

Act No. 388  
Public Acts of 2020  
Approved by the Governor  
January 4, 2021  
Filed with the Secretary of State  
January 4, 2021  
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**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Senators Moss, Hollier, Bayer, Brinks, Chang, Geiss, Irwin, McMorrow, Polehanki, LaSata, Barrett, Theis, Victory, Lucido, Santana and McBroom

## **ENROLLED SENATE BILL No. 293**

AN ACT to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 411 (MCL 339.411), as amended by 2014 PA 265.

*The People of the State of Michigan enact:*

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

(2) A person that fails to renew a license or registration on or before the expiration date is permitted to renew the license or registration by payment of the required license or registration fee and a late renewal fee within 60 days after the expiration date.

(3) Except as otherwise provided in this act, a person that fails to renew a license or registration within the time period set forth in subsection (2) may be relicensed or reregistered without examination and without meeting additional education or training requirements in force at the time of application for relicensure or reregistration if all of the following conditions are met:

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

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

(c) Any penalties or conditions imposed by disciplinary action in this state or any other jurisdiction have been satisfied.

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

(4) Except as otherwise provided in this act, a person may be relicensed or reregistered subsequent to 3 or more years after the expiration date of the last license or registration if the person shows that the person meets the requirements for licensure or registration as established by the department in rules or procedures, which may

require a person to pass all or part of a required examination, to complete continuing education requirements, or to meet current education or training requirements.

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

(6) The department shall issue an initial or renewal license or registration not later than 90 days after the applicant files a completed application. The application is considered received on the date the application is received by any agency or department of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date the department notifies the applicant of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license or registration and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license or registration.

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

(8) If the department fails to issue or deny a license or registration within the time required by this section, the department shall return the license or registration fee, and shall reduce the license or registration fee for the applicant's next renewal application, if any, by 15%. A failure to issue or deny a license or registration within the time required under this section does not allow the department to otherwise delay the processing of the application, and the department shall place that application, when 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 on the fact that the license or registration fee was refunded or discounted under this subsection.

(9) 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 state 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 that were not issued a license or registration within the applicable time period and the amount of money returned to licensees and registrants under subsection (8).

(d) The number of applications denied by the department because of an applicant's lack of good moral character and a summary, by category of offense, of the criminal convictions on which those denials were based.

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

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

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

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

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

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

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

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

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

(i) An individual landscape architect under article 22.

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

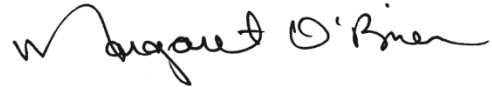
(k) A real estate salesperson under article 25.

(l) A real estate appraiser under article 26.

(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 any renewal license fee, continuing education requirements, or other related requirements of this act applicable to that license or registration. It is the obligation of the licensee or registrant to inform the department by written or electronic mail of the desire to exercise the temporary exemption under this subsection. If the licensee applying for the temporary exemption is the individual responsible for supervision and oversight of licensed activities, the licensee shall provide notice of arrangements for adequate provision of that supervision and oversight to the department. The licensee or registrant shall accompany the request with proof, as determined by the department, to verify the mobilized duty status. If it receives a request for a temporary exemption under this subsection, the department shall make a determination of the requestor's status and grant the temporary exemption after verification of mobilized duty status under this subsection. A temporary exemption is valid until 90 days after the licensee's or registrant's release from the mobilized duty on which the exemption was based, but shall not exceed 36 months from the date of expiration of the license or registration.

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

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



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor