

**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.