

SENATE BILL No. 126

February 9, 2017, Introduced by Senator KOWALL and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2504a (MCL 339.2504a), as amended by 2016 PA 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2504a. (1) ~~In each year of a license cycle, subject~~
2 **SUBJECT** to subsection (7), a licensee ~~shall~~**MUST** successfully
3 complete at least ~~6 clock~~**THE FOLLOWING NUMBER OF** hours of eligible
4 continuing education courses ~~-~~**IN EACH LICENSE CYCLE:**

5 **(A) BEGINNING WITH THE LICENSE CYCLE AFTER THE EFFECTIVE DATE**
6 **OF THE RULES PROMULGATED UNDER SUBSECTION (2) (E), THE NUMBER OF**
7 **HOURS DETERMINED BY THE DEPARTMENT BY RULE.**

8 **(B) IN EACH LICENSE CYCLE BEFORE THE LICENSE CYCLE DESCRIBED**
9 **IN SUBDIVISION (A), 18 CLOCK HOURS.**

1 (2) All of the following apply to the continuing education
2 requirement described in subsection (1):

3 (a) In completing the appropriate number of **HOURS OF** eligible
4 continuing education courses, a licensee ~~may select education~~
5 ~~courses in his or her area of expertise, but~~ **MUST COMPLETE** at least
6 2 hours of ~~the~~ **ELIGIBLE CONTINUING** education courses in each year
7 of a license cycle ~~must~~ **THAT** involve law, rules, and court cases
8 regarding real estate. **THE LICENSEE MAY SELECT ANY CONTINUING**
9 **EDUCATION COURSES IN HIS OR HER AREA OF EXPERTISE TO COMPLETE THE**
10 **REMAINING HOURS OF ELIGIBLE CONTINUING EDUCATION COURSES REQUIRED**
11 **UNDER SUBSECTION (1) AND MAY COMPLETE THOSE HOURS AT ANY TIME**
12 **DURING THE LICENSE CYCLE.**

13 (b) At the time he or she attends an eligible continuing
14 education course, a licensee shall do both of the following to
15 confirm his or her identity:

16 (i) Present his or her pocket card, or provide his or her
17 license identification number, from the department to the course
18 provider.

19 (ii) Present his or her operator's license or chauffeur's
20 license issued under the Michigan vehicle code, 1949 PA 300, MCL
21 257.1 to 257.923, an official state personal identification card
22 issued under 1972 PA 222, MCL 28.291 to 28.300, or other
23 government-issued photo identification to the course provider.

24 (c) ~~Any education course that the~~ **IF A** licensee successfully
25 completes **AN EDUCATION COURSE** to obtain a professional designation,
26 **THE NUMBER OF HOURS OF THAT COURSE** is counted toward the total
27 **NUMBER OF HOURS OF** continuing education ~~credits~~ **COURSES** required in

1 a license cycle.

2 (d) If a licensee successfully completes an eligible
3 continuing education course, he or she does not earn additional
4 hours toward the requirements of this section if he or she repeats
5 that course.

6 (E) THE DEPARTMENT BY RULE SHALL DO ALL OF THE FOLLOWING:

7 (i) DETERMINE AND PROVIDE FOR THE PUBLICATION OF THE NUMBER OF
8 HOURS OF ELIGIBLE CONTINUING EDUCATION COURSES A LICENSEE MUST
9 SUCCESSFULLY COMPLETE IN A LICENSE CYCLE, INCLUDING THE 2 HOURS OF
10 COURSES INVOLVING STATUTES, RULES, AND COURT CASES REQUIRED IN EACH
11 YEAR OF A LICENSE CYCLE UNDER SUBDIVISION (A). THE DEPARTMENT SHALL
12 DETERMINE THE NUMBER OF HOURS THAT ARE REQUIRED IN A LICENSE CYCLE
13 BY MULTIPLYING THE NUMBER OF YEARS IN THE LICENSE CYCLE BY 6.

14 (ii) ESTABLISH THE STANDARDS FOR DETERMINING IF A CONTINUING
15 EDUCATION COURSE IS AN ELIGIBLE CONTINUING EDUCATION COURSE FOR
16 PURPOSES OF THIS SECTION.

17 (3) An applicant for license renewal under section 2502a shall
18 certify compliance with subsections (1) and (2) to the department.
19 A licensee shall retain evidence acceptable to the department that
20 demonstrates he or she has met the continuing education
21 requirements under this section, for at least 4 years after the
22 date of that certification, and shall produce the following
23 information at the request of the department:

24 (a) The name and contact information of the continuing
25 professional education program sponsor.

26 (b) The participant's name.

27 (c) The course title and course field of study.

1 (d) The date the course was offered or completed.

2 (e) If applicable, the location of the course.

3 (f) Verification by a representative of the continuing
4 professional education program sponsor of the participant's
5 completion of the course.

6 (g) ~~A~~**THE NUMBER OF HOURS OF INSTRUCTION INCLUDED IN THE**
7 **COURSE AND A** time statement from the continuing professional
8 education program sponsor that states that continuing professional
9 education credits for the course were granted on a 50-minute hour.

10 (4) An applicant for license renewal under section 2502a is
11 subject to audit by the department for compliance with subsections
12 (1) and (2), or (7), and may be required to submit the
13 documentation described in subsection (3) to the department on
14 request.

15 (5) If the department finds as the result of an audit under
16 subsection (4) that an applicant for license renewal under section
17 2502a did not complete sufficient hours of eligible continuing
18 education courses to renew his or her license, any penalty imposed
19 by the department shall include a requirement that the licensee
20 must complete both of the following, if applicable:

21 (a) A sufficient number of additional hours of continuing
22 education to fulfill the requirements for the period determined by
23 audit to be deficient.

24 (b) If the period determined by the audit to be deficient is
25 at least 60 days, additional hours of continuing education in 1 of
26 the following amounts:

27 (i) If the deficiency period is at least 60 days and less than

1 120 days, 4 hours.

2 (ii) If the deficiency period is 120 days or more, 8 hours.

3 (6) Hours of additional continuing education required under
4 subsection (5)(b) do not apply toward continuing education required
5 in ~~each year of~~ a license cycle. The department may waive the
6 requirement for additional hours under subsection (5)(b) if the
7 applicant demonstrates to the department that the additional hours
8 would present an undue hardship on the applicant.

9 (7) If a real estate broker, associate real estate broker, or
10 salesperson receives a license that is issued after the beginning
11 of the current license cycle for that license, the department may
12 prorate the number of hours of eligible continuing education that
13 licensee is required to complete under subsections (1) and (2) for
14 the year of the license cycle in which the license is issued.

15 (8) Course credits used to meet continuing education
16 requirements under this section do not apply toward the real estate
17 broker's license prelicensure education requirements under section
18 2504, and course credits successfully completed under real estate
19 broker's license prelicensure education requirements under section
20 2504 do not apply toward the continuing education requirements of
21 this section.

22 (9) As used in this section, "eligible continuing education
23 course" means a continuing education course that meets the
24 standards established by the department by rule under subsection
25 ~~(1)~~ **(2) (E)** and, if successfully completed by a licensee, is counted
26 toward the licensee's continuing education requirements under this
27 section.

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