

## PRELIMINARY DETERMINATION OF ELIGIBILITY FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE OR REGISTRATION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 6058 (H-1) as reported from committee**  
**Sponsor: Rep. Scott VanSingel**

**House Bill 6059 (H-1) as reported**  
**Sponsor: Rep. Terry J. Sabo**

**House Bill 6060 (H-1) as reported**  
**Sponsor: Rep. Jim Lilly**

**Committee: Regulatory Reform**  
**Complete to 10-2-18**

*(Enacted as Public Acts 453, 454, and 455 of 2018)*

### SUMMARY:

The bills would similarly amend different acts to require the Department of Licensing and Regulatory Reform (LARA) to establish a procedure by which an individual could obtain a preliminary determination as to whether any court judgments against him or her (e.g., a criminal conviction) would likely result in a denial of a license or registration for failing to meet the *good moral character* requirement for that license or registration.

For purposes of the above, all of the following would apply:

- An individual must, to obtain a preliminary determination, file a request that meets all of the following:
  - Is submitted on a form provided by LARA.
  - Identifies the license or registration for which he or she may apply.
  - Includes a detailed description of any criminal proceedings that resulted in a judgment against him or her.
  - Includes the nonrefundable fee required by LARA.
- LARA, in making a determination of eligibility, would be limited to considering only the information provided regarding the specific license or registration being applied for and the description of any criminal judgments.
- An adverse preliminary determination would not prevent the individual from subsequently applying for a license or registration.
- LARA or an occupational or professional board would not be bound by a preliminary determination if the individual applied for a license or registration.
- LARA's authority to review applications for a license or registration, or to issue or deny a license or registration, would not be limited by issuance of a preliminary determination.

- A notification of a preliminary determination would be made by LARA to an individual by delivery of a preliminary determination letter in a form determined by the department.

Further, an individual could only request one preliminary determination in any 120-day period.

**House Bill 6058** would add the above language to the Public Health Code to apply to individuals seeking a license or registration for a health profession. (Proposed MCL 333.16174a)

**House Bill 6059** would add the above language to the Skilled Trades Regulation Act. (Proposed MCL 339.5202)

**House Bill 6060** would add the above language to the Occupational Code. (Proposed MCL 339.202a)

Each bill would take effect 90 days after enactment.

#### **BRIEF DISCUSSION:**

These bills are related to another package of bills (House Bills 6110 through 6113 and 6381) that address “good moral character” provisions for applicants for registration or licensure in various regulated professions, occupations, and trades. House Bills 6058, 6059, and 6060 are intended to address a situation where an individual might know of a criminal conviction in his or her past, but not know whether that record would rise to the level of disqualifying him or her from being licensed or registered. Since it is often costly, in time and other resources, to obtain the education and training required for licensure or registration, it could be helpful, before one sets out on that path, to have a preliminary indication as to whether the door is likely to be open or closed when one arrives at it.

#### **FISCAL IMPACT:**

House Bills 6058, 6059, and 6060 would not have a significant impact on revenues or expenditures for the Department of Licensing and Regulatory Affairs or any other unit of state or local government.

#### **POSITIONS:**

The Michigan League for Public Policy indicated support for the bills. (10-2-18)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Marcus Coffin

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.