

HOUSE BILL No. 4695

June 6, 2017, Introduced by Reps. Allor, Lucido, Calley, Runestad, Reilly, Johnson, Barrett, Hoitenga, Brann, Hauck, Kelly and Theis 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), as amended by 2014 PA 265; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303a. The term of office of a member of a board appointed
2 under this article shall commence on 1 of the following dates, as
3 applicable:

4	Accountancy	July 1
5	Architects	April 1
6	Barbers	October 1
7	Collection agencies	July 1
8	Cosmetology	January 1
9	Employment agencies	October 1

1	Hearing aid dealers	October 1
2	Land surveyors	April 1
3	Landscape architects	July 1
4	Mortuary science	July 1
5	Professional engineers	April 1
6	Real estate appraisers	July 1
7	Real estate brokers and salespersons	July 1
8	Residential builders	April 1

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

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

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

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

27 (b) The person pays an application processing fee, the late

1 renewal fee, and the per year license or registration fee for the
2 upcoming licensure or registration period, subject to subsection
3 (8).

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

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

11 (4) Except as otherwise provided in this act, a person may be
12 relicensed or reregistered subsequent to 3 or more years after the
13 expiration date of the last license or registration if the person
14 shows that the person meets the requirements for licensure or
15 registration as established by the department in rules or
16 procedures, which may require a person to pass all or part of a
17 required examination, to complete continuing education
18 requirements, or to meet current education or training
19 requirements.

20 (5) Unless otherwise provided in this act, a person that seeks
21 reinstatement of a license or registration shall file an
22 application on a form provided by the department, pay the
23 application processing fee, and file a petition to the department
24 and the appropriate board stating reasons for reinstatement and
25 including evidence that the person can and is likely to serve the
26 public in the regulated activity with competence and in conformance
27 with all other requirements prescribed by law, rule, or an order of

1 the department or board. The procedure for conducting the review of
2 a petition for reinstatement is prescribed in article 5. If
3 approved for reinstatement, the person shall pay the per year
4 license or registration fee for the upcoming license or
5 registration period if appropriate, in addition to completing any
6 requirements imposed under section 203(2).

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

23 (7) Notwithstanding the time periods described in subsection
24 (6), in the case of a real estate broker and associate broker
25 licensed under article 25, the time period for approval by the
26 department of a completed application is 30 days and the time
27 period for notification sent in writing, or made electronically

1 available, by the department to the applicant regarding an
2 incomplete application is 15 days after the receipt of the
3 application by any agency or department of this state.

4 (8) If the department fails to issue or deny a license or
5 registration within the time required by this section, the
6 department shall return the license or registration fee, and shall
7 reduce the license or registration fee for the applicant's next
8 renewal application, if any, by 15%. A failure to issue or deny a
9 license or registration within the time required under this section
10 does not allow the department to otherwise delay the processing of
11 the application, and the department shall place that application,
12 when completed, in sequence with other completed applications
13 received at that same time. The department shall not discriminate
14 against an applicant in the processing of an application based on
15 the fact that the license or registration fee was refunded or
16 discounted under this subsection.

17 (9) The director shall submit a report by December 1 of each
18 year to the standing committees and appropriations subcommittees of
19 the senate and house of representatives concerned with occupational
20 issues. The director shall include all of the following information
21 in the report concerning the preceding fiscal year:

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

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

27 (c) The number of applicants not issued a license or

1 registration within the applicable time period and the amount of
2 money returned to licensees and registrants under subsection (8).

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

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

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

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

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

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

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

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

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

21 ~~(i) An individual landscape architect under article 22.~~

22 **(I)** ~~(j)~~ An individual residential builder and alteration and
23 maintenance contractor or a salesperson for a residential builder
24 and alteration and maintenance contractor under article 24.

25 **(J)** ~~(k)~~ A real estate salesperson under article 25.

26 **(K)** ~~(l)~~ A real estate appraiser under article 26.

27 (11) Notwithstanding any provision in this act to the

1 contrary, an individual or qualifying officer who is a licensee or
2 registrant under this act and who is mobilized for military duty in
3 the ~~armed forces~~ **ARMED FORCES** of the United States by the ~~president~~
4 **PRESIDENT** of the United States is temporarily exempt from any
5 renewal license fee, continuing education requirements, or other
6 related requirements of this act applicable to that license or
7 registration. It is the obligation of the licensee or registrant to
8 inform the department by written or electronic mail of the desire
9 to exercise the temporary exemption under this subsection. If the
10 licensee applying for the temporary exemption is the individual
11 responsible for supervision and oversight of licensed activities,
12 the licensee shall provide notice of arrangements for adequate
13 provision of that supervision and oversight to the department. The
14 licensee or registrant shall accompany the request with proof, as
15 determined by the department, to verify the mobilized duty status.
16 If it receives a request for a temporary exemption under this
17 subsection, the department shall make a determination of the
18 requestor's status and grant the temporary exemption after
19 verification of mobilized duty status under this subsection. A
20 temporary exemption is valid until 90 days after the licensee's or
21 registrant's release from the mobilized duty on which the exemption
22 was based, but shall not exceed 36 months from the date of
23 expiration of the license or registration.

24 (12) As used in this section, "completed application" means an
25 application that is complete on its face and submitted with any
26 applicable licensing or registration fees and any other
27 information, records, approval, security, or similar item required

1 by law or rule from a local unit of government, a federal agency,
2 or a private entity but not from another department or agency of
3 this state.

4 Enacting section 1. Article 22 of the occupational code, 1980
5 PA 299, MCL 339.2201 to 339.2211, is repealed.

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