

HOUSE BILL No. 6381

September 25, 2018, Introduced by Rep. Moss 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 2014 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) A person that fails to renew a license or registration on
8 or before the expiration date is permitted to renew the license or

1 registration by payment of the required license or registration fee
2 and a late renewal fee within 60 days after the expiration date.

3 (3) Except as otherwise provided in this act, a person that
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) Any penalties or conditions imposed by disciplinary action
16 in 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 if the person
25 shows that the person meets the requirements for licensure or
26 registration as established by the department in rules or
27 procedures, which may require a person to pass all or part of a

1 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 that 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 for conducting the review of
13 a petition for reinstatement is prescribed in article 5. If
14 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 under section 203(2).

18 (6) The department shall issue an initial or renewal license
19 or registration not later than 90 days after the applicant files a
20 completed application. The application is considered received on
21 the date the application is received by any agency or department of
22 this state. If the application is considered incomplete by the
23 department, the department shall notify the applicant in writing,
24 or make information electronically available, within 30 days after
25 receipt of the incomplete application, describing the deficiency
26 and requesting the additional information. The 90-day period is
27 tolled from the date the department notifies the applicant of a

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

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

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

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

10 (b) The number of applications denied by the department.

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

14 **(D) THE NUMBER OF APPLICATIONS DENIED BY THE DEPARTMENT**
15 **BECAUSE OF AN APPLICANT'S LACK OF GOOD MORAL CHARACTER AND A**
16 **SUMMARY, BY CATEGORY OF OFFENSE, OF THE CRIMINAL CONVICTIONS ON**
17 **WHICH THOSE DENIALS WERE BASED.**

18 (10) Subsection (6) does not apply to a license or
19 registration for any of the following:

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

22 (b) An agency non-owner manager of a collection agency under
23 article 9.

24 (c) A barber, student barber, student instructor, or barber
25 instructor under article 11.

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

1 (e) A cosmetologist, manicurist, natural hair culturist,
2 esthetician, electrologist, instructor, or registered student under
3 article 12.

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

5 (g) A mortuary science licensee, embalmer, or resident trainee
6 in mortuary science under article 18.

7 (h) An individual architect, surveyor, or engineer under
8 article 20.

9 (i) An individual landscape architect under article 22.

10 (j) An individual residential builder and alteration and
11 maintenance contractor or a salesperson for a residential builder
12 and alteration and maintenance contractor under article 24.

13 (k) A real estate salesperson under article 25.

14 (l) A real estate appraiser under article 26.

15 (11) Notwithstanding any provision in this act to the
16 contrary, an individual or qualifying officer who is a licensee or
17 registrant under this act and who is mobilized for military duty in
18 the ~~armed forces~~ **ARMED FORCES** of the United States by the ~~president~~
19 **PRESIDENT** of the United States is temporarily exempt from any
20 renewal license fee, continuing education requirements, or other
21 related requirements of this act applicable to that license or
22 registration. It is the obligation of the licensee or registrant to
23 inform the department by written or electronic mail of the desire
24 to exercise the temporary exemption under this subsection. If the
25 licensee applying for the temporary exemption is the individual
26 responsible for supervision and oversight of licensed activities,
27 the licensee shall provide notice of arrangements for adequate

1 provision of that supervision and oversight to the department. The
2 licensee or registrant shall accompany the request with proof, as
3 determined by the department, to verify the mobilized duty status.
4 If it receives a request for a temporary exemption under this
5 subsection, the department shall make a determination of the
6 requestor's status and grant the temporary exemption after
7 verification of mobilized duty status under this subsection. A
8 temporary exemption is valid until 90 days after the licensee's or
9 registrant's release from the mobilized duty on which the exemption
10 was based, but shall not exceed 36 months from the date of
11 expiration of the license or registration.

12 (12) As used in this section, "completed application" means an
13 application that is complete on its face and submitted with any
14 applicable licensing or registration fees and any other
15 information, records, approval, security, or similar item required
16 by law or rule from a local unit of government, a federal agency,
17 or a private entity but not from another department or agency of
18 this state.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless House Bill No. 6110 of the 99th Legislature is enacted into
23 law.