

SUBSTITUTE FOR
HOUSE BILL NO. 4378

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 411 (MCL 339.411), as amended by 2008 PA 309;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411. (1) Subject to subsection (2), a person ~~who~~**THAT**
2 fails to renew a license or registration on or before the
3 expiration date shall not practice the occupation, operate, or use
4 the title **OF THAT OCCUPATION** after the expiration date printed on
5 the license or registration. A license or registration shall lapse
6 on the day after the expiration date.

7 (2) A person ~~who~~**THAT** fails to renew a license or registration
8 on or before the expiration date ~~shall be~~**IS** permitted to renew the
9 license or registration by payment of the required license or
10 registration fee and a late renewal fee within 60 days after the

1 expiration date.

2 (3) Except as otherwise provided in this act, a person ~~who~~
3 **THAT** fails to renew a license or registration within the time
4 period set forth in subsection (2) may be relicensed or
5 reregistered without examination and without meeting additional
6 education or training requirements in force at the time of
7 application for relicensure or reregistration if all of the
8 following conditions are met:

9 (a) The person applies within 3 years after the expiration
10 date of the last license or registration.

11 (b) The person pays an application processing fee, the late
12 renewal fee, and the per year license or registration fee for the
13 upcoming licensure or registration period, subject to subsection
14 (8).

15 (c) ~~Penalties and~~ **ANY PENALTIES OR** conditions imposed by
16 disciplinary action in this state or any other jurisdiction have
17 been satisfied.

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

23 (4) Except as otherwise provided in this act, a person may be
24 relicensed or reregistered subsequent to 3 or more years after the
25 expiration date of the last license or registration ~~upon showing~~ **IF**
26 **THE PERSON SHOWS** that the person meets the requirements for
27 licensure or registration as established by the department in rules

1 or procedures, which may require a person to pass all or part of a
2 required examination, to complete continuing education
3 requirements, or to meet current education or training
4 requirements.

5 (5) Unless otherwise provided in this act, a person ~~who~~ **THAT**
6 seeks reinstatement of a license or registration shall file an
7 application on a form provided by the department, pay the
8 application processing fee, and file a petition to the department
9 and the appropriate board stating reasons for reinstatement and
10 including evidence that the person can and is likely to serve the
11 public in the regulated activity with competence and in conformance
12 with all other requirements prescribed by law, rule, or an order of
13 the department or board. The procedure ~~to be followed in~~ **FOR**
14 conducting the review of a petition for reinstatement is prescribed
15 in article 5. If approved for reinstatement, the person shall pay
16 the per year license or registration fee for the upcoming license
17 or registration period if appropriate, in addition to completing
18 any requirements imposed ~~in accordance with~~ **UNDER** section 203(2).

19 (6) ~~Beginning July 23, 2004, the~~ **THE** department shall issue an
20 initial or renewal license or registration not later than 90 days
21 after the applicant files a completed application. ~~Receipt of the~~
22 **THE** application is considered **RECEIVED ON** the date the application
23 is received by any agency or department of ~~the~~ **THIS** state. ~~of~~
24 ~~Michigan.~~ If the application is considered incomplete by the
25 department, the department shall notify the applicant in writing,
26 or make information electronically available, within 30 days after
27 receipt of the incomplete application, describing the deficiency

1 and requesting the additional information. The 90-day period is
2 tolled ~~upon notification by~~ **FROM THE DATE** the department **NOTIFIES**
3 **THE APPLICANT** of a deficiency until the date the requested
4 information is received by the department. The determination of the
5 completeness of an application does not operate as an approval of
6 the application for the license or registration and does not confer
7 eligibility of an applicant determined otherwise ineligible for
8 issuance of a license or registration.

9 (7) Notwithstanding the time periods described in subsection
10 (6), in the case of a real estate broker and associate broker
11 licensed under article 25, the time period for approval by the
12 department of a completed application is 30 days and the time
13 period for notification sent in writing, or made electronically
14 available, by the department to the applicant regarding an
15 incomplete application is 15 days after the receipt of the
16 application by any agency or department of ~~the~~ **THIS** state. ~~of~~
17 ~~Michigan.~~

18 (8) If the department fails to issue or deny a license or
19 registration within the time required by this section, the
20 department shall return the license or registration fee, and shall
21 reduce the license or registration fee for the applicant's next
22 renewal application, if any, by 15%. ~~The~~ **A** failure to issue or deny
23 a license or registration within the time required under this
24 section does not allow the department to otherwise delay the
25 processing of the application, and **THE DEPARTMENT SHALL PLACE** that
26 application, ~~upon completion, shall be placed~~ **WHEN COMPLETED**, in
27 sequence with other completed applications received at that same

time. The department shall not discriminate against an applicant in the processing of an application based ~~upon~~ **ON** the fact that the license or registration fee was refunded or discounted under this subsection.

(9) ~~Beginning October 1, 2005, the~~ **THE** director 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 90-day time period described in subsection (6) and the 30-day time period described in subsection (7).

(b) The number of applications denied **BY THE DEPARTMENT**.

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

(10) Subsection (6) does not apply to ~~licenses or registrations~~ **A LICENSE OR REGISTRATION** for any of the following:

~~— (a) An interior designer listed under article 6.~~

(A) ~~(b)~~ A certified public accountant and registered accountant under article 7.

(B) ~~(c)~~ An agency non-owner manager of a collection agency under article 9.

(C) ~~(d)~~ A barber, student barber, student instructor, ~~and~~ **OR** barber instructor under article 11.

1 (D) ~~(e)~~—An employment and consulting agent of a personnel
2 agency under article 10.

3 (E) ~~(f)~~—A cosmetologist, manicurist, natural hair culturist,
4 esthetician, electrologist, instructor, ~~and~~ **OR** registered student
5 under article 12.

6 (F) ~~(g)~~—A hearing aid salesperson and trainee under article
7 13.

8 (G) ~~(h)~~—A mortuary science licensee, embalmer, ~~and~~ **OR** resident
9 trainee in mortuary science under article 18.

10 (H) ~~(i)~~—An individual architect, surveyor, ~~and~~ **OR** engineer
11 under article 20.

12 (I) ~~(j)~~—A forester under article 21.

13 (J) ~~(k)~~—An individual landscape architect under article 22.

14 (K) ~~(l)~~—A community planner under article 23.

15 (L) ~~(m)~~—An individual residential builder and alteration and
16 maintenance contractor ~~and~~ **OR** a salesperson for a residential
17 builder and alteration and maintenance contractor under article 24.

18 (M) ~~(n)~~—A real estate salesperson under article 25.

19 (N) ~~(o)~~—A real estate appraiser under article 26.

20 (O) ~~(p)~~—An ocularist ~~and~~ **OR** ocularist apprentice under article
21 27.

22 (11) Notwithstanding any provision in this act to the
23 contrary, an individual or qualifying officer who is a licensee or
24 registrant under this act and who is mobilized for military duty in
25 the armed forces of the United States by the president of the
26 United States is temporarily exempt from ~~the~~ **ANY** renewal license
27 fee, continuing education requirements, ~~and any~~ **OR** other related

1 requirements of this act **APPLICABLE TO THAT LICENSE OR**
 2 **REGISTRATION**. It is the obligation of the licensee or registrant to
 3 inform the department by written or electronic mail of the desire
 4 to exercise the temporary exemption under this subsection. If the
 5 licensee applying for the temporary exemption is the individual
 6 responsible for supervision and oversight of licensed activities,
 7 **THE LICENSEE SHALL PROVIDE** notice of arrangements for adequate
 8 provision of that supervision and oversight ~~shall be provided to~~
 9 the department. The licensee or registrant shall accompany the
 10 request with proof, as determined by the department, to verify the
 11 mobilized duty status. ~~The department, upon receiving~~ **IF IT**
 12 **RECEIVES** a request for a temporary exemption under this subsection,
 13 **THE DEPARTMENT** shall make a determination of the requestor's status
 14 and grant the temporary exemption after verification of mobilized
 15 duty status under this subsection. A temporary exemption is valid
 16 until 90 days after the licensee's or registrant's release from the
 17 mobilized duty ~~upon~~ **ON** which the exemption was based, but shall not
 18 exceed 36 months from the date of expiration of the license or
 19 registration.

20 (12) As used in this section, "completed application" means an
 21 application **THAT IS** complete on its face and submitted with any
 22 applicable licensing or registration fees ~~as well as~~ **AND** any other
 23 information, records, approval, security, or similar item required
 24 by law or rule from a local unit of government, a federal agency,
 25 or a private entity but not from another department or agency of
 26 ~~the~~ **THIS** state. ~~of Michigan.~~

27 Enacting section 1. Section 601a of the occupational code,

1 1980 PA 299, MCL 339.601a, is repealed.