  
7 the standards in effect on the date of receipt by the department  
8 of the new application.

9       Sec. 411. (1) Subject to subsection (2), a person who fails  
10 to renew a license or registration on or before the expiration  
11 date shall not practice the occupation, operate, or use the title  
12 after the expiration date printed on the license or  
13 registration. A license or registration shall lapse on the day  
14 after the expiration date.

15       (2) A person who fails to renew a license or registration on  
16 or before the expiration date shall be permitted to renew the  
17 license or registration by payment of the required license or  
18 registration fee and a late renewal fee within 60 days after the  
19 expiration date.

20       (3) Except as otherwise provided in this act, a person who  
21 fails to renew a license or registration within the time period  
22 set forth in subsection (2) may be relicensed or reregistered  
23 without examination and without meeting additional education or  
24 training requirements in force at the time of application for  
25 relicensure or reregistration if all of the following conditions  
26 are met:

27       (a) The person applies within 3 years after the expiration

1 date of the last license or registration.

2 (b) The person pays an application processing fee, the late  
3 renewal fee, and the per year license or registration fee for the  
4 upcoming licensure or registration period, **subject to subsection**  
5 **(7)**.

6 (c) Penalties and conditions imposed by disciplinary action  
7 in this state or any other jurisdiction have been satisfied.

8 (d) The person submits proof of having completed the  
9 equivalent of 1 year of continuing education within the 12 months  
10 immediately preceding the date of application or as otherwise  
11 provided in a specific article or by rule, if continuing  
12 education is required of licensees or registrants under a  
13 specific article.

14 (4) Except as otherwise provided in this act, a person may be  
15 relicensed or reregistered subsequent to 3 or more years after  
16 the expiration date of the last license or registration upon  
17 showing that the person meets the requirements for licensure or  
18 registration as established by the department in rules or  
19 procedures which may require a person to pass all or part of a  
20 required examination, to complete continuing education  
21 requirements, or to meet current education or training  
22 requirements.

23 (5) Unless otherwise provided in this act, a person who seeks  
24 reinstatement of a license or registration shall file an  
25 application on a form provided by the department, pay the  
26 application processing fee, and file a petition to the department  
27 and the appropriate board stating reasons for reinstatement and

1 including evidence that the person can and is likely to serve the  
2 public in the regulated activity with competence and in  
3 conformance with all other requirements prescribed by law, rule,  
4 or an order of the department or board. The procedure to be  
5 followed in conducting the review of a petition for reinstatement  
6 is prescribed in article 5. If approved for reinstatement, the  
7 person shall pay the per year license or registration fee for the  
8 upcoming license or registration period **if appropriate**, in  
9 addition to completing any requirements imposed in accordance  
10 with section 203(2).

11 (6) Beginning the effective date of the amendatory act that  
12 added this subsection, the department shall issue an initial or  
13 renewal license or registration not later than 6 months after the  
14 applicant files a completed application. If the application is  
15 considered incomplete by the department, the department shall  
16 notify the applicant in writing within 10 days after receipt of  
17 the incomplete application, describing the deficiency and  
18 requesting the additional information. The 6-month period is  
19 tolled upon notification by the department of a deficiency until  
20 the date the requested information is received by the  
21 department.

22 (7) If the department fails to issue or deny a license or  
23 registration within the time required by this section, the  
24 department shall return the license or registration fee, and  
25 shall reduce the license or registration fee for the applicant's  
26 next renewal application, if any, by 15%. The department shall  
27 not discriminate against an applicant in the processing of an

1 application based upon the fact that the application fee was  
2 refunded or discounted under this subsection.

3 (8) Beginning January 31, 2005, the director of the  
4 department shall submit a report by January 31 of each year to  
5 the standing committees and appropriations subcommittees of the  
6 senate and house of representatives concerned with occupational  
7 issues. The director shall include all of the following  
8 information in the report concerning the preceding calendar  
9 year:

10 (a) The number of initial and renewal applications the  
11 department received and completed within the 6-month time period  
12 described in subsection (6).

13 (b) The number of applications requiring a request for  
14 additional information.

15 (c) The average time for an applicant to respond to a request  
16 for additional information.

17 (d) The number of applications rejected, categorized by  
18 reason for rejection.

19 (e) The amount of money returned to licensees and registrants  
20 under subsection (7).

21 (f) The number of applications not issued within the 6-month  
22 period.

23 (g) The average processing time for initial and renewal  
24 applications granted after the 6-month period.