

**SUBSTITUTE FOR  
SENATE BILL NO. 1231**

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 207, 409, and 411 (MCL 339.207, 339.409, and  
339.411), sections 409 and 411 as amended by 2002 PA 611.

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

1       Sec. 207. (1) If provided in an article, the department may  
2 issue a license to, or grant approval to, a school, institution,  
3 or other person offering training or education in an occupation.  
4       (2) If provided in an article, the department may grant  
5 approval or recognition to a program of continuing education,  
6 unless the approval or recognition of the program is the  
7 responsibility of a board.  
8       (3) **The department shall process a request under subsection**  
9 **(1) within 90 days after the submission of the completed**  
10 **application in the manner described in section 411(6), which**

1 90-day period includes the time period described in subsection  
2 (4) regarding board approval.

3 (4) ~~—(3)—~~ A board shall make a recommendation on the  
4 licensure or approval or recognition of a school, institution, or  
5 other person or a program within 90 days after a request for that  
6 recommendation is made by the department.

7 Sec. 409. (1) ~~—The—~~ **Except as otherwise provided in section**  
8 **411, the** department shall not issue a license or registration to  
9 a person who has completed the requirements for a license or  
10 registration or who seeks to renew a license or registration  
11 until the person has paid the license or registration fee.

12 (2) License and registration fees shall be prescribed on a  
13 per year basis. If licenses and registrations are established by  
14 rules promulgated by the department under section 202 as biennial  
15 or triennial renewals, the fee required shall be twice or 3  
16 times, as appropriate, the per year amount.

17 (3) Unless otherwise provided by this act or rules  
18 promulgated under this act, all requirements for licensure or  
19 registration shall be completed by the applicant within 1 year  
20 after receipt of the application by the department or mailing of  
21 a notice of an incomplete application to the last known address  
22 on file with the department, whichever is later. If the  
23 requirements are not completed, the fees paid shall be forfeited  
24 to the department and the application shall be void. A person  
25 whose application has been determined to be void under this  
26 subsection shall submit a new application and fees and shall meet  
27 the standards in effect on the date of receipt by the department

1 of the new application.

2       Sec. 411. (1) Subject to subsection (2), a person who fails  
3 to renew a license or registration on or before the expiration  
4 date shall not practice the occupation, operate, or use the title  
5 after the expiration date printed on the license or  
6 registration. A license or registration shall lapse on the day  
7 after the expiration date.

8       (2) A person who fails to renew a license or registration on  
9 or before the expiration date shall be permitted to renew the  
10 license or registration by payment of the required license or  
11 registration fee and a late renewal fee within 60 days after the  
12 expiration date.

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

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

22       (b) The person pays an application processing fee, the late  
23 renewal fee, and the per year license or registration fee for the  
24 upcoming licensure or registration period, **subject to subsection**  
25 **(8)**.

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

1 (d) The person submits proof of having completed the  
2 equivalent of 1 year of continuing education within the 12 months  
3 immediately preceding the date of application or as otherwise  
4 provided in a specific article or by rule, if continuing  
5 education is required of licensees or registrants under a  
6 specific article.

7 (4) Except as otherwise provided in this act, a person may be  
8 relicensed or reregistered subsequent to 3 or more years after  
9 the expiration date of the last license or registration upon  
10 showing that the person meets the requirements for licensure or  
11 registration as established by the department in rules or  
12 procedures which may require a person to pass all or part of a  
13 required examination, to complete continuing education  
14 requirements, or to meet current education or training  
15 requirements.

16 (5) Unless otherwise provided in this act, a person who seeks  
17 reinstatement of a license or registration shall file an  
18 application on a form provided by the department, pay the  
19 application processing fee, and file a petition to the department  
20 and the appropriate board stating reasons for reinstatement and  
21 including evidence that the person can and is likely to serve the  
22 public in the regulated activity with competence and in  
23 conformance with all other requirements prescribed by law, rule,  
24 or an order of the department or board. The procedure to be  
25 followed in conducting the review of a petition for reinstatement  
26 is prescribed in article 5. If approved for reinstatement, the  
27 person shall pay the per year license or registration fee for the

1 upcoming license or registration period **if appropriate**, in  
2 addition to completing any requirements imposed in accordance  
3 with section 203(2).

4       (6) Beginning the effective date of the amendatory act that  
5 added this subsection, the department shall issue an initial or  
6 renewal license or registration not later than 90 days after the  
7 applicant files a completed application. Receipt of the  
8 application is considered the date the application is received by  
9 any agency or department of the state of Michigan. If the  
10 application is considered incomplete by the department, the  
11 department shall notify the applicant in writing, or make  
12 information electronically available, within 30 days after  
13 receipt of the incomplete application, describing the deficiency  
14 and requesting the additional information. The 90-day period is  
15 tolled upon notification by the department of a deficiency until  
16 the date the requested information is received by the  
17 department. The determination of the completeness of an  
18 application does not operate as an approval of the application  
19 for the license or registration and does not confer eligibility  
20 of an applicant determined otherwise ineligible for issuance of a  
21 license or registration.

22       (7) Notwithstanding the time periods described in subsection  
23 (6), in the case of a real estate broker and associate broker  
24 licensed under article 25, the time period for approval by the  
25 department of a completed application is 30 days and the time  
26 period for notification sent in writing, or made electronically  
27 available, by the department to the applicant regarding an

1 incomplete application is 15 days after the receipt of the  
2 application by any agency or department of the state of  
3 Michigan.

4 (8) If the department fails to issue or deny a license or  
5 registration within the time required by this section, the  
6 department shall return the license or registration fee, and  
7 shall reduce the license or registration fee for the applicant's  
8 next renewal application, if any, by 15%. The failure to issue  
9 or deny a license or registration within the time required under  
10 this section does not allow the department to otherwise delay the  
11 processing of the application, and that application, upon  
12 completion, shall be placed in sequence with other completed  
13 applications received at that same time. The department shall  
14 not discriminate against an applicant in the processing of an  
15 application based upon the fact that the license or registration  
16 fee was refunded or discounted under this subsection.

17 (9) Beginning October 1, 2005, the director shall submit a  
18 report by December 1 of each year to the standing committees and  
19 appropriations subcommittees of the senate and house of  
20 representatives concerned with occupational issues. The director  
21 shall include all of the following information in the report  
22 concerning the preceding fiscal year:

23 (a) The number of initial and renewal applications the  
24 department received and completed within the 90-day time period  
25 described in subsection (6) and the 30-day time period described  
26 in subsection (7).

27 (b) The number of applications denied.

1 (c) The number of applicants not issued a license or  
2 registration within the applicable time period and the amount of  
3 money returned to licensees and registrants under subsection  
4 (8).

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

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

8 (b) A certified public accountant and registered accountant  
9 under article 7.

10 (c) A professional boxer, second, judge, physician,  
11 announcer, timekeeper, manager or matchmaker, amateur referee,  
12 and professional referee under article 8.

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

15 (e) A barber, student barber, student instructor, and barber  
16 instructor under article 11.

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

19 (g) A cosmetologist, manicurist, natural hair culturist,  
20 esthetician, electrologist, instructor, and registered student  
21 under article 12.

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

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

25 (j) An individual architect, surveyor, and engineer under  
26 article 20.

27 (k) A forester under article 21.

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

2 (m) A community planner under article 23.

3 (n) An individual residential builder and alteration and  
4 maintenance contractor and a salesperson for a residential  
5 builder and alteration and maintenance contractor under article  
6 24.

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

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

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

10 (11) As used in this section, "completed application" means  
11 an application complete on its face and submitted with any  
12 applicable licensing or registration fees as well as any other  
13 information, records, approval, security, or similar item  
14 required by law or rule from a local unit of government, a  
15 federal agency, or a private entity but not from another  
16 department or agency of the state of Michigan.