

SENATE BILL No. 606

June 26, 2007, Introduced by Senators GARCIA, PAPPAGEORGE and RICHARDVILLE and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 registration fee and a late renewal fee within 60 days after the
2 expiration date.

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

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

1 required examination, to complete continuing education
2 requirements, or to meet current education or training
3 requirements.

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

18 (6) Beginning ~~the effective date of the amendatory act that~~
19 ~~added this subsection~~ **JULY 23, 2004**, the department shall issue an
20 initial or renewal license or registration not later than 90 days
21 after the applicant files a completed application. Receipt of the
22 application is considered the date the application is received by
23 any agency or department of the state of Michigan. If the
24 application is considered incomplete by the department, the
25 department shall notify the applicant in writing, or make
26 information electronically available, within 30 days after receipt
27 of the incomplete application, describing the deficiency and

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

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

17 (8) If the department fails to issue or deny a license or
18 registration within the time required by this section, the
19 department shall return the license or registration fee, and shall
20 reduce the license or registration fee for the applicant's next
21 renewal application, if any, by 15%. The failure to issue or deny a
22 license or registration within the time required under this section
23 does not allow the department to otherwise delay the processing of
24 the application, and that application, upon completion, shall be
25 placed in sequence with other completed applications received at
26 that same time. The department shall not discriminate against an
27 applicant in the processing of an application based upon the fact

1 that the license or registration fee was refunded or discounted
2 under this subsection.

3 (9) Beginning October 1, 2005, the director shall submit a
4 report by December 1 of each year to the standing committees and
5 appropriations subcommittees of the senate and house of
6 representatives concerned with occupational issues. The director
7 shall include all of the following information in the report
8 concerning the preceding fiscal year:

9 (a) The number of initial and renewal applications the
10 department received and completed within the 90-day time period
11 described in subsection (6) and the 30-day time period described in
12 subsection (7).

13 (b) The number of applications denied.

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

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

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

20 (b) A certified public accountant and registered accountant
21 under article 7.

22 ~~(c) A professional boxer, second, judge, physician, announcer,~~
23 ~~timekeeper, manager or matchmaker, amateur referee, and~~
24 ~~professional referee under article 8.~~

25 (C) ~~(d)~~ An agency non-owner manager of a collection agency
26 under article 9.

27 (D) ~~(e)~~ A barber, student barber, student instructor, and

1 barber instructor under article 11.

2 (E) ~~(f)~~—An employment and consulting agent of a personnel
3 agency under article 10.

4 (F) ~~(g)~~—A cosmetologist, manicurist, natural hair culturist,
5 esthetician, electrologist, instructor, and registered student
6 under article 12.

7 (G) ~~(h)~~—A hearing aid salesperson and trainee under article
8 13.

9 (H) ~~(i)~~—A mortuary science licensee, embalmer, and resident
10 trainee in mortuary science under article 18.

11 (I) ~~(j)~~—An individual architect, surveyor, and engineer under
12 article 20.

13 (J) ~~(k)~~—A forester under article 21.

14 (K) ~~(l)~~—An individual landscape architect under article 22.

15 (L) ~~(m)~~—A community planner under article 23.

16 (M) ~~(n)~~—An individual residential builder and alteration and
17 maintenance contractor and a salesperson for a residential builder
18 and alteration and maintenance contractor under article 24.

19 (N) ~~(o)~~—A real estate salesperson under article 25.

20 (O) ~~(p)~~—A real estate appraiser under article 26.

21 (P) ~~(q)~~—An ocularist and ocularist apprentice under article
22 27.

23 (11) Notwithstanding any provision in this act to the
24 contrary, an individual or qualifying officer who is a licensee or
25 registrant under this act and who is ~~on active duty~~ **MOBILIZED FOR**
26 **MILITARY DUTY** in the armed forces of the United States ~~in an area~~
27 ~~designated as a combat zone~~ by the president of the United States

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

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