

HOUSE BILL No. 4392

March 7, 2013, Introduced by Rep. Haugh and referred to the Committee on Regulatory Reform.

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

1 license or registration by payment of the required license or
2 registration fee and a late renewal fee within 60 days after the
3 expiration date.

4 (3) Except as otherwise provided in this act, a person ~~who~~
5 **THAT** fails to renew a license or registration within the time
6 period set forth in subsection (2) may be relicensed or
7 reregistered without examination and without meeting additional
8 education or training requirements in force at the time of
9 application for relicensure or reregistration if all of the
10 following conditions are met:

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

13 (b) The person pays an application processing fee, the late
14 renewal fee, and the per year license or registration fee for the
15 upcoming licensure or registration period, subject to subsection
16 (8).

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

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

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

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

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

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

1 or make information electronically available, within 30 days after
2 receipt of the incomplete application, describing the deficiency
3 and requesting the additional information. The 90-day period is
4 tolled ~~upon notification by~~ **FROM THE DATE** the department **NOTIFIES**
5 **THE APPLICANT** of a deficiency until the date the requested
6 information is received by the department. The determination of the
7 completeness of an application does not operate as an approval of
8 the application for the license or registration and does not confer
9 eligibility of an applicant determined otherwise ineligible for
10 issuance of a license or registration.

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

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

1 application, ~~upon completion, shall be placed~~ **WHEN COMPLETED**, in
 2 sequence with other completed applications received at that same
 3 time. The department shall not discriminate against an applicant in
 4 the processing of an application based ~~upon~~ **ON** the fact that the
 5 license or registration fee was refunded or discounted under this
 6 subsection.

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

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

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

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

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

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

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

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

1 (d) A barber, student barber, student instructor, ~~and-OR~~
2 barber instructor under article 11.

3 (e) An employment and consulting agent of a personnel agency
4 under article 10.

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

8 (g) A hearing aid salesperson and trainee under article 13.

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

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

13 (j) A forester under article 21.

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

15 (l) A community planner under article 23.

16 (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 (n) A real estate salesperson under article 25.

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

21 ~~— (p) An ocularist and ocularist apprentice under article 27.~~

22 (11) Notwithstanding any provision in this act to the
23 contrary, an individual or qualifying officer who is a licensee or
24 registrant under this act and who is mobilized for military duty in
25 the armed forces of the United States by the president of the
26 United States is temporarily exempt from ~~the-ANY~~ renewal license
27 fee, continuing education requirements, ~~and any-OR~~ other related

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

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

27 Enacting section 1. Article 27 of the occupational code, 1980

1 PA 299, MCL 339.2701 to 339.2721, is repealed.