

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5432**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 411 (MCL 339.411), as amended by 2004 PA
264.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411. (1) Subject to subsection (2), a person who fails
2 to renew a license or registration on or before the expiration
3 date shall not practice the occupation, operate, or use the title
4 after the expiration date printed on the license or
5 registration. A license or registration shall lapse on the day
6 after the expiration date.
7 (2) A person who fails to renew a license or registration on
8 or before the expiration date shall be permitted to renew the
9 license or registration by payment of the required license or
10 registration fee and a late renewal fee within 60 days after the

1 expiration date.

2 (3) Except as otherwise provided in this act, a person who
3 fails to renew a license or registration within the time period
4 set forth in subsection (2) may be relicensed or reregistered
5 without examination and without meeting additional education or
6 training requirements in force at the time of application for
7 relicensure or reregistration if all of the following conditions
8 are met:

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

11 (b) The person pays an application processing fee, the late
12 renewal fee, and the per year license or registration fee for the
13 upcoming licensure or registration period, subject to subsection
14 (8).

15 (c) Penalties and conditions imposed by disciplinary action
16 in this state or any other jurisdiction have been satisfied.

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

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

1 procedures which may require a person to pass all or part of a
2 required examination, to complete continuing education
3 requirements, or to meet current education or training
4 requirements.

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

20 (6) Beginning the effective date of the amendatory act that
21 added this subsection, the department shall issue an initial or
22 renewal license or registration not later than 90 days after the
23 applicant files a completed application. Receipt of the
24 application is considered the date the application is received by
25 any agency or department of the state of Michigan. If the
26 application is considered incomplete by the department, the
27 department shall notify the applicant in writing, or make

1 information electronically available, within 30 days after
2 receipt of the incomplete application, describing the deficiency
3 and requesting the additional information. The 90-day period is
4 tolled upon notification by the department of a deficiency until
5 the date the requested information is received by the
6 department. The determination of the completeness of an
7 application does not operate as an approval of the application
8 for the license or registration and does not confer eligibility
9 of an applicant determined otherwise ineligible for issuance of a
10 license or registration.

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

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

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

6 (9) Beginning October 1, 2005, the director shall submit a
7 report by December 1 of each year to the standing committees and
8 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.

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
20 (8).

21 (10) Subsection (6) does not apply to licenses or
22 registrations for any of the following:

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

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

26 (c) A professional boxer, second, judge, physician,
27 announcer, timekeeper, manager or matchmaker, amateur referee,

1 and professional referee under article 8.

2 (d) An agency non-owner manager of a collection agency under
3 article 9.

4 (e) A barber, student barber, student instructor, and barber
5 instructor under article 11.

6 (f) An employment and consulting agent of a personnel agency
7 under article 10.

8 (g) A cosmetologist, manicurist, natural hair culturist,
9 esthetician, electrologist, instructor, and registered student
10 under article 12.

11 (h) A hearing aid salesperson and trainee under article 13.

12 (i) A mortuary science licensee, embalmer, and resident
13 trainee in mortuary science under article 18.

14 (j) An individual architect, surveyor, and engineer under
15 article 20.

16 (k) A forester under article 21.

17 (l) An individual landscape architect under article 22.

18 (m) A community planner under article 23.

19 (n) An individual residential builder and alteration and
20 maintenance contractor and a salesperson for a residential
21 builder and alteration and maintenance contractor under article
22 24.

23 (o) A real estate salesperson under article 25.

24 (p) A real estate appraiser under article 26.

25 (q) An ocularist and ocularist apprentice under article 27.

26 **(11) Notwithstanding any provision in this act to the**
27 **contrary, an individual or qualifying officer who is a licensee**

1 or registrant under this act and who is on active duty in the
2 armed forces of the United States in an area designated as a
3 combat zone by the president of the United States is temporarily
4 exempt from the renewal license fee, continuing education
5 requirements, and any other related requirements of this act. It
6 is the obligation of the licensee or registrant to inform the
7 department by written or electronic mail of the desire to
8 exercise the temporary exemption under this subsection. If the
9 licensee applying for the temporary exemption is the individual
10 responsible for supervision and oversight of licensed activities,
11 notice of arrangements for adequate provision of that supervision
12 and oversight shall be provided to the department. The licensee
13 or registrant shall accompany the request with proof, as
14 determined by the department, to verify the active duty status.
15 The department, upon receiving a request for a temporary
16 exemption under this subsection, shall make a determination of
17 the requestor's status and grant the temporary exemption after
18 verification of active duty status under this subsection. A
19 temporary exemption is valid until 90 days after the licensee's
20 or registrant's release from the active duty upon which the
21 exemption was based, but shall not exceed 36 months from the date
22 of expiration of the license or registration.

23 (12) ~~—(11)—~~ As used in this section, "completed application"
24 means an application complete on its face and submitted with any
25 applicable licensing or registration fees as well as any other
26 information, records, approval, security, or similar item
27 required by law or rule from a local unit of government, a

- 1 federal agency, or a private entity but not from another
- 2 department or agency of the state of Michigan.