

HOUSE BILL No. 6044

November 10, 2016, Introduced by Rep. Crawford and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 103, 303a, 2204, 2209, and 2210 (MCL 339.103,
339.303a, 339.2204, 339.2209, and 339.2210), section 103 as amended
by 1994 PA 257, section 303a as amended by 2014 PA 265, and
sections 2204, 2209, and 2210 as amended by 2008 PA 490, and by
adding sections 2206 and 2212; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. (1) "Board" means ~~, in each article which deals~~ **1 OF**
2 **THE FOLLOWING:**
3 **(A) IN EACH OF ARTICLES 7 TO 26A, WHICH DEAL** with a specific
4 **occupation OR OCCUPATIONS,** the **BOARD OR** agency created in that
5 article **THAT IS** composed principally of members of the regulated

1 occupation, OR, IF SUCH A BOARD OR AGENCY IS NOT CREATED IN THAT
2 ARTICLE, BOARD MEANS THE DEPARTMENT.

3 (B) In ARTICLES 1 TO 6 AND IN all other contexts, ~~board means~~
4 each agency OR BOARD created under this act.

5 (2) "Censure" means an expression of disapproval of a
6 licensee's or registrant's professional conduct, ~~which-INCLUDING~~
7 conduct THAT is not necessarily a violation of this act or a rule
8 promulgated or an order issued under this act.

9 (3) "Competence" means a degree of expertise ~~which-THAT~~
10 enables ~~a person-AN INDIVIDUAL~~ to engage in an occupation at a
11 level which meets or exceeds minimal standards of acceptable
12 practice for the occupation.

13 (4) "Complaint" means an oral or written grievance.

14 (5) "Controlled substance" means a drug, substance, or
15 immediate precursor ~~as set forth in section 7212, 7214, 7216, 7218,~~
16 ~~or 7220 of the public health code, Act No. 368 of the Public Acts~~
17 ~~of 1978, being sections 333.7212, 333.7214, 333.7216, 333.7218, and~~
18 ~~333.7220 of the Michigan Compiled Laws, not excluded pursuant to~~
19 ~~section 7227 of Act No. 368 of the Public Acts of 1978, being~~
20 ~~section 333.7227 of the Michigan Compiled Laws-INCLUDED IN~~
21 **SCHEDULES 1 TO 5 OF PART 72 OF THE PUBLIC HEALTH CODE, 1978 PA 368,**
22 **MCL 333.7201 TO 333.7231.**

23 Sec. 303a. The term of office of a member of a board appointed
24 under this article shall commence on 1 of the following dates, as
25 applicable:

26	Accountancy	July 1
27	Architects	April 1

1	Barbers	October 1
2	Collection agencies	July 1
3	Cosmetology	January 1
4	Employment agencies	October 1
5	Hearing aid dealers	October 1
6	Land surveyors	April 1
7	Landscape architects	July 1
8	Mortuary science	July 1
9	Professional engineers	April 1
10	Real estate appraisers	July 1
11	Real estate brokers and salespersons	July 1
12	Residential builders	April 1

13 Sec. 2204. ~~(1) An applicant for licensure as a landscape~~
 14 ~~architect shall be of good moral character and shall pass a written~~
 15 ~~examination developed by the department. In addition, each~~
 16 ~~applicant shall have had not less than 7 years of training and~~
 17 ~~experience in the actual implementation and practice of landscape~~
 18 ~~architecture. Satisfactory completion of each year up to 5 years of~~
 19 ~~an accredited course in landscape architecture in an accredited~~
 20 ~~school shall be considered as equivalent to a year of experience.~~

21 **AN APPLICANT IS ELIGIBLE FOR LICENSURE AS A LANDSCAPE ARCHITECT IF**
 22 **HE OR SHE MEETS BOTH OF THE FOLLOWING:**

23 **(A) IS OF GOOD MORAL CHARACTER.**

24 **(B) SUCCESSFULLY COMPLETES A PROGRAM FOR THE TRAINING OF**
 25 **LANDSCAPE ARCHITECTS THAT MEETS SUBSECTION (3) AND SUBMITS PROOF**
 26 **THAT IS SATISFACTORY TO THE DEPARTMENT OF THE SUCCESSFUL COMPLETION**
 27 **OF THAT TRAINING PROGRAM.**

1 (2) IF IT RECEIVES AN APPLICATION FOR LICENSURE FROM AN
2 INDIVIDUAL WHO IS ELIGIBLE FOR A LICENSE UNDER SUBSECTION (1), THE
3 DEPARTMENT SHALL ISSUE THE LICENSE.

4 (3) FOR PURPOSES OF SUBSECTION (1)(B), A TRAINING PROGRAM MUST
5 MEET THE EDUCATION, EXAMINATION, AND EXPERIENCE REQUIREMENTS
6 ESTABLISHED BY RULE BY THE DEPARTMENT IN CONSULTATION WITH THE
7 MICHIGAN COUNCIL OF LANDSCAPE ARCHITECTS, AND THE DEPARTMENT SHALL
8 CONSIDER ANY PROFESSIONAL STANDARDS FOR LANDSCAPE ARCHITECTS
9 ADOPTED BY THAT ORGANIZATION IN ESTABLISHING THOSE REQUIREMENTS.

10 THE DEPARTMENT MAY DETERMINE WHETHER A TRAINING PROGRAM MEETS THE
11 REQUIREMENTS OF THIS SUBSECTION, OR MAY CONTRACT UNDER SECTION 210
12 WITH THE MICHIGAN COUNCIL OF LANDSCAPE ARCHITECTS OR ANOTHER PERSON
13 OR AGENCY TO MAKE THAT DETERMINATION ON THE DEPARTMENT'S BEHALF.

14 (4) A LICENSE AS A LANDSCAPE ARCHITECT IS VALID FOR 2 YEARS,
15 BEGINNING ON THE DATE IT IS ISSUED OR RENEWED.

16 SEC. 2206. (1) SUBJECT TO SUBSECTION (4), AN INDIVIDUAL WHO
17 HOLDS A VALID LICENSE UNDER THIS ARTICLE IS ELIGIBLE TO RENEW HIS
18 OR HER LICENSE AS A LANDSCAPE ARCHITECT IF HE OR SHE SUCCESSFULLY
19 COMPLETES A CONTINUING EDUCATION PROGRAM FOR LANDSCAPE ARCHITECTS
20 THAT MEETS SUBSECTION (3) DURING THE TERM OF HIS OR HER CURRENT
21 LICENSE AND SUBMITS PROOF THAT IS SATISFACTORY TO THE DEPARTMENT OF
22 THE SUCCESSFUL COMPLETION OF THAT CONTINUING EDUCATION PROGRAM.

23 (2) IF IT RECEIVES AN APPLICATION FOR RENEWAL FROM A LICENSEE
24 WHO IS ELIGIBLE TO RENEW HIS OR HER LICENSE UNDER SUBSECTION (1),
25 THE DEPARTMENT SHALL RENEW THE LICENSE.

26 (3) FOR PURPOSES OF SUBSECTION (1), A CONTINUING EDUCATION
27 PROGRAM MUST MEET THE REQUIREMENTS ESTABLISHED BY RULE BY THE

1 DEPARTMENT IN CONSULTATION WITH THE MICHIGAN COUNCIL OF LANDSCAPE
2 ARCHITECTS, AND THE DEPARTMENT SHALL CONSIDER ANY PROFESSIONAL
3 STANDARDS FOR THE CONTINUING EDUCATION OF LANDSCAPE ARCHITECTS
4 ADOPTED BY THAT ORGANIZATION IN ESTABLISHING THOSE REQUIREMENTS.
5 THE DEPARTMENT MAY DETERMINE WHETHER A TRAINING PROGRAM MEETS THE
6 REQUIREMENTS OF THIS SUBSECTION, OR MAY CONTRACT UNDER SECTION 210
7 WITH THE MICHIGAN COUNCIL OF LANDSCAPE ARCHITECTS OR ANOTHER PERSON
8 OR AGENCY TO MAKE THAT DETERMINATION ON THE DEPARTMENT'S BEHALF.

9 (4) A LICENSEE IS NOT REQUIRED TO COMPLETE A CONTINUING
10 EDUCATION PROGRAM UNDER THIS SECTION TO RENEW HIS OR HER LICENSE IF
11 HE OR SHE MEETS ANY OF THE FOLLOWING:

12 (A) WAS ISSUED A LICENSE UNDER SECTION 2209 AND IS SEEKING HIS
13 OR HER FIRST RENEWAL OF THAT LICENSE.

14 (B) IS ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES
15 AND HIS OR HER ACTIVE DUTY STATUS RESTRICTS HIS OR HER
16 PARTICIPATION IN A CONTINUING EDUCATION PROGRAM DESCRIBED IN
17 SUBSECTION (1).

18 (C) IS EXPERIENCING PHYSICAL DISABILITY, ILLNESS, OR OTHER
19 EXTENUATING CIRCUMSTANCES THAT RESTRICT HIS OR HER PARTICIPATION IN
20 A CONTINUING EDUCATION PROGRAM DESCRIBED IN SUBSECTION (1), AS
21 DETERMINED BY THE DEPARTMENT.

22 (5) A RENEWAL LICENSE AS A LANDSCAPE ARCHITECT IS VALID FOR 2
23 YEARS, BEGINNING ON THE DATE IT IS ISSUED OR RENEWED.

24 Sec. 2209. The department may issue a license without
25 examination to an applicant who is legally registered, licensed, or
26 regulated as a landscape architect in any other state or country
27 whose requirements for registration, licensure, or other regulation

are at least substantially equivalent to the requirements of this state.

Sec. 2210. (1) Each landscape architect shall have a seal, approved by the department, ~~and the board, which shall contain~~ **THAT BEARS** the name of the landscape architect, the number of his or her license, and the legend "landscape architect, state of Michigan" and **ANY** other words or figures ~~as~~ **THAT** the department considers necessary. ~~Plans,~~

(2) A LANDSCAPE ARCHITECT SHALL ENSURE THAT HIS OR HER SEAL IS APPLIED TO ALL PLANS, specifications, and reports prepared by the landscape architect or under his or her supervision ~~shall be stamped with his or her seal when filed with a public authority.~~ **AND SHALL VALIDATE THE USE OF THE SEAL BY SIGNING THE DOCUMENT ACROSS THE SEAL OR ADJACENT TO IT.**

(3) A LANDSCAPE ARCHITECT SHALL ENSURE THAT HIS OR HER SEAL IS NOT APPLIED TO ANY PLANS, SPECIFICATIONS, OR REPORTS THAT ARE NOT PREPARED BY OR UNDER THE SUPERVISION OF THE LANDSCAPE ARCHITECT.

(4) A PERSON SHALL NOT USE THE SEAL OF A LICENSED LANDSCAPE ARCHITECT WITHOUT THE AUTHORIZATION OF THE LICENSED LANDSCAPE ARCHITECT.

(5) ~~(2)~~ A landscape architect who ~~indorses a document with~~ **APPLIES** his or her seal **TO A DOCUMENT** while his or her license is not in full force and effect, or who ~~indorses a document which the landscape architect did not actually prepare or supervise the preparation,~~ **VIOLATES THIS SECTION**, is subject to the penalties prescribed in article 6.

SEC. 2212. R 339.19001 TO R 339.19049 OF THE MICHIGAN

1 ADMINISTRATIVE CODE ARE RESCINDED.

2 Enacting section 1. Sections 2203 and 2205 of the occupational
3 code, 1980 PA 299, MCL 339.2203 and 339.2205, are repealed.

4 Enacting section 2. This amendatory act takes effect 180 days
5 after the date it is enacted into law.