

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4535**

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending section 601 (MCL 339.601), as amended by 1994 PA 400,  
and by adding section 601a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 601. (1) A person shall not engage in or attempt to  
2 engage in the practice of an occupation regulated under this act  
3 or use a title designated in this act unless the person possesses  
4 a license or registration issued by the department for the  
5 occupation.

6       (2) A school, institution, or person shall not operate or  
7 attempt to operate a barber college, school of cosmetology, or  
8 real estate school unless the school, institution, or person is  
9 licensed or approved by the department.

**HB 4535, As Passed Senate, June 11, 1998**

House Bill No. 4535

2

1 (3) A person, school, or institution which violates  
2 subsection (1) or (2) is guilty of a misdemeanor, punishable by a  
3 fine of not more than \$500.00, or imprisonment for not more than  
4 90 days, or both.

5 (4) A person, school, or institution which violates subsec-  
6 tion (1) or (2) a second or any subsequent time is guilty of a  
7 misdemeanor, punishable, except as provided in section ~~707(2)-~~  
8 735, by a fine of not more than \$1,000.00, or imprisonment for  
9 not more than 1 year, or both.

10 (5) Notwithstanding the existence and pursuit of any other  
11 remedy, an affected person may maintain injunctive action to  
12 restrain or prevent a person from violating subsection (1) or  
13 (2). If successful in obtaining injunctive relief, the affected  
14 person shall be entitled to actual costs and attorney fees.

15 (6) Nothing in this act shall apply to a person engaging in  
16 or practicing the following:

17 (a) Interior design.

18 (b) Building design.

19 (c) Any activity for which the person is licensed under ~~Act~~  
20 ~~No. 266 of the Public Acts of 1929, being sections 338.901 to~~  
21 ~~338.917 of the Michigan Compiled Laws~~ 1929 PA 266, MCL 338.901  
22 TO 338.917.

23 (d) Any activity for which the person is licensed under the  
24 Forbes mechanical contractors act, ~~Act No. 192 of the Public~~  
25 ~~Acts of 1984, being sections 338.971 to 338.988 of the Michigan~~  
26 ~~Compiled Laws~~ 1984 PA 192, MCL 338.971 TO 338.988.

**HB 4535, As Passed Senate, June 11, 1998**

House Bill No. 4535

3

1 (e) Any activity for which the person is licensed under the  
2 electrical administrative act, ~~Act No. 217 of the Public Acts of~~  
3 ~~1956, being sections 338.881 to 338.892 of the Michigan Compiled~~  
4 ~~Laws~~ 1956 PA 217, MCL 338.881 TO 338.892.

5 (7) As used in subsection (5), "affected person" means a  
6 person directly affected by the actions of a person suspected of  
7 violating subsection (1) or (2) and includes, but is not limited  
8 to, a board established pursuant to this act, a person who has  
9 utilized the services of the person engaging in or attempting to  
10 engage in an occupation regulated under this act or using a title  
11 designated by this act without being licensed or registered by  
12 the department, or a private association composed primarily of  
13 members of the occupation in which the person is engaging in or  
14 attempting to engage in or in which the person is using a title  
15 designated under this act without being registered or licensed by  
16 the department.

17 (8) An investigation may be conducted under article 6 to  
18 enforce this section. A person who violates this section shall  
19 be subject to the strictures prescribed in this section and sec-  
20 tion 506.

21 (9) The remedies under this section are independent and  
22 cumulative. The use of 1 remedy by a person shall not bar the  
23 use of other lawful remedies by that person or the use of a  
24 lawful remedy by another person.

25 (10) AN INTERIOR DESIGNER MAY PERFORM SERVICES IN CONNECTION  
26 WITH THE DESIGN OF INTERIOR SPACES INCLUDING PREPARATION OF  
27 DOCUMENTS RELATIVE TO FINISHES, SYSTEMS FURNITURE, FURNISHINGS,

**HB 4535, As Passed Senate, June 11, 1998**

House Bill No. 4535

4

1 FIXTURES, EQUIPMENT, AND INTERIOR PARTITIONS THAT DO NOT AFFECT  
2 THE BUILDING MECHANICAL, STRUCTURAL, ELECTRICAL, OR FIRE SAFETY  
3 SYSTEMS.

4       SEC. 601A. (1) THERE IS CREATED IN THE DEPARTMENT AN  
5 ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN TO CONSIST OF NOT MORE  
6 THAN 5 INDIVIDUALS SELECTED BY THE DEPARTMENT. OF THE 5 INDIVID-  
7 UALS, 2 SHALL BE LICENSED ARCHITECTS AND THE REMAINING MEMBERS  
8 SHALL BE INTERIOR DESIGNERS CHOSEN FROM A LIST OF INTERIOR  
9 DESIGNERS SUBMITTED TO THE DEPARTMENT BY NATIONALLY RECOGNIZED  
10 ASSOCIATIONS OF INTERIOR DESIGNERS. THE DEPARTMENT SHALL ASSURE  
11 THAT THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN IS FULLY FUNC-  
12 TIONAL NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE  
13 AMENDATORY ACT THAT ADDED THIS SECTION AND SHALL CEASE TO EXIST  
14 AFTER IT HAS REVIEWED THE LAST APPLICATION MADE UNDER SUBSECTION  
15 (4)(C). THE PURPOSE OF THE ADVISORY SUBCOMMITTEE ON INTERIOR  
16 DESIGN IS TO VERIFY, BY MAJORITY VOTE OF ITS MEMBERS, THE QUALI-  
17 FICATIONS OF INTERIOR DESIGNERS WHO HAVE NOT PASSED AN EXAMINA-  
18 TION AS FURTHER DESCRIBED IN SUBSECTION (4)(C) BUT WHO SEEK QUAL-  
19 IFICATION FOR THE PERFORMANCE OF SERVICES DESCRIBED IN  
20 SECTION 601(10) ON THE BASIS OF EDUCATION AND EXPERIENCE AND TO  
21 RECOMMEND THE QUALIFICATIONS OF THOSE INTERIOR DESIGNERS TO PER-  
22 FORM THE SERVICES DESCRIBED IN SECTION 601(10). THE ADVISORY  
23 SUBCOMMITTEE ON INTERIOR DESIGN SHALL ALSO COMPILE A LIST OF ALL  
24 INDIVIDUALS CONSIDERED QUALIFIED TO PERFORM THE SERVICES  
25 DESCRIBED IN SECTION 601(10). THE ADVISORY SUBCOMMITTEE ON  
26 INTERIOR DESIGN SHALL GIVE THE LIST TO THE BOARD OF ARCHITECTS  
27 FOR REVIEW AND CONSIDERATION OF THOSE PERSONS DETERMINED TO HAVE

**HB 4535, As Passed Senate, June 11, 1998**

House Bill No. 4535

5

1 MET THE STANDARDS DESCRIBED IN SUBSECTION (4). THE APPROVAL OF  
2 INDIVIDUALS CONSIDERED QUALIFIED SHALL OCCUR NOT LESS THAN 90  
3 DAYS AFTER THE LIST IS SUBMITTED TO THE BOARD OF ARCHITECTS. A  
4 PERSON WHOSE QUALIFICATIONS ARE NOT APPROVED BY THE BOARD OF  
5 ARCHITECTS MAY APPEAL THAT DETERMINATION TO THE DIRECTOR OR HIS  
6 OR HER DESIGNEE. THE DEPARTMENT SHALL MAKE THE LIST OF PERSONS  
7 DETERMINED TO HAVE MET THE STANDARDS DESCRIBED IN SUBSECTION (4)  
8 ELECTRONICALLY AVAILABLE TO THE STATE OR ANY LOCAL UNIT OF GOV-  
9 ERNMENT CAPABLE OF ISSUING PERMITS UNDER THE STATE CONSTRUCTION  
10 CODE ACT OF 1972, 1972 PA 230, MCL 125.1501 TO 125.1531.

11 (2) THE DIRECTOR MAY PROMULGATE RULES TO ADMINISTER THIS  
12 SECTION. THE RULES MAY INCLUDE, BUT ARE NOT LIMITED TO, REASON-  
13 ABLE FEES CHARGED TO INDIVIDUALS SEEKING QUALIFICATION FOR PER-  
14 FORMING SERVICES UNDER SECTION 601(10) AND PROCEDURES FOR ADDING  
15 AND REMOVING INDIVIDUALS FROM THE LIST OF QUALIFIED INTERIOR  
16 DESIGNERS.

17 (3) AN INTERIOR DESIGNER SHALL HAVE A RECTANGULAR NONEM-  
18 BOSSED STAMP WITH THE INTERIOR DESIGNER'S NAME, BUSINESS ADDRESS,  
19 TITLE "INTERIOR DESIGNER", AND CERTIFICATE NUMBER ISSUED BY THE  
20 NATIONAL COUNCIL FOR INTERIOR DESIGN QUALIFICATION, IF  
21 APPLICABLE. USE OF THE STAMP SHALL BE ACCOMPANIED BY THE ORIGI-  
22 NAL SIGNATURE OF THE INTERIOR DESIGNER.

23 (4) AS USED IN THIS SECTION AND SECTION 601, "INTERIOR  
24 DESIGNER" MEANS AN INDIVIDUAL ENGAGED IN THE ACTIVITIES DESCRIBED  
25 IN SECTION 601(10) WHO MEETS 1 OR MORE OF THE FOLLOWING:

26 (A) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
27 THAT ADDED THIS SUBSECTION, HAS PROOF OF PASSING THE COMPLETE

**HB 4535, As Passed Senate, June 11, 1998**

House Bill No. 4535

6

1 1997 EXAMINATION OR OTHER EXAMINATION ADOPTED BY REFERENCE BY THE  
2 DEPARTMENT AND OFFERED BY THE NATIONAL COUNCIL FOR INTERIOR  
3 DESIGN QUALIFICATION. FOR PURPOSES OF THIS SUBSECTION, THAT  
4 EXAMINATION AND THE QUALIFICATIONS TO SIT FOR THAT EXAMINATION  
5 ARE ADOPTED BY REFERENCE AND ANY SUBSEQUENT UPDATE OR REVISION OF  
6 THAT EXAMINATION OR THE QUALIFICATIONS TO SIT FOR THAT EXAMINA-  
7 TION MAY, BY RULE PROMULGATED BY THE DIRECTOR, BE ADOPTED BY REF-  
8 ERENCE BY THE DEPARTMENT.

9 (B) WAS ENGAGED, BEFORE THE EFFECTIVE DATE OF THE AMENDATORY  
10 ACT THAT ADDED THIS SUBSECTION, IN THE ACTIVITIES DESCRIBED IN  
11 SECTION 601(10) AND HAS PROOF OF PASSING ANY COMPLETE EXAMINATION  
12 OFFERED BY THE NATIONAL COUNCIL FOR INTERIOR DESIGN  
13 QUALIFICATION. PASSAGE OF ANY PAST EXAMINATION OFFERED BY THE  
14 NATIONAL COUNCIL FOR INTERIOR DESIGN QUALIFICATION IS ADEQUATE TO  
15 QUALIFY AN INTERIOR DESIGNER FOR THE EXEMPTION DESCRIBED IN  
16 SECTION 601(10).

17 (C) UNTIL THE EXPIRATION OF 1 YEAR AFTER THE DATE OF THE  
18 ESTABLISHMENT OF THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN,  
19 DEMONSTRATES TO THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN THAT  
20 HE OR SHE WAS ENGAGED IN THE ACTIVITIES DESCRIBED IN  
21 SECTION 601(10) AND MEETS THE QUALIFICATIONS OF EDUCATION AND  
22 EXPERIENCE THAT WOULD CONFER ELIGIBILITY FOR SITTING FOR THE 1997  
23 OR OTHER EXAMINATION OFFERED BY THE NATIONAL COUNCIL FOR INTERIOR  
24 DESIGN QUALIFICATION.

25 Enacting section 1. This amendatory act takes effect  
26 October 1, 1998.