

# HOUSE BILL No. 4566

March 24, 2005, Introduced by Rep. Farhat and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

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

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

7           (2) A person who fails to renew a license or registration on  
8 or before the expiration date shall be permitted to renew the  
9 license or registration by payment of the required license or

1 registration fee and a late renewal fee within 60 days after the  
2 expiration date.

3 (3) Except as otherwise provided in this act, a person who  
4 fails to renew a license or registration within the time period set  
5 forth in subsection (2) may be relicensed or reregistered without  
6 examination and without meeting additional education or training  
7 requirements in force at the time of application for relicensure or  
8 reregistration if all of the 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 conditions imposed by disciplinary action in  
16 this state or any other jurisdiction have been satisfied.

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

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

1 a required examination, to complete continuing education  
2 requirements, or to meet current education or training  
3 requirements.

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

18 (6) Beginning ~~the effective date of the amendatory act that~~  
19 ~~added this subsection~~ **OCTOBER 11, 2004**, the department shall issue  
20 an initial or renewal license or registration not later than 90  
21 days after the applicant files a completed application. Receipt of  
22 the application is considered the date the application is received  
23 by any agency or department of the state of Michigan. If the  
24 application is considered incomplete by the department, the  
25 department shall notify the applicant in writing, or make  
26 information electronically available, within 30 days after receipt  
27 of the incomplete application, describing the deficiency and

1 requesting the additional information. The 90-day period is tolled  
2 upon notification by the department 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 **BUSINESS** days after the receipt of the  
16 application by any agency or department of the state of Michigan.

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

1 that the license or registration fee was refunded or discounted  
2 under this subsection.

3 (9) Beginning October 1, 2005, the director shall submit a  
4 report by December 1 of each year to the standing committees and  
5 appropriations subcommittees of the senate and house of  
6 representatives concerned with occupational issues. The director  
7 shall include all of the following information in the report  
8 concerning the preceding fiscal year:

9 (a) The number of initial and renewal applications the  
10 department received and completed within the 90-day time period  
11 described in subsection (6) and the 30-day time period described in  
12 subsection (7).

13 (b) The number of applications denied.

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

17 (10) Subsection (6) does not apply to licenses or  
18 registrations for any of the following:

19 (a) An interior designer listed under article 6.

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

22 ~~—(c) A professional boxer, second, judge, physician, announcer,~~  
23 ~~timekeeper, manager or matchmaker, amateur referee, and~~  
24 ~~professional referee under article 8.~~

25 (C) ~~—(d)~~ An agency non-owner manager of a collection agency  
26 under article 9.

27 (D) ~~—(e)~~ A barber, student barber, student instructor, and

1 barber instructor under article 11.

2 (E) ~~-(f)-~~ An employment and consulting agent of a personnel  
3 agency under article 10.

4 (F) ~~-(g)-~~ A cosmetologist, manicurist, natural hair culturist,  
5 esthetician, electrologist, instructor, and registered student  
6 under article 12.

7 (G) ~~-(h)-~~ A hearing aid salesperson and trainee under article  
8 13.

9 (H) ~~-(i)-~~ A mortuary science licensee, embalmer, and resident  
10 trainee in mortuary science under article 18.

11 (I) ~~-(j)-~~ An individual architect, surveyor, and engineer  
12 under article 20.

13 (J) ~~-(k)-~~ A forester under article 21.

14 (K) ~~-(l)-~~ An individual landscape architect under article 22.

15 (L) ~~-(m)-~~ A community planner under article 23.

16 (M) ~~-(n)-~~ An individual residential builder and alteration and  
17 maintenance contractor and a salesperson for a residential builder  
18 and alteration and maintenance contractor under article 24.

19 (N) ~~-(o)-~~ A real estate salesperson under article 25.

20 (O) ~~-(p)-~~ A real estate appraiser under article 26.

21 (P) ~~-(q)-~~ An ocularist and ocularist apprentice under article  
22 27.

23 (11) Notwithstanding any provision in this act to the  
24 contrary, an individual or qualifying officer who is a licensee or  
25 registrant under this act and who is on active duty in the armed  
26 forces of the United States in an area designated as a combat zone  
27 by the president of the United States is temporarily exempt from

1 the renewal license fee, continuing education requirements, and any  
2 other related requirements of this act. It is the obligation of the  
3 licensee or registrant to inform the department by written or  
4 electronic mail of the desire to exercise the temporary exemption  
5 under this subsection. If the licensee applying for the temporary  
6 exemption is the individual responsible for supervision and  
7 oversight of licensed activities, 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 department,  
11 to verify the active duty status. The department, upon receiving a  
12 request for a temporary exemption under this subsection, shall make  
13 a determination of the requestor's status and grant the temporary  
14 exemption after verification of active duty status under this  
15 subsection. A temporary exemption is valid until 90 days after the  
16 licensee's or registrant's release from the active duty upon which  
17 the exemption was based, but shall not exceed 36 months from the  
18 date of expiration of the license or registration.

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