

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 1259

AN ACT to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments,” by amending sections 2, 3, 13, 15, 17, 21, 23, 25, 27, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2202, 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), section 2 as amended by 1999 PA 171, sections 3, 13, 17, 21, 23, 25, 27, 29, 31, 37, 38, 43, and 62 as amended by 2007 PA 77, section 15 as amended by 2008 PA 491, and section 39 as amended by 2007 PA 158, and by adding section 5a.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) “Department” means the department of licensing and regulatory affairs.
- (b) “Occupational code” means 1980 PA 299, MCL 339.101 to 339.2919.

Sec. 3. The licensing and regulation fund is created in the state treasury. All of the following apply to the licensing and regulation fund:

- (a) Except as otherwise provided in sections 11, 37, 38, and 39, the fees collected under this act shall be deposited into the fund.
- (b) Money in the fund shall be used only to offset the cost of operating the department.
- (c) The state treasurer shall direct the investment of the fund and shall credit to the fund interest and earnings from fund investments.
- (d) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.
- (e) The department is the administrator of the fund for auditing purposes.

Sec. 5a. (1) The department shall submit a report each year to the house and senate appropriations committees and the house and senate fiscal agencies for the preceding fiscal year concerning the fees charged by each third party exam administrator for each examination or test conducted by that administrator pursuant to an agreement with the department.

(2) The department shall utilize a competitive selection process that meets the requirements of article 2 of the management and budget act, 1984 PA 431, MCL 18.1201 to 18.1299, when selecting a third party exam administrator to administer an examination or test. The contract with the third party exam administrator shall state the examination fee an individual is required to pay to take the examination or test.

(3) As used in this act, "third party exam administrator" means a person outside of the department with which the department has entered into an agreement to administer an examination or test required under an article of the occupational code.

Sec. 13. (1) Fees for a person licensed or seeking licensure as an architect under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

(a) Application processing fee	\$ 30.00
(b) Supplemental application processing fee	20.00
(c) License fee, per year.....	35.00

(2) Fees for a person licensed or seeking licensure as a professional engineer under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

(a) Application processing fee as follows:	
(i) If paid after September 30, 2015.....	\$ 30.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	35.00
(b) Supplemental application processing fee	20.00
(c) License fee, per year as follows:	
(i) If paid after September 30, 2015.....	20.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	40.00

(3) Fees for a person licensed or seeking licensure as a land surveyor under article 20 of the occupational code, MCL 339.2001 to 339.2014, are as follows:

(a) Application processing fee as follows:	
(i) If paid after September 30, 2015.....	\$ 30.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	35.00
(b) Supplemental application processing fee	20.00
(c) Examination fees:	
(i) Complete examination.....	110.00
(ii) Part 1 of the examination (fundamentals).....	55.00
(iii) Part 2a of the examination (principles and practice).....	45.00
(iv) Part 2b of the examination (Michigan practice)	40.00
(d) Examination review.....	20.00
(e) License fee, per year.....	50.00

Sec. 15. Fees for a person licensed or seeking licensure as a landscape architect under article 22 of the occupational code, MCL 339.2201 to 339.2211, are as follows:

(a) Application processing fee	\$ 200.00
(b) Supplemental application processing fee	20.00
(c) Examination fees:	
(i) Complete examination.....	265.00
(ii) Section 1 of the examination.....	25.00
(iii) Section 2 of the examination	35.00
(iv) Section 3 of the examination	100.00
(v) Section 4 of the examination	125.00
(d) Examination review.....	25.00
(e) License fee, per year.....	60.00

Sec. 17. Fees for a person licensed or seeking licensure as a barber, student barber, student instructor, or barber instructor; for a person licensed or seeking licensure to operate a barbershop or barber college, or for a person seeking a permit for a demonstration or a demonstrator's permit under article 11 of the occupational code, MCL 339.1101 to 339.1118, are as follows:

(a) Application processing fees:	
(i) Student barber as follows:	
(A) If paid after September 30, 2015	\$ 15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	20.00
(ii) Barber as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	20.00
(iii) Student instructor as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	20.00
(iv) Barber instructor as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	20.00
(v) Barbershop as follows:	
(A) If paid after September 30, 2015	40.00
(B) Beginning October 1, 2003 through September 30, 2015.....	50.00
(vi) Barber college as follows:	
(A) If paid after September 30, 2015	50.00
(B) Beginning October 1, 2003 through September 30, 2015.....	75.00
(b) Examination fees:	
(i) Complete barber examination.....	75.00
(A) Written portion only	35.00
(B) Practical portion only.....	45.00
(ii) Complete instructor examination.....	75.00
(A) Written portion only	35.00
(B) Practical portion only.....	45.00
(c) Examination review	20.00
(d) License fees, per year:	
(i) Student barber as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	30.00
(ii) Barber as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	30.00
(iii) Student instructor as follows:	
(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	30.00
(iv) Barber instructor as follows:	
(A) If paid after September 30, 2015	25.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00
(v) Barbershop as follows:	
(A) If paid after September 30, 2015	30.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00
(vi) Barber college	150.00

(e) Demonstrator's temporary permit as follows:

(i) If paid after September 30, 2015	10.00
(ii) Beginning October 1, 2003 through September 30, 2015	15.00
(f) Demonstration temporary permit as follows:	
(i) If paid after September 30, 2015	10.00
(ii) Beginning October 1, 2003 through September 30, 2015	15.00

Sec. 21. Fees for a person licensed or seeking licensure to operate a collection agency or to be a collection agency manager under article 9 of the occupational code, MCL 339.901 to 339.920, are as follows:

(a) Application processing fees:

(i) Agency nonowner manager as follows:

(A) If paid after September 30, 2015	\$ 25.00
(B) Beginning October 1, 2003 through September 30, 2015	35.00
(ii) Agency	100.00
(b) Examination fee	50.00
(c) Examination review fee	20.00
(d) License fee, per year:	
(i) Agency nonowner manager	50.00
(ii) Agency	125.00

Sec. 23. Fees for a person registered or seeking registration as a professional community planner under article 23 of the occupational code, MCL 339.2301 to 339.2310, are as follows:

(a) Application processing fee as follows:

(i) If paid after September 30, 2015	\$ 30.00
(ii) Beginning October 1, 2003 through September 30, 2015	35.00
(b) Supplemental application processing fee	20.00
(c) Examination fee, Michigan portion	100.00
(d) Examination review	25.00
(e) Registration fee, per year	50.00

Sec. 25. Fees for a person licensed or seeking licensure as a cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor or a person licensed or seeking licensure to operate a cosmetology establishment or school of cosmetology, seeking a student registration or transfer, or seeking a permit to conduct an apprenticeship program under article 12 of the occupational code, MCL 339.1201 to 339.1218, are as follows:

(a) Application processing fees:

(i) Apprenticeship program	\$ 25.00
(ii) Cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor as follows:	
(A) If paid after September 30, 2015	10.00
(B) Beginning October 1, 2003 through September 30, 2015	15.00
(iii) Cosmetology establishment	25.00
(iv) School of cosmetology	100.00

(b) Examination fees:

(i) Complete examination for cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor	25.00
(ii) Written portion only	15.00
(iii) Practical portion only	15.00
(iv) Examination review	20.00

(c) License fees, per year:

(i) Cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, or instructor as follows:

(A) If paid after September 30, 2015	12.00
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(B) Beginning October 1, 2003 through September 30, 2015.....	24.00
(ii) Cosmetology establishment	25.00
(iii) School of cosmetology	100.00
(d) Student registration or transfer fee as follows:	
(i) If paid after September 30, 2015.....	5.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	15.00

Sec. 27. Fees for a person licensed or seeking licensure as an employment or consulting agent or for a person licensed or seeking licensure to operate a personnel agency under article 10 of the occupational code, MCL 339.1001 to 339.1022, are as follows:

(a) Application processing fees:	
(i) Personnel agency.....	\$ 225.00
(ii) Employment or consulting agent.....	30.00
(iii) Officer or stockholder change.....	25.00
(b) Examination fee.....	50.00
(c) Examination review	20.00
(d) License fee, per year:	
(i) Personnel agency.....	125.00
(ii) Employment or consulting agent as follows:	
(A) If paid after September 30, 2015	30.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00

Sec. 29. Fees for a person registered or seeking registration as a forester under article 21 of the occupational code, MCL 339.2101 to 339.2108, are as follows:

(a) Application processing fee	\$ 50.00
(b) Registration fee, per year as follows:	
(i) If paid after September 30, 2015.....	25.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	40.00

Sec. 31. Fees for a person licensed or seeking licensure as a hearing aid dealer, salesperson, or trainee under article 13 of the occupational code, MCL 339.1301 to 339.1309, are as follows:

(a) Application processing fees:	
(i) Dealer	\$ 20.00
(ii) Salesperson	20.00
(iii) Trainee.....	10.00
(b) Examination fees:	
(i) Complete dealer examination.....	100.00
(ii) Dealer examination, per part.....	35.00
(iii) Complete salesperson examination	100.00
(iv) Salesperson examination, per part.....	30.00
(c) Examination review	20.00
(d) License fees, per year:	
(i) Dealer	80.00
(ii) Salesperson	50.00
(iii) Trainee as follows:	
(A) If paid after September 30, 2015	20.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00

Sec. 37. (1) Fees for a person licensed or seeking licensure as a real estate broker, associate broker, salesperson, or branch office or seeking other licenses or approvals issued under article 25 of the occupational code, MCL 339.2501 to 339.2518, are as follows:

(a) Application processing fees:

(i) Brokers and associate brokers as follows:

(A) If paid after September 30, 2015 \$ 20.00

(B) Beginning October 1, 2003 through September 30, 2015..... 35.00

(ii) Salespersons..... 10.00

(iii) Branch office..... 10.00

(b) License fees, per year:

(i) Brokers and associate brokers..... 36.00

(ii) Salespersons..... 26.00

(c) Branch office fee, per year as follows:

(i) If paid after September 30, 2015 10.00

(ii) Beginning October 1, 2003 through September 30, 2015..... 20.00

(d) Sale of out of state property:

(i) Application to sell..... 20.00

(ii) Property registration 500.00

(iii) Renewal of approval to sell 20.00

(2) A fee is not required for the registration of property approved under the land sales act, 1972 PA 286, MCL 565.801 to 565.835.

(3) The real estate education fund is created in the state treasury. All of the following apply to the real estate education fund:

(a) Fifteen dollars of each license fee received by the department under subsection (1)(b) during that 3-year license cycle shall be forwarded to the state treasurer for deposit into the real estate education fund.

(b) The department shall use the money in the real estate education fund only for the operation of departmental programs related to education required of all licensees or applicants for licensure under article 25 of the occupational code, MCL 339.2501 to 339.2518.

(c) The state treasurer shall direct the investment of the fund and shall credit to the fund interest and earnings from fund investments.

(d) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(e) The department is the administrator of the fund for auditing purposes.

(4) The real estate enforcement fund is created in the state treasury. All of the following apply to the real estate enforcement fund:

(a) Fifteen dollars of each license fee received by the department under subsection (1)(b) during that 3-year license cycle shall be forwarded to the state treasurer for deposit into the real estate enforcement fund.

(b) The department in conjunction with the attorney general shall use the money in the real estate enforcement fund only for the investigation and enforcement of actions regarding unlicensed activity and real estate fraud.

(c) The state treasurer shall direct the investment of the fund and shall credit to the fund interest and earnings from fund investments.

(d) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(e) The department is the administrator of the fund for auditing purposes.

Sec. 38. (1) Fees for an individual licensed or seeking licensure as a state licensed real estate appraiser, a certified general real estate appraiser, a certified residential real estate appraiser, or a limited real estate appraiser under article 26 of the occupational code, MCL 339.2601 to 339.2637, are as follows:

(a) Application processing fees:

(i) Certified general real estate appraiser as follows:

(A) If paid after September 30, 2015 \$ 25.00

(B) Beginning October 1, 2003 through September 30, 2015..... \$ 35.00

(ii) Certified residential real estate appraiser as follows:

(A) If paid after September 30, 2015 \$ 25.00

(B) Beginning October 1, 2003 through September 30, 2015..... \$ 35.00

(iii) State licensed real estate appraiser as follows:

(A) If paid after September 30, 2015	\$ 25.00
(B) Beginning October 1, 2003 through September 30, 2015.....	\$ 35.00

(iv) Limited real estate appraiser as follows:

(A) If paid after September 30, 2015	\$ 25.00
(B) Beginning October 1, 2003 through September 30, 2015.....	\$ 35.00

(b) Examination fees:

(i) Certified general real estate appraiser	\$ 100.00
(ii) Certified residential real estate appraiser	\$ 100.00
(iii) State licensed real estate appraiser	\$ 100.00

(c) License fee, per year:

(i) Certified general real estate appraiser	\$ 175.00
(ii) Certified residential real estate appraiser	\$ 175.00
(iii) State licensed real estate appraiser	\$ 175.00
(iv) Limited real estate appraiser	\$ 125.00

(d) Temporary permit fee..... \$ 125.00

(2) The license fee includes a fee imposed by the federal government under 12 USC 3338 for certified general real estate appraisers, certified residential real estate appraisers, and state licensed real estate appraisers. The amount of the fee described in this subsection shall not exceed \$50.00 per licensee, and the department shall collect and pay the fee to the federal government under section 2637 of the occupational code, MCL 339.2637.

(3) The real estate appraiser education fund is created in the state treasury. All of the following apply to the real estate appraiser education fund:

(a) Ten dollars of each fee received under subsection (1)(c) shall be forwarded to the state treasurer for deposit into the real estate appraiser education fund.

(b) The department shall use the money in the real estate appraiser education fund only for the operation of departmental programs related to the education required of all licensees or applicants for licensure under article 26 of the occupational code, MCL 339.2601 to 339.2637.

(c) The state treasurer shall direct the investment of the fund and shall credit to the fund interest and earnings from fund investments.

(d) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(e) The department is the administrator of the fund for auditing purposes.

Sec. 39. (1) Fees for a person licensed or seeking licensure as a residential builder or residential maintenance and alteration contractor, salesperson, or branch office under article 24 of the occupational code, MCL 339.2401 to 339.2412, are as follows:

(a) Application processing fee	\$ 15.00
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(b) Examination fees:

(i) Complete builder or maintenance and alteration contractor examination	50.00
(ii) Law and rules portion.....	30.00
(iii) Practice or trades portion	30.00
(iv) Salesperson examination.....	30.00

(c) Examination review	20.00
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(d) License fee only for the first license cycle of an initial or renewal licensee following the effective date of the amendatory act that added subsection (2), per year	60.00
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(e) License fee, per year.....	50.00
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(2) The builder enforcement fund is created in the state treasury. All of the following apply to the builder enforcement fund:

(a) The department is the administrator of the fund for auditing purposes.

(b) A 1-time-only \$30.00 allocation from a license fee received by the department under subsection (1)(d) during a single 3-year license cycle shall be deposited into the builder enforcement fund. The department shall make the \$30.00 allocation only once per licensee.

(c) Five dollars of the \$50.00 license fee paid under subsection (1)(e) shall be deposited into the builder enforcement fund. If on December 1 of any calendar year the department determines that the balance in the builder enforcement fund is more than \$3,000,000.00, the \$5.00 allocation to the builder enforcement fund from the \$50.00 renewal fee due after January 1 of the following year shall not be made. If on any subsequent December 1 the department determines that the balance in the fund is less than \$750,000.00, the \$5.00 allocation shall resume for any renewal fee due after January 1 of the following year.

(d) The department shall utilize the builder enforcement fund only for the enforcement of article 24 of the occupational code, MCL 339.2401 to 339.2412, regarding unlicensed activity as further described in section 601(1) and (2) of the occupational code, MCL 339.601, and to reimburse the attorney general for the reasonable cost of services provided to the department and for expenses incurred in prosecutions of unlicensed activity or prosecuting attorney for expenses incurred in conducting prosecutions of unlicensed practice.

(e) The state treasurer shall direct the investment of the fund and shall credit to the fund interest and earnings from fund investments.

(f) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

Sec. 43. Fees for a person licensed or seeking licensure to engage in the practice of mortuary science or to operate a funeral establishment or for a person licensed or seeking licensure as a resident trainee or licensed as an embalmer or funeral director under article 18 of the occupational code, MCL 339.1801 to 339.1812, are as follows:

(a) Application processing fees:

(i) Mortuary science license	\$ 20.00
(ii) Funeral establishment license	115.00
(iii) Resident trainee	15.00

(b) Examination fees:

(i) Complete examination.....	200.00
(ii) National examination only.....	150.00
(iii) State examination only	50.00

(c) Examination review	25.00
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(d) License fees, per year:

(i) Mortuary science as follows:

(A) If paid after September 30, 2015	30.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00
(ii) Funeral establishment	55.00
(iii) Embalmer.....	30.00

(iv) Funeral director as follows:

(A) If paid after September 30, 2015	30.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00

(v) Resident trainee as follows:

(A) If paid after September 30, 2015	15.00
(B) Beginning October 1, 2003 through September 30, 2015.....	30.00

Sec. 62. Fees for a person registered or seeking registration as an ocularist or an apprentice ocularist under article 27 of the occupational code, MCL 339.2701 to 339.2721, are as follows:

(a) Application processing fee as follows:

(i) If paid after September 30, 2015	15.00
(ii) Beginning October 1, 2003 through September 30, 2015.....	35.00

(b) Registration fee, per year:

(i) Ocularist as follows:

(A) If paid after September 30, 2015	20.00
(B) Beginning October 1, 2003 through September 30, 2015.....	40.00

(ii) Apprentice as follows:

(A) If paid after September 30, 2015	10.00
(B) Beginning October 1, 2003 through September 30, 2015.....	20.00

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor