

**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.

**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.

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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.

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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,

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

4 (11) THERE IS CREATED BY THE BOARD OF ARCHITECTS AN ADVISORY  
5 SUBCOMMITTEE ON INTERIOR DESIGN TO CONSIST OF NOT MORE THAN 5  
6 INDIVIDUALS SELECTED BY THE BOARD OF ARCHITECTS. OF THE 5 INDI-  
7 VIDUALS, 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 BOARD OF ARCHITECTS  
11 SHALL ASSURE THAT THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN IS  
12 FULLY FUNCTIONAL NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE  
13 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND SHALL CEASE  
14 TO EXIST AFTER IT HAS REVIEWED THE LAST APPLICATION MADE UNDER  
15 SUBSECTION (14)(C). THE FULL FUNCTIONALITY OF THE ADVISORY SUB-  
16 COMMITTEE ON INTERIOR DESIGN SHALL BE CONFIRMED BY A LETTER OF  
17 CONFIRMATION FROM THE BOARD OF ARCHITECTS TO THE DEPARTMENT. THE  
18 PURPOSE OF THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN IS TO  
19 VERIFY, BY MAJORITY VOTE OF ITS MEMBERS, THE QUALIFICATIONS OF  
20 INTERIOR DESIGNERS WHO HAVE NOT PASSED AN EXAMINATION AS FURTHER  
21 DESCRIBED IN SUBSECTION (14)(C) BUT WHO SEEK QUALIFICATION FOR  
22 THE PERFORMANCE OF SERVICES DESCRIBED IN SUBSECTION (10) ON THE  
23 BASIS OF EDUCATION AND EXPERIENCE AND TO RECOMMEND THE QUALIFICA-  
24 TIONS OF THOSE INTERIOR DESIGNERS TO PERFORM THE SERVICES  
25 DESCRIBED IN SUBSECTION (10). THE ADVISORY SUBCOMMITTEE ON  
26 INTERIOR DESIGN SHALL ALSO COMPILE A LIST OF ALL INDIVIDUALS  
27 CONSIDERED QUALIFIED TO PERFORM THE SERVICES DESCRIBED IN

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1 SUBSECTION (10). THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN  
2 SHALL GIVE THE LIST TO THE BOARD OF ARCHITECTS FOR REVIEW AND  
3 CONSIDERATION OF THOSE PERSONS DETERMINED TO HAVE MET THE STAN-  
4 DARDS DESCRIBED IN SUBSECTION (14). THE APPROVAL OF INDIVIDUALS  
5 CONSIDERED QUALIFIED SHALL OCCUR NOT LESS THAN 60 DAYS AFTER THE  
6 LIST IS SUBMITTED TO THE BOARD OF ARCHITECTS. A PERSON WHOSE  
7 QUALIFICATIONS ARE NOT APPROVED BY THE BOARD OF ARCHITECTS MAY  
8 APPEAL THAT DETERMINATION TO THE DIRECTOR OR HIS OR HER  
9 DESIGNEE. THE BOARD OF ARCHITECTS SHALL MAKE THIS LIST READILY  
10 AVAILABLE TO THE STATE OR ANY LOCAL UNIT OF GOVERNMENT CAPABLE OF  
11 ISSUING PERMITS UNDER THE STATE CONSTRUCTION CODE ACT OF 1972,  
12 1972 PA 230, MCL 125.1501 TO 125.1531.

13 (12) THE DIRECTOR MAY PROMULGATE RULES TO ADMINISTER THIS  
14 SECTION. THE RULES MAY INCLUDE REASONABLE FEES CHARGED TO INDI-  
15 VIDUALS SEEKING QUALIFICATION FOR PERFORMING SERVICES UNDER SUB-  
16 SECTION (10).

17 (13) 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 (14) AS USED IN THIS SECTION, "INTERIOR DESIGNER" MEANS AN  
24 INDIVIDUAL ENGAGED IN THE ACTIVITIES DESCRIBED IN SUBSECTION (10)  
25 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

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

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

16 (C) UNTIL THE EXPIRATION OF 1 YEAR AFTER THE DATE OF RECEIPT  
17 OF THE CONFIRMATION LETTER SENT BY THE BOARD OF ARCHITECTS TO THE  
18 DEPARTMENT, DEMONSTRATES TO THE ADVISORY SUBCOMMITTEE ON INTERIOR  
19 DESIGN THAT HE OR SHE WAS ENGAGED IN THE ACTIVITIES DESCRIBED IN  
20 SUBSECTION (10) AND MEETS THE QUALIFICATIONS OF EDUCATION AND  
21 EXPERIENCE THAT WOULD CONFER ELIGIBILITY FOR SITTING FOR THE 1997  
22 EXAMINATION OFFERED BY THE NATIONAL COUNCIL FOR INTERIOR DESIGN  
23 QUALIFICATION.

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