

# HOUSE BILL No. 4377

March 6, 2013, Introduced by Reps. Kelly and Somerville 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 to repeal acts and parts of acts.

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

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

- |   |             |           |
|---|-------------|-----------|
| 4 | Accountancy | July 1    |
| 5 | Architects  | April 1   |
| 6 | Auctioneers | October 1 |
| 7 | Barbers     | October 1 |

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

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

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

25           (3) Except as otherwise provided in this act, a person ~~who~~  
26 **THAT** fails to renew a license or registration within the time  
27 period set forth in subsection (2) may be relicensed or  
28 reregistered without examination and without meeting additional

1 education or training requirements in force at the time of  
2 application for relicensure or reregistration if all of the  
3 following conditions are met:

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

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

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

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

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

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

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

1 the requested information is received by the department. The  
2 determination of the completeness of an application does not  
3 operate as an approval of the application for the license or  
4 registration and does not confer eligibility of an applicant  
5 determined otherwise ineligible for issuance of a license or  
6 registration.

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

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

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

3 (9) ~~Beginning October 1, 2005, the~~ **THE** director shall submit  
4 a report by December 1 of each year to the standing committees  
5 and 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  
12 in subsection (7).

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

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~~ **A LICENSE OR REGISTRATION** 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) An agency non-owner manager of a collection agency under  
23 article 9.

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

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

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

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

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

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

9 (j) A forester under article 21.

10 (k) An individual landscape architect under article 22.

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

12 (l) ~~(m)~~ An individual residential builder and alteration and  
 13 maintenance contractor ~~and~~ **OR** a salesperson for a residential  
 14 builder and alteration and maintenance contractor under article  
 15 24.

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

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

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

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

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

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

25 Enacting section 1. Article 23 of the occupational code,  
26 1980 PA 299, MCL 339.2301 to 339.2310, is repealed.

27 Enacting section 2. Section 23 of the state license fee act,



1 1979 PA 152, MCL 338.2223, is repealed.