

SUBSTITUTE FOR
SENATE BILL NO. 479

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 411 (MCL 339.411), as amended by 2008 PA 309;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) A person ~~who~~**THAT** fails to renew a license or registration
8 on or before the expiration date ~~shall be~~**IS** 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 **THAT** fails to renew a license or registration within the time
5 period set forth in subsection (2) may be relicensed or
6 reregistered without examination and without meeting additional
7 education or training requirements in force at the time of
8 application for relicensure or reregistration if all of the
9 following conditions are met:

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

12 (b) The person pays an application processing fee, the late
13 renewal fee, and the per year license or registration fee for the
14 upcoming licensure or registration period, subject to subsection
15 (8).

16 (c) ~~Penalties and~~ **ANY PENALTIES OR** conditions imposed by
17 disciplinary action in this state or any other jurisdiction have
18 been satisfied.

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

24 (4) Except as otherwise provided in this act, a person may be
25 relicensed or reregistered subsequent to 3 or more years after the
26 expiration date of the last license or registration ~~upon showing~~ **IF**
27 **THE PERSON SHOWS** that the person meets the requirements for

1 licensure or registration as established by the department in rules
2 or procedures, which may require a person to pass all or part of a
3 required examination, to complete continuing education
4 requirements, or to meet current education or training
5 requirements.

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

20 (6) ~~Beginning July 23, 2004, the~~**THE** department shall issue an
21 initial or renewal license or registration not later than 90 days
22 after the applicant files a completed application. ~~Receipt of the~~
23 **THE** application is considered **RECEIVED ON** the date the application
24 is received by any agency or department of ~~the~~**THIS** state. ~~of~~
25 ~~Michigan.~~ If the application is considered incomplete by the
26 department, the department shall notify the applicant in writing,
27 or make information electronically available, within 30 days after

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

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

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

sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of an application based ~~upon~~ **ON** the fact that the license or registration fee was refunded or discounted under this subsection.

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

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

(b) The number of applications denied **BY THE DEPARTMENT**.

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

(10) Subsection (6) does not apply to ~~licenses or registrations~~ **A LICENSE OR REGISTRATION** for any of the following:

~~— (a) An interior designer listed under article 6.~~

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

(B) ~~(c)~~ An agency non-owner manager of a collection agency under article 9.

(C) ~~(d)~~ A barber, student barber, student instructor, ~~and~~ **OR**

1 barber instructor under article 11.

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

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

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

9 (G) ~~(h)~~—A mortuary science licensee, embalmer, ~~and~~ **OR** resident
10 trainee in mortuary science under article 18.

11 (H) ~~(i)~~—An individual architect, surveyor, ~~and~~ **OR** engineer
12 under article 20.

13 (I) ~~(j)~~—A forester under article 21.

14 (J) ~~(k)~~—An individual landscape architect under article 22.

15 (K) ~~(l)~~—A community planner under article 23.

16 (L) ~~(m)~~—An individual residential builder and alteration and
17 maintenance contractor ~~and~~ **OR** a salesperson for a residential
18 builder and alteration and maintenance contractor under article 24.

19 (M) ~~(n)~~—A real estate salesperson under article 25.

20 (N) ~~(o)~~—A real estate appraiser under article 26.

21 (O) ~~(p)~~—An ocularist ~~and~~ **OR** 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 mobilized for military duty in
26 the armed forces of the United States by the president of the
27 United States is temporarily exempt from ~~the~~ **ANY** renewal license

1 fee, continuing education requirements, ~~and any~~ **OR** other related
2 requirements of this act **APPLICABLE TO THAT LICENSE OR**
3 **REGISTRATION**. It is the obligation of the licensee or registrant to
4 inform the department by written or electronic mail of the desire
5 to 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 **THE LICENSEE SHALL PROVIDE** notice of arrangements for adequate
9 provision of that supervision and oversight ~~shall be provided to~~
10 the department. The licensee or registrant shall accompany the
11 request with proof, as determined by the department, to verify the
12 mobilized duty status. ~~The department, upon receiving~~ **IF IT**
13 **RECEIVES** a request for a temporary exemption under this subsection,
14 **THE DEPARTMENT** shall make a determination of the requestor's status
15 and grant the temporary exemption after verification of mobilized
16 duty status under this subsection. A temporary exemption is valid
17 until 90 days after the licensee's or registrant's release from the
18 mobilized duty ~~upon~~ **ON** which the exemption was based, but shall not
19 exceed 36 months from the date of expiration of the license or
20 registration.

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

1 Enacting section 1. Section 601a of the occupational code,
2 1980 PA 299, MCL 339.601a, is repealed.