

HOUSE BILL NO. 4717

June 08, 2023, Introduced by Reps. Grant, Wilson, Neeley, Brenda Carter, MacDonell, Rheingans, Glanville, Tyrone Carter, McKinney, O'Neal, Young, Hill, McFall, Arbit, Morgan, Wegela, Fitzgerald, Skaggs, Stone, Conlin, Hope, Breen and Rogers 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 2020 PA
342.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2504a. (1) Subject to subsection (7), a licensee must
2 successfully complete at least the following number of hours of
3 eligible continuing education courses in each license cycle:

4 (a) Beginning with the license cycle after the effective date
5 of the rules promulgated under subsection (2)(e), the number of

1 hours determined by the department by rule.

2 (b) In each license cycle before the license cycle described
3 in subdivision (a), 18 clock hours.

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

6 (a) In completing the appropriate number of hours of eligible
7 continuing education courses, a licensee must complete ~~at least 2~~
8 ~~hours of the following number of hours of~~ eligible continuing
9 education courses in each year of a license cycle:

10 (i) **Not less than 2 hours of courses** that involve ~~law, laws,~~
11 rules, and court cases regarding real estate.

12 (ii) **Not less than 1 hour of courses that involve compliance**
13 **with local, state, or federal fair housing laws.**

14 (b) ~~The~~ **After accounting for the hours required under**
15 **subdivision (a),** a licensee may select any continuing education
16 courses in ~~his or her the licensee's~~ area of expertise to complete
17 the remaining hours of eligible continuing education courses
18 required under subsection (1) and may complete those hours at any
19 time during the license cycle. ~~For purposes of this subdivision~~
20 ~~only, the license cycle year beginning November 1, 2019 ends on~~
21 ~~December 31, 2020.~~

22 (c) ~~(b)~~ At the time ~~he or she~~ **a licensee** attends an eligible
23 continuing education course, ~~a~~ **the** licensee shall do both of the
24 following to confirm ~~his or her the licensee's~~ identity:

25 (i) Present ~~his or her the licensee's~~ pocket card, or provide
26 ~~his or her the licensee's~~ license identification number, from the
27 department to the course provider.

28 (ii) Present ~~his or her the licensee's~~ operator's license or
29 chauffeur's license issued under the Michigan vehicle code, 1949 PA

1 300, MCL 257.1 to 257.923, an official state personal
2 identification card issued under 1972 PA 222, MCL 28.291 to 28.300,
3 or other government-issued photo identification to the course
4 provider.

5 (d) ~~(e)~~—If a licensee successfully completes an education
6 course to obtain a professional designation, the number of hours of
7 that course is counted toward the total number of hours of
8 continuing education courses required in a license cycle.

9 (e) ~~(d)~~—If a licensee successfully completes an eligible
10 continuing education course, ~~he or she~~ **the licensee** does not earn
11 additional hours toward the requirements of this section if ~~he or~~
12 ~~she~~ **the licensee** repeats that course.

13 (f) ~~(e)~~—The department by rule shall do all of the following:

14 (i) Determine and provide for the publication of the number of
15 hours of eligible continuing education courses a licensee must
16 successfully complete in a license cycle, including the ~~2 hours of~~
17 ~~courses involving statutes, rules, and court cases~~ required **hours**
18 in each year of a license cycle under subdivision (a). The
19 department shall determine the number of hours that are required in
20 a license cycle by multiplying the number of years in the license
21 cycle by 6.

22 (ii) Establish the standards for determining if a continuing
23 education course is an eligible continuing education course for
24 purposes of this section.

25 (3) An applicant for license renewal under section 2502a shall
26 certify compliance with subsections (1) and (2) to the department.
27 A licensee shall retain evidence acceptable to the department that
28 demonstrates ~~he or she~~ **the licensee** has met the continuing
29 education requirements under this section, for ~~at least~~ **not less**

1 **than** 4 years after the date of that certification, and shall
2 produce the following information at the request of the department:

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

5 (b) The participant's name.

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

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

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

9 (f) Verification by a representative of the continuing
10 professional education program sponsor of the participant's
11 completion of the course.

12 (g) The number of hours of instruction included in the course
13 and a time statement from the continuing professional education
14 program sponsor that states that continuing professional education
15 credits for the course were granted on a 50-minute hour.

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

21 (5) If the department finds as the result of an audit under
22 subsection (4) that an applicant for license renewal under section
23 2502a did not complete sufficient hours of eligible continuing
24 education courses to renew ~~his or her~~ **the licensee's** license, any
25 penalty imposed by the department ~~shall~~ **must** include a requirement
26 that the licensee ~~must~~ complete both of the following, if
27 applicable:

28 (a) A sufficient number of additional hours of continuing
29 education to fulfill the requirements for the period determined by

1 audit to be deficient.

2 (b) If the period determined by the audit to be deficient is
3 ~~at least~~ **not less than** 60 days, additional hours of continuing
4 education in 1 of the following amounts:

5 (i) If the deficiency period is at least 60 days and less than
6 120 days, 4 hours.

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

8 (6) Hours of additional continuing education required under
9 subsection (5) (b) do not apply toward continuing education required
10 in a license cycle. The department may waive the requirement for
11 additional hours under subsection (5) (b) if the applicant
12 demonstrates to the department that the additional hours would
13 present an undue hardship on the applicant.

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

20 (8) Course credits used to meet continuing education
21 requirements under this section do not apply toward the real estate
22 broker's license prelicensure education requirements under section
23 2504, and course credits successfully completed under real estate
24 broker's license prelicensure education requirements under section
25 2504 do not apply toward the continuing education requirements of
26 this section.

27 (9) As used in this section, "eligible continuing education
28 course" means a continuing education course that meets the
29 standards established by the department by rule under subsection

1 ~~(2)(e)~~ **(2)(f)** and, if successfully completed by a licensee, is
2 counted toward the licensee's continuing education requirements
3 under this section.