

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 316, 2005, 2515, and 2518 (MCL 339.316,  
339.2005, 339.2515, and 339.2518), section 2005 as amended by  
1992 PA 103 and section 2515 as amended and section 1518 as added  
by 1993 PA 93.

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

1       Sec. 316. (1) Unless otherwise provided in an article, a  
2 board and the department shall develop an examination or test  
3 required by an article. The board and the department in develop-  
4 ing an examination or test may adopt an examination or test pre-  
5 pared by another agency if the board and the department determine  
6 that the examination or test serves as a basis for determining  
7 whether a person has the knowledge and skills to perform an  
8 occupation with competence.

1       (2) The material required by the board and the department to  
2 develop an examination or test may be considered by the board in  
3 a closed session, if the board meets the requirements of section  
4 7 of ~~Act No. 267 of the Public Acts of 1976, being section~~  
5 ~~15.267 of the Michigan Compiled Laws~~ THE OPEN MEETINGS ACT, 1976  
6 PA 267, MCL 15.267.

7       (3) A board and the department, in determining the form the  
8 recommended examination or test shall take, shall give special  
9 emphasis to an alternative form of testing which permits a person  
10 to demonstrate a special qualification a person may have which is  
11 not evident under a written examination, but which is related to  
12 an occupation. The alternative form of testing shall be struc-  
13 tured to give weight to a person's experience, noninstitutional  
14 training, and innate skills and shall be flexible enough to  
15 enable a person with a mental or physical ~~handicap~~ DISABILITY  
16 to demonstrate that the person has the requisite knowledge and  
17 skills.

18       Sec. 2005. (1) ~~In order to~~ TO be examined as an archi-  
19 tect, an applicant shall meet all of the following requirements:

20       (a) Provide documentation of not less than 8 years of pro-  
21 fessional experience in architectural work satisfactory to the  
22 board of architects, including not more than 6 years of  
23 education.

24       (b) Provide evidence of completion of a first professional  
25 degree or further degree in architecture satisfactory to the  
26 board of architects.

1 (c) Provide not less than 5 references, 3 of which shall be  
2 references from licensed architects who have personal knowledge  
3 of the applicant's professional experience.

4 (2) In order to be examined as a professional engineer, an  
5 individual shall meet all of the following requirements for  
6 admission to the professional practice examination:

7 (a) Provide documentation of not less than 8 years of pro-  
8 fessional experience in engineering work acceptable to the board  
9 of professional engineers, including not more than 6 years of  
10 education.

11 (b) Provide evidence of completion of a baccalaureate degree  
12 in engineering from an accredited program or its equivalent, as  
13 determined by the board of professional engineers.

14 (c) Provide not less than 5 references, 3 of which shall be  
15 from professional engineers who have personal knowledge of the  
16 applicant's professional experience.

17 (3) In order to be examined as a professional surveyor, an  
18 individual shall meet all of the following requirements:

19 (a) For admission to the professional surveying fundamentals  
20 examination, an applicant shall provide an affidavit stating that  
21 a degree acceptable to the board shall be completed not later  
22 than 6 months after the date of the examination.

23 (b) For admission to the professional practice examination,  
24 an applicant shall provide all of the following:

25 (i) Documentation of not less than 8 years of professional  
26 experience in professional surveying satisfactory to the board of

1 professional surveyors, including not more than 5 years of  
2 education.

3       (ii) Evidence of completion of a degree in professional sur-  
4 veying or a related degree with professional surveying courses  
5 acceptable to the board of professional surveyors.

6       (iii) Not less than 5 references, 3 of which shall be from  
7 licensed professional surveyors who have personal knowledge of  
8 the applicant's professional experience.

9       (4) The examination required by this article shall be given  
10 at least once a year.

11       (5) An examinee shall be notified in writing of the  
12 examinee's results on each part of the examination.

13       (6) Notwithstanding section 316(3), an individual with a  
14 mental or physical ~~handicap~~ DISABILITY may be tested using spe-  
15 cial equipment, facilities, or assistance. However, the examina-  
16 tion shall not be varied in form, content, or the format in which  
17 answers are submitted.

18       (7) All requirements for licensure shall be completed within  
19 10 years after receipt of the application by the department. If  
20 the requirements are not completed within the 10-year period, the  
21 application shall be void.

22       Sec. 2515. (1) A listing agreement entered into between the  
23 broker and seller or lessor of property shall contain language  
24 that discrimination because of religion, race, color, national  
25 origin, age, sex, ~~handicap~~ DISABILITY, familial status, or mar-  
26 ital status on the part of the real estate broker, real estate  
27 salesperson, seller, or lessor is prohibited.

1       (2) This article shall not authorize the department to  
2 assume any facts not in evidence or compel a party to prove inno-  
3 cence of charges before the charges have been proven by the  
4 department. The department shall at all times bear the burden of  
5 proof to all charges made against a party.

6       (3) This article shall not diminish the right of a party to  
7 pursue and utilize direct and immediate legal or equitable reme-  
8 dies in a court of competent jurisdiction.

9       Sec. 2518. An action shall not be brought against a real  
10 estate broker, an associate broker, or a real estate salesperson  
11 under the following circumstances:

12       (a) For failure to disclose to a purchaser or lessee of real  
13 property that a former occupant has or is suspected of having a  
14 DISABILITY. AS USED IN THIS SECTION, "DISABILITY" MEANS handicap  
15 as that term is defined and interpreted under, and disclosure of  
16 which would constitute unlawful discrimination under, sections  
17 804, 805, 806, or ~~818~~ 817 of the fair housing act, title VIII  
18 of THE CIVIL RIGHTS ACT OF 1968, Public Law 90-284, 42 U.S.C.  
19 3604, 3605, 3606, and 3617.

20       (b) For failure to disclose to a purchaser or lessee of real  
21 property that the real property was or was suspected to have been  
22 the site of a homicide, suicide, or other occurrence prohibited  
23 by law which had no material effect on the condition of the real  
24 property or improvements located on the real property.