

SENATE BILL No. 481

September 11, 2013, Introduced by Senator JANSEN and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 303a and 411 (MCL 339.303a and 339.411),
section 303a as amended by 2006 PA 489 and section 411 as amended
by 2008 PA 309, and by adding section 205a; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 205A. R 339.18001 TO R 339.18035 OF THE MICHIGAN
2 ADMINISTRATIVE CODE ARE RESCINDED.

3 Sec. 303a. The ~~terms provided for in this act~~ TERM OF OFFICE
4 OF A MEMBER OF A BOARD APPOINTED UNDER THIS ARTICLE shall
5 commence on 1 OF the following dates:

6 Accountancy
7 Architects

July 1
April 1

1	Auctioneers	October 1
2	Barbers	October 1
3	Collection agencies	July 1
4	Community planners	July 1
5	Cosmetology	January 1
6	Employment agencies	October 1
7	Foresters	April 1
8	Hearing aid dealers	October 1
9	Land surveyors	April 1
10	Landscape architects	July 1
11	Mortuary science	July 1
12	Professional engineers	April 1
13	Real estate appraisers	July 1
14	Real estate brokers and salespersons	July 1
15	Residential builders	April 1

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

22 (2) A person ~~who~~**THAT** fails to renew a license or
23 registration on or before the expiration date ~~shall be~~**IS**
24 permitted to renew the license or registration by payment of the
25 required license or registration fee and a late renewal fee
26 within 60 days after the expiration date.

27 (3) Except as otherwise provided in this act, a person ~~who~~
28 **THAT** fails to renew a license or registration within the time

1 period set forth in subsection (2) may be relicensed or
2 reregistered without examination and without meeting additional
3 education or training requirements in force at the time of
4 application for relicensure or reregistration if all of the
5 following conditions are met:

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

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

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

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

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

1 continuing education requirements, or to meet current education
2 or training requirements.

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

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

1 period is tolled ~~upon notification by~~ **FROM THE DATE** the
2 department **NOTIFIES THE APPLICANT** of a deficiency until the date
3 the requested information is received by the department. The
4 determination of the completeness of an application does not
5 operate as an approval of the application for the license or
6 registration and does not confer eligibility of an applicant
7 determined otherwise ineligible for issuance of a license or
8 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
21 shall reduce the license or registration fee for the applicant's
22 next renewal application, if any, by 15%. ~~The~~ **A** failure to issue
23 or deny a license or registration within the time required under
24 this section does not allow the department to otherwise delay the
25 processing of the application, and **THE DEPARTMENT SHALL PLACE**
26 that application, ~~upon completion, shall be placed~~ **WHEN**
27 **COMPLETED**, in 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.

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

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

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

(e) An employment and consulting agent of a personnel agency under article 10.

(f) A cosmetologist, manicurist, natural hair culturist, esthetician, electrologist, instructor, ~~and OR~~ registered student under article 12.

(g) A hearing aid salesperson and trainee under article 13.

(h) A mortuary science licensee, embalmer, ~~and OR~~ resident trainee in mortuary science under article 18.

(i) An individual architect, surveyor, ~~and OR~~ engineer under article 20.

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

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

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

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

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

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

(O) ~~(p)~~ An ocularist ~~and OR~~ ocularist apprentice under article 27.

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

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

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

27 Enacting section 1. Article 21 of the occupational code,

1 1980 PA 299, MCL 339.2101 to 339.2108, is repealed.