

SENATE BILL No. 513

September 18, 2013, Introduced by Senator CASPERSON 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),
section 303a as amended by 2006 PA 489 and section 411 as amended
by 2008 PA 309, and by adding section 205c; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

**SEC. 205C. R 339.19001 TO 339.19049 OF THE MICHIGAN
ADMINISTRATIVE CODE ARE RESCINDED.**

Sec. 303a. ~~The terms provided for in this act~~ **TERM OF OFFICE**
OF A MEMBER OF A BOARD APPOINTED UNDER THIS ARTICLE shall
commence on **1 OF** the following dates:

1	Accountancy	July 1
2	Architects	April 1
3	Auctioneers	October 1
4	Barbers	October 1
5	Collection agencies	July 1
6	Community planners	July 1
7	Cosmetology	January 1
8	Employment agencies	October 1
9	Foresters	April 1
10	Hearing aid dealers	October 1
11	Land surveyors	April 1
12	Landscape architects	July 1
13	Mortuary science	July 1
14	Professional engineers	April 1
15	Real estate appraisers	July 1
16	Real estate brokers and salespersons	July 1
17	Residential builders	April 1

18 Sec. 411. (1) Subject to subsection (2), a person ~~who~~**THAT**
19 fails to renew a license or registration on or before the
20 expiration date shall not practice the occupation, operate, or
21 use the title **OF THAT OCCUPATION** after the expiration date
22 printed on the license or registration. A license or registration
23 shall lapse on the day after the expiration date.

24 (2) A person ~~who~~**THAT** fails to renew a license or
25 registration on or before the expiration date ~~shall be~~**IS**
26 permitted to renew the license or registration by payment of the
27 required license or registration fee and a late renewal fee
28 within 60 days after the expiration date.

29 (3) Except as otherwise provided in this act, a person ~~who~~

1 **THAT** fails to renew a license or registration within the time
2 period set forth in subsection (2) may be relicensed or
3 reregistered without examination and without meeting additional
4 education or training requirements in force at the time of
5 application for relicensure or reregistration if all of the
6 following conditions are met:

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

9 (b) The person pays an application processing fee, the late
10 renewal fee, and the per year license or registration fee for the
11 upcoming licensure or registration period, subject to subsection
12 (8).

13 (c) ~~Penalties and~~ **ANY PENALTIES OR** conditions imposed by
14 disciplinary action in this state or any other jurisdiction have
15 been satisfied.

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

22 (4) Except as otherwise provided in this act, a person may
23 be relicensed or reregistered subsequent to 3 or more years after
24 the expiration date of the last license or registration ~~upon~~
25 ~~showing~~ **IF THE PERSON SHOWS** that the person meets the
26 requirements for licensure or registration as established by the
27 department in rules or procedures, which may require a person to

1 pass all or part of a required examination, to complete
2 continuing education requirements, or to meet current education
3 or training requirements.

4 (5) Unless otherwise provided in this act, a person ~~who~~**THAT**
5 seeks reinstatement of a license or registration shall file an
6 application on a form provided by the department, pay the
7 application processing fee, and file a petition to the department
8 and the appropriate board stating reasons for reinstatement and
9 including evidence that the person can and is likely to serve the
10 public in the regulated activity with competence and in
11 conformance with all other requirements prescribed by law, rule,
12 or an order of the department or board. The procedure ~~to be~~
13 ~~followed in~~**FOR** conducting the review of a petition for
14 reinstatement is prescribed in article 5. If approved for
15 reinstatement, the person shall pay the per year license or
16 registration fee for the upcoming license or registration period
17 if appropriate, in addition to completing any requirements
18 imposed ~~in accordance with~~**UNDER** section 203(2).

19 (6) ~~Beginning July 23, 2004, the~~**THE** department shall issue
20 an initial or renewal license or registration not later than 90
21 days after the applicant files a completed application. ~~Receipt~~
22 ~~of the~~**THE** application is considered **RECEIVED ON** the date the
23 application is received by any agency or department of ~~the~~**THIS**
24 ~~state. of Michigan.~~ If the application is considered incomplete
25 by the department, the department shall notify the applicant in
26 writing, or make information electronically available, within 30
27 days after receipt of the incomplete application, describing the

1 deficiency and requesting the additional information. The 90-day
2 period is tolled ~~upon notification by~~ **FROM THE DATE** the
3 department **NOTIFIES THE APPLICANT** of a deficiency until the date
4 the requested information is received by the department. The
5 determination of the completeness of an application does not
6 operate as an approval of the application for the license or
7 registration and does not confer eligibility of an applicant
8 determined otherwise ineligible for issuance of a license or
9 registration.

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

19 (8) If the department fails to issue or deny a license or
20 registration within the time required by this section, the
21 department shall return the license or registration fee, and
22 shall reduce the license or registration fee for the applicant's
23 next renewal application, if any, by 15%. ~~The~~ **A** failure to issue
24 or deny a license or registration within the time required under
25 this section does not allow the department to otherwise delay the
26 processing of the application, and **THE DEPARTMENT SHALL PLACE**
27 that application, ~~upon completion, shall be placed~~ **WHEN**

1 **COMPLETED**, in sequence with other completed applications received
 2 at that same time. The department shall not discriminate against
 3 an applicant in the processing of an application based ~~upon~~ **ON**
 4 the fact that the license or registration fee was refunded or
 5 discounted under this subsection.

6 (9) ~~Beginning October 1, 2005, the~~ **THE** director shall submit
 7 a report by December 1 of each year to the standing committees
 8 and appropriations subcommittees of the senate and house of
 9 representatives concerned with occupational issues. The director
 10 shall include all of the following information in the report
 11 concerning the preceding fiscal year:

12 (a) The number of initial and renewal applications the
 13 department received and completed within the 90-day time period
 14 described in subsection (6) and the 30-day time period described
 15 in subsection (7).

16 (b) The number of applications denied **BY THE DEPARTMENT**.

17 (c) The number of applicants not issued a license or
 18 registration within the applicable time period and the amount of
 19 money returned to licensees and registrants under subsection (8).

20 (10) Subsection (6) does not apply to ~~licenses or~~
 21 ~~registrations~~ **A LICENSE OR REGISTRATION** for any of the following:

22 (a) An interior designer listed under article 6.

23 (b) A certified public accountant and registered accountant
 24 under article 7.

25 (c) An agency non-owner manager of a collection agency under
 26 article 9.

27 (d) A barber, student barber, student instructor, ~~and~~ **OR**

1 barber instructor under article 11.

2 (e) An employment and consulting agent of a personnel agency
3 under article 10.

4 (f) A cosmetologist, manicurist, natural hair culturist,
5 esthetician, electrologist, instructor, ~~and-OR~~ registered student
6 under article 12.

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

8 (h) A mortuary science licensee, embalmer, ~~and-OR~~ resident
9 trainee in mortuary science under article 18.

10 (i) An individual architect, surveyor, ~~and-OR~~ engineer under
11 article 20.

12 (j) A forester under article 21.

13 ~~——(k) An individual landscape architect under article 22.~~

14 **(K)** ~~(l)~~ A community planner under article 23.

15 **(l)** ~~(m)~~ An individual residential builder and alteration and
16 maintenance contractor ~~and-OR~~ a salesperson for a residential
17 builder and alteration and maintenance contractor under article
18 24.

19 **(M)** ~~(n)~~ A real estate salesperson under article 25.

20 **(N)** ~~(o)~~ A real estate appraiser under article 26.

21 **(O)** ~~(p)~~ An ocularist ~~and-OR~~ ocularist apprentice under
22 article 27.

23 (11) Notwithstanding any provision in this act to the
24 contrary, an individual or qualifying officer who is a licensee
25 or registrant under this act and who is mobilized for military
26 duty in the armed forces of the United States by the president of
27 the United States is temporarily exempt from ~~the-ANY~~ renewal

1 license fee, continuing education requirements, ~~and any OR~~ other
 2 related requirements of this act **APPLICABLE TO THAT LICENSE OR**
 3 **REGISTRATION**. It is the obligation of the licensee or registrant
 4 to inform the department by written or electronic mail of the
 5 desire to exercise the temporary exemption under this subsection.
 6 If the licensee applying for the temporary exemption is the
 7 individual responsible for supervision and oversight of licensed
 8 activities, **THE LICENSEE SHALL PROVIDE** notice of arrangements for
 9 adequate provision of that supervision and oversight ~~shall be~~
 10 ~~provided~~ to the department. The licensee or registrant shall
 11 accompany the request with proof, as determined by the
 12 department, to verify the mobilized duty status. ~~The department,~~
 13 ~~upon receiving~~ **IF IT RECEIVES** a request for a temporary exemption
 14 under this subsection, **THE DEPARTMENT** shall make a determination
 15 of the requestor's status and grant the temporary exemption after
 16 verification of mobilized duty status under this subsection. A
 17 temporary exemption is valid until 90 days after the licensee's
 18 or registrant's release from the mobilized duty ~~upon~~ **ON** which the
 19 exemption was based, but shall not exceed 36 months from the date
 20 of expiration of the license or registration.

21 (12) As used in this section, "completed application" means
 22 an application **THAT IS** complete on its face and submitted with
 23 any applicable licensing or registration fees ~~as well as AND~~ any
 24 other information, records, approval, security, or similar item
 25 required by law or rule from a local unit of government, a
 26 federal agency, or a private entity but not from another
 27 department or agency of ~~the~~ **THIS** state. ~~of Michigan.~~

- 1 Enacting section 1. Article 22 of the occupational code,
- 2 1980 PA 299, MCL 339.2201 to 339.2211, is repealed.