



# HOUSE BILL No. 5128

November 10, 1999, Introduced by Rep. Bradstreet and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
(MCL 339.101 to 339.2721) by adding article 17A.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### ARTICLE 17A

SEC. 1760. (1) THE DEPARTMENT SHALL NOT ISSUE A LICENSE  
UNLESS THE APPLICANT APPEARS PERSONALLY BEFORE THE DIRECTOR. THE  
APPLICANT SHALL AFFIX THE APPLICANT'S ORIGINAL SIGNATURE AND  
SOCIAL SECURITY NUMBER TO THE APPLICATION IN THE PRESENCE OF THE  
DIRECTOR AND SHALL CERTIFY OR ACKNOWLEDGE UNDER OATH THAT THE  
APPLICATION IS THE APPLICANT'S ACT AND DEED AND THAT THE FACTS  
STATED IN THE APPLICATION ARE TRUE.

(2) IF THE APPLICANT IS A CORPORATION, SUBSECTION (1) IS  
SATISFIED BY THE APPEARANCE, ORIGINAL SIGNATURE, SOCIAL SECURITY  
NUMBER, AND CERTIFICATION OR ACKNOWLEDGMENT UNDER OATH OF A

1 DIRECTOR ON BEHALF OF THE CORPORATION IN THE MANNER DESCRIBED IN  
2 SUBSECTION (1). IF THE APPLICANT IS A LIMITED LIABILITY COMPANY,  
3 SUBSECTION (1) IS SATISFIED BY THE APPEARANCE, ORIGINAL SIGNA-  
4 TURE, SOCIAL SECURITY NUMBER, AND CERTIFICATION OR ACKNOWLEDGMENT  
5 UNDER OATH OF A MANAGER OR MEMBER ON BEHALF OF THE LIMITED  
6 LIABILITY COMPANY IN THE MANNER DESCRIBED IN SUBSECTION (1). IF  
7 THE APPLICANT IS A PARTNERSHIP OR OTHER UNINCORPORATED ASSOCIA-  
8 TION, SUBSECTION (1) IS SATISFIED BY THE APPEARANCE, ORIGINAL  
9 SIGNATURE, SOCIAL SECURITY NUMBER, AND CERTIFICATION OR ACKNOWL-  
10 EDGMENT UNDER OATH OF A GENERAL PARTNER OR MEMBER ON BEHALF OF  
11 THE APPLICANT IN THE MANNER DESCRIBED IN SUBSECTION (1).

12 SEC. 1761. (1) THE DEPARTMENT SHALL NOT ISSUE A LICENSE TO  
13 ENGAGE IN THE OCCUPATION OF MASSAGIST TO ANY PERSON CONVICTED OF  
14 A CRIME OR VIOLATION OF A LOCAL ORDINANCE INVOLVING LEWDNESS,  
15 PROSTITUTION, PROMOTING PROSTITUTION, SEXUAL ASSAULT OR ASSAULT  
16 WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT,  
17 INDECENT EXPOSURE, INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR  
18 SODOMY, OR A PERSON REGISTERED AS A SEX OFFENDER, IN THIS STATE  
19 OR ANY OTHER STATE OR JURISDICTION WITHIN THE 3 YEARS PRIOR TO  
20 THE DATE OF APPLICATION.

21 (2) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR THE OPERA-  
22 TION OF A MASSAGE ESTABLISHMENT TO ANY OF THE FOLLOWING:

23 (A) A PERSON CONVICTED OF A CRIME OR VIOLATION OF A LOCAL  
24 ORDINANCE INVOLVING LEWDNESS, PROSTITUTION, PROMOTING PROSTITU-  
25 TION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO COMMIT CRIMINAL  
26 SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPOSURE, INCEST,  
27 RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, OR A PERSON

1 REGISTERED AS A SEX OFFENDER, IN THIS STATE OR ANY OTHER STATE OR  
2 JURISDICTION WITHIN THE 3 YEARS PRIOR TO THE DATE OF  
3 APPLICATION.

4 (B) A PERSON WHO HELD A LICENSE FOR THE OPERATION OF A MAS-  
5 SAGE ESTABLISHMENT UNDER THIS ARTICLE THAT WAS REVOKED PURSUANT  
6 TO SECTION 1762 WITHIN THE 2-YEAR PERIOD PRIOR TO THE DATE OF  
7 APPLICATION.

8 (C) A PERSON WHO WAS AN OFFICER, DIRECTOR, OR PRINCIPAL  
9 OWNER OF A CORPORATION, A MANAGER OR PRINCIPAL OWNER OF A LIMITED  
10 LIABILITY COMPANY, OR A PARTNER OR MEMBER OF A PARTNERSHIP OR  
11 OTHER UNINCORPORATED ASSOCIATION, THAT HELD A LICENSE FOR THE  
12 OPERATION OF A MASSAGE ESTABLISHMENT THAT WAS REVOKED WITHIN THE  
13 2-YEAR PERIOD PRIOR TO THE DATE OF APPLICATION PURSUANT TO SEC-  
14 TION 1762 FOR AN OFFENSE OR VIOLATION COMMITTED BY ANYONE WHILE  
15 THE PERSON SERVED IN THAT CAPACITY FOR THE CORPORATION, LIMITED  
16 LIABILITY COMPANY, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION.

17 (D) A PERSON WHOSE APPLICATION BEARS THE SIGNATURE OF A  
18 PERSON DESCRIBED IN SUBDIVISION (A), (B), OR (C).

19 Enacting section 1. This amendatory act does not take  
20 effect unless all of the following bills of the 90th Legislature  
21 are enacted into law:

22 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5124 (request  
23 no. 04171'99 \*).

24 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5125 (request  
25 no. 04171'99 a \*).

26 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5126 (request  
27 no. 05234'99).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 5127 (request  
2 no. 05235'99).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 5129 (request  
4 no. 05237'99).

5 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. 5130 (request  
6 no. 05238'99).

7 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 5131 (request  
8 no. 05239'99).

9 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. 5132 (request  
10 no. 05240'99).