

House Bill 5469

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2721) by adding section 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 523. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (2), A PETITION FOR JUDICIAL REVIEW REGARDING AN ORDER OR FINAL
3 DECISION OF THE DEPARTMENT OR OF A BOARD SHALL BE IN COMPLIANCE
4 WITH CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
5 PA 306, MCL 24.301 TO 24.306.
6 (2) IN THE CASE OF A DENIAL OF AN APPLICATION OR THE SUSPEN-
7 SION, REVOCATION, OR LIMITATION OF A LICENSE FOR ANY ACTIVITY
8 REGULATED UNDER ARTICLE 17A, A PARTY SHALL PETITION THE CIRCUIT
9 COURT FOR JUDICIAL REVIEW NOT MORE THAN 21 DAYS AFTER THE DATE OF
10 MAILING NOTICE OF THE FINAL DECISION OR ORDER OF THE DEPARTMENT.
11 THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE

1 ENFORCEMENT OF THE ACTION OF THE DEPARTMENT EXCEPT THAT THE
2 DEPARTMENT MAY GRANT, OR THE COURT MAY ORDER, A STAY UPON APPRO-
3 PRIATE TERMS. THE CLERK OF THE CIRCUIT COURT SHALL SCHEDULE A
4 HEARING DATE NOT LATER THAN 25 DAYS AFTER THE DATE THE PETITION
5 FOR JUDICIAL REVIEW IS FILED. WITHIN 5 DAYS AFTER THE SERVICE OF
6 THE PETITION FOR JUDICIAL REVIEW, THE DEPARTMENT SHALL MAKE
7 AVAILABLE TO THE APPLICANT OR LICENSEE THE ORIGINAL OR CERTIFIED
8 COPY OF THE ENTIRE RECORD OF THE PROCEEDINGS. NOT LATER THAN 10
9 DAYS BEFORE THE HEARING DATE BY THE COURT, THE DEPARTMENT SHALL
10 TRANSMIT TO THE COURT THE ORIGINAL OR CERTIFIED COPY OF THE
11 ENTIRE RECORD OF THE PROCEEDINGS. THE COURT SHALL CONDUCT THE
12 HEARING AND REVIEW WITHOUT A JURY AND SHALL CONFINE THE REVIEW TO
13 THE RECORD. THE COURT, UPON REQUEST, SHALL HEAR ORAL ARGUMENTS
14 AND RECEIVE WRITTEN BRIEFS. NOT LATER THAN 20 DAYS AFTER THE
15 DATE SET FOR THE HEARING ON THE PETITION FOR JUDICIAL REVIEW OR
16 NOT LESS THAN 50 DAYS AFTER THE DATE THE PETITION FOR JUDICIAL
17 REVIEW IS FILED, WHICHEVER IS LATER, THE COURT SHALL ISSUE THE
18 DECISION. THE PARTIES TO THE ACTION MAY JOINTLY WAIVE THE TIME
19 LIMITS PRESCRIBED BY THIS SUBSECTION.