

# SENATE BILL No. 431

May 1, 2003, Introduced by Senators BRATER, SCOTT, JACOBS, BERNERO and  
LELAND and referred to the Committee on Appropriations.

A bill to amend 1979 PA 152, entitled  
"State license fee act,"  
by amending sections 3, 37, and 38 (MCL 338.2203, 338.2237, and  
338.2238), section 3 as amended by 1993 PA 139, section 37 as  
amended by 2002 PA 633, and section 38 as amended by 1999 PA 171;  
and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) The fees prescribed by this act shall be used  
2 only to offset the cost of operating the department.

3       (2) Except as otherwise provided in sections 37, 38, and 51,  
4 the fees collected pursuant to this act shall be credited to the  
5 general fund of the state.

6       (3) The license and registration fees set forth in sections  
7 11, 13, 15, 17, 21, 23, 25, 27, 29, 31, 37, 38, 39, 43, 49, and  
8 62 apply until September 30, 2003. Beginning October 1, 2003,

1 the amount of those fees paid to the department in any fiscal  
 2 year shall be established by a fee schedule contained in an  
 3 appropriation act for that fiscal year.

4 Sec. 37. ~~—(1) Fees for a person licensed or seeking~~  
 5 ~~licensure as a real estate broker, associate broker, salesperson,~~  
 6 ~~or branch office or seeking other licenses or approvals issued~~  
 7 ~~under article 25 of the occupational code, MCL 339.2501 to~~  
 8 ~~339.2518, are as follows:~~

9 ~~—— (a) Application processing fees:~~

10 ~~—— (i) Brokers and associate brokers.....\$ 20.00~~

11 ~~—— (ii) Salespersons.....10.00~~

12 ~~—— (iii) Branch office.....10.00~~

13 ~~—— (b) License fees, per year:~~

14 ~~—— (i) Brokers and associate brokers.....36.00~~

15 ~~—— (ii) Salespersons.....26.00~~

16 ~~—— (c) Branch office fee, per year.....10.00~~

17 ~~—— (d) Sale of out of state property:~~

18 ~~—— (i) Application to sell.....\$ 20.00~~

19 ~~—— (ii) Property registration.....500.00~~

1 ~~— (iii) Renewal of approval to sell..... 20.00~~

2 ~~—— (2) A fee shall not be required for the registration of~~  
 3 ~~property approved under the land sales act, 1972 PA 286, MCL~~  
 4 ~~565.801 to 565.835.~~

5 (1) ~~— (3) —~~ The real estate education fund is established in  
 6 the state treasury and shall be administered by the department.  
 7 ~~Fifteen~~ **Five** dollars of each license fee received by the  
 8 department ~~under subsection (1)(b) — during that 3-year license~~  
 9 ~~cycle —~~ **each fiscal year** shall be deposited with the state  
 10 treasurer to the credit of the real estate education fund. The  
 11 department shall utilize the real estate education fund only for  
 12 the operation of departmental programs related to education  
 13 required of all licensees or applicants for licensure under  
 14 article 25 of the occupational code, MCL 339.2501 to 339.2518.  
 15 Any unexpended balance in the real estate education fund at the  
 16 end of a fiscal year shall carry forward to the next fiscal  
 17 year.

18 (2) ~~— (4) —~~ The real estate enforcement fund is created in the  
 19 state treasury and shall be administered by the department.  
 20 Beginning ~~the license cycle after the effective date of the~~  
 21 ~~amendatory act that added this subsection, \$15.00~~ **October 1,**  
 22 **2003, \$5.00** of each license fee received by the department ~~under~~  
 23 ~~subsection (1)(b) — during that 3-year license cycle —~~ **fiscal year**  
 24 **and each succeeding fiscal year** shall be deposited into the real  
 25 estate enforcement fund. The department shall utilize the real  
 26 estate enforcement fund only for the enforcement of article 25 of  
 27 the occupational code, MCL 339.2501 to 339.2518, regarding

1 unlicensed activity as further described in section 601(1) and  
 2 (2) **of the occupational code, MCL 339.601**, and to reimburse the  
 3 attorney general for expenses incurred in conducting prosecutions  
 4 of such unlicensed practice. Any unexpended balance in the real  
 5 estate enforcement fund at the end of a fiscal year shall carry  
 6 forward to the next fiscal year.

7       Sec. 38. ~~—(1) Fees for an individual licensed or seeking~~  
 8 ~~licensure as a state licensed real estate appraiser, certified~~  
 9 ~~general real estate appraiser, certified residential real estate~~  
 10 ~~appraiser, or a limited real estate appraiser under article 26 of~~  
 11 ~~the occupational code, MCL 339.2601 to 339.2637, are as follows:~~

12       ~~—(a) Application processing fees:~~

13       ~~—(i) Certified general real estate appraiser..... \$ 25.00~~

14       ~~—(ii) Certified residential real estate appraiser..... \$ 25.00~~

15       ~~—(iii) State licensed real estate appraiser..... \$ 25.00~~

16       ~~—(iv) Limited real estate appraiser..... \$ 25.00~~

17       ~~—(b) Examination fees, if the department conducts its own~~  
 18 ~~examination:~~

19       ~~—(i) Certified general real estate appraiser..... \$100.00~~

20       ~~—(ii) Certified residential real estate appraiser..... \$100.00~~

21       ~~—(iii) State licensed real estate appraiser..... \$100.00~~

1 ~~—(c) License fee, per year:~~

2 ~~—(i) Certified general real estate appraiser..... \$175.00~~

3 ~~—(ii) Certified residential real estate appraiser..... \$175.00~~

4 ~~—(iii) State licensed real estate appraiser..... \$175.00~~

5 ~~—(iv) Limited real estate appraiser..... \$125.00~~

6 ~~—(d) Temporary permit fee..... \$125.00~~

7 ~~——(2) The license fee includes a fee imposed by the federal~~  
 8 ~~government under sections 1113 and 1114 of title XI of the~~  
 9 ~~financial institutions reform, recovery, and enforcement act of~~  
 10 ~~1989, Public Law 101-73, 12 U.S.C. 3331 to 3351, for certified~~  
 11 ~~general real estate appraisers, certified residential real estate~~  
 12 ~~appraisers, and state licensed real estate appraisers, which~~  
 13 ~~shall not exceed \$50.00 per licensee and which the department~~  
 14 ~~shall collect and pay to the federal government pursuant to~~  
 15 ~~section 2637 of the occupational code, MCL 339.2637.~~

16 ~~——(3) The real estate appraiser education fund is established~~  
 17 ~~in the state treasury and shall be administered by the~~  
 18 ~~department. Ten dollars of each fee received under subsection~~  
 19 ~~(1)(e) shall be deposited with the state treasurer to the credit~~  
 20 ~~of the real estate appraiser education fund. The department~~  
 21 ~~shall utilize the real estate appraiser education fund only for~~

1 the operation of departmental programs related to the education  
2 required of all licensees or applicants for licensure under  
3 article 26 of the occupational code, **MCL 339.2601 to 339.2637**.  
4 Any unexpended balance in the real estate appraiser education  
5 fund at the end of a fiscal year shall carry forward to the next  
6 fiscal year.

7 Enacting section 1. Sections 11, 13, 15, 17, 21, 23, 25,  
8 27, 29, 31, 39, 43, 49, and 62 of the state license fee act, 1979  
9 PA 152, MCL 338.2211, 338.2213, 338.2215, 338.2217, 338.2221,  
10 338.2223, 338.2225, 338.2227, 338.2229, 338.2231, 338.2239,  
11 338.2243, 338.2249, and 338.2262, are repealed effective October  
12 1, 2003.

13 Enacting section 2. This amendatory act does not take  
14 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
15 (request no. 03206'03 a) of the 92nd Legislature is enacted into  
16 law.