

Act No. 463  
Public Acts of 1988  
Approved by the Governor  
December 25, 1988  
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December 27, 1988

**STATE OF MICHIGAN  
84TH LEGISLATURE  
REGULAR SESSION OF 1988**

Introduced by Rep. Griffin

# **ENROLLED HOUSE BILL No. 4822**

AN ACT to amend sections 105, 202, 203, 204, 401, 704, 705, 706, 708, 711, 805, 806, 808, 810, 811, 812, 904, 906, 911, 913, 1005, 1008, 1009, 1013, 1105, 1106, 1108, 1109, 1110, 1111, 1114, 1204, 1205, 1207, 1208, 1209, 1211, 1214, 1301, 1305, 1307, 1403, 1405, 1406, 1504, 1603, 1604, 1605, 1606, 1607, 1707, 1806, 1808, 1904, 1907, 1909, 1910, 2004, 2005, 2009, 2013, 2107, 2205, 2209, 2306, 2310, 2404, 2407, 2409, 2505, 2506, 2507, 2701, 2705, 2709, 2713, 2717, and 2721 of Act No. 299 of the Public Acts of 1980, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of the department of licensing and regulation and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; and to repeal certain acts and parts of acts," sections 704, 806, 904, 906, 911, 1205, 1208, 1209, 1211, 1305, 1604, 1605, 1806, 1808, 2004, 2013, and 2306 as amended by Act No. 83 of the Public Acts of 1981, sections 1105, 1106, 1108, 1109, 1110, 1111, and 1114 as amended by Act No. 25 of the Public Acts of 1984, sections 1204, 1207, and 1214 as amended by Act No. 377 of the Public Acts of 1982, section 2404 as amended by Act No. 193 of the Public Acts of 1984, section 2409 as amended by Act No. 410 of the Public Acts of 1982, section 2505 as amended by Act No. 16 of the Public Acts of 1988, section 2506 as amended by Act No. 14 of the Public Acts of 1988, and sections 2701, 2705, 2709, 2713, 2717, and 2721 as added by Act No. 209 of the Public Acts of 1982, being sections 339.105, 339.202, 339.203, 339.204, 339.401, 339.704, 339.705, 339.706, 339.708, 339.711, 339.805, 339.806, 339.808, 339.810, 339.811, 339.812, 339.904, 339.906, 339.911, 339.913, 339.1005, 339.1008, 339.1009, 339.1013, 339.1105, 339.1106, 339.1108, 339.1109, 339.1110, 339.1111, 339.1114, 339.1204, 339.1205, 339.1207, 339.1208, 339.1209, 339.1211, 339.1214, 339.1301, 339.1305, 339.1307, 339.1403, 339.1405, 339.1406, 339.1504, 339.1603, 339.1604, 339.1605, 339.1606, 339.1607, 339.1707, 339.1806, 339.1808, 339.1904, 339.1907, 339.1909, 339.1910, 339.2004, 339.2005, 339.2009, 339.2013, 339.2107, 339.2205, 339.2209, 339.2306, 339.2310, 339.2404, 339.2407, 339.2409, 339.2505, 339.2506, 339.2507, 339.2701, 339.2705, 339.2709, 339.2713, 339.2717, and 339.2721 of the Michigan Compiled Laws; to add sections 402, 403, 405, 407, 409, and 411; and to repeal certain parts of the act.

*The People of the State of Michigan enact:*

Section 1. Sections 105, 202, 203, 204, 401, 704, 705, 706, 708, 711, 805, 806, 808, 810, 811, 812, 904, 906, 911, 913, 1005, 1008, 1009, 1013, 1105, 1106, 1108, 1109, 1110, 1111, 1114, 1204, 1205, 1207, 1208, 1209, 1211, 1214, 1301, 1305, 1307, 1403, 1405, 1406, 1504, 1603, 1604, 1605, 1606, 1607, 1707, 1806, 1808, 1904, 1907, 1909, 1910, 2004, 2005, 2009, 2013, 2107, 2205, 2209, 2306, 2310, 2404, 2407, 2409, 2505, 2506, 2507, 2701, 2705, 2709, 2713,

2717, and 2721 of Act No. 299 of the Public Acts of 1980, sections 704, 806, 904, 906, 911, 1205, 1208, 1209, 1211, 1305, 1604, 1605, 1806, 1808, 2004, 2013, and 2306 as amended by Act No. 83 of the Public Acts of 1981, sections 1105, 1106, 1108, 1109, 1110, 1111, and 1114 as amended by Act No. 25 of the Public Acts of 1984, sections 1204, 1207, and 1214 as amended by Act No. 377 of the Public Acts of 1982, section 2404 as amended by Act No. 193 of the Public Acts of 1984, section 2409 as amended by Act No. 410 of the Public Acts of 1982, section 2505 as amended by Act No. 16 of the Public Acts of 1988, section 2506 as amended by Act No. 14 of the Public Acts of 1988, and sections 2701, 2705, 2709, 2713, 2717, and 2721 as added by Act No. 209 of the Public Acts of 1982, being sections 339.105, 339.202, 339.203, 339.204, 339.401, 339.704, 339.705, 339.706, 339.708, 339.711, 339.805, 339.806, 339.808, 339.810, 339.811, 339.812, 339.904, 339.906, 339.911, 339.913, 339.1005, 339.1008, 339.1009, 339.1013, 339.1105, 339.1106, 339.1108, 339.1109, 339.1110, 339.1111, 339.1114, 339.1204, 339.1205, 339.1207, 339.1208, 339.1209, 339.1211, 339.1214, 339.1301, 339.1305, 339.1307, 339.1403, 339.1405, 339.1406, 339.1504, 339.1603, 339.1604, 339.1605, 339.1606, 339.1607, 339.1707, 339.1806, 339.1808, 339.1904, 339.1907, 339.1909, 339.1910, 339.2004, 339.2005, 339.2009, 339.2013, 339.2107, 339.2205, 339.2209, 339.2306, 339.2310, 339.2404, 339.2407, 339.2409, 339.2505, 339.2506, 339.2507, 339.2701, 339.2705, 339.2709, 339.2713, 339.2717, and 339.2721 of the Michigan Compiled Laws, are amended and sections 402, 403, 405, 407, 409, and 411 are added to read as follows:

Sec. 105. (1) "License" means the document issued to a person under this act which will enable that person to use a designated title and practice an occupation, which practice would otherwise be prohibited by this act. License includes a document issued by the department which permits a school, institution, or person to offer training or education in an occupation or which permits the operation of a facility, establishment, or institution in which an occupation is practiced. License includes a permit or approval.

(2) "Licensee" means a person who has been issued a license under this act.

(3) "Limitation" means a condition, stricture, constraint, restriction, or probation attached to a license or registration relative to the scope of practice including the following:

(a) A requirement that the licensee or registrant perform only specified functions of the licensee's or registrant's occupation.

(b) A requirement that the licensee or registrant perform the licensee's or registrant's occupation only for a specified period of time.

(c) A requirement that the licensee or registrant perform the licensee's or registrant's occupation only within a specified geographical area.

(d) A requirement that restitution be made or certain work be performed before a license or registration is issued, renewed, or reinstated.

(e) A requirement that a financial statement certified by a person licensed as a certified public accountant be filed with the department at regular intervals.

(f) A requirement which reasonably assures a licensee's or registrant's competence to perform the licensee's or registrant's occupation.

(g) A requirement that all contracts of a licensee or registrant be reviewed by an attorney.

(h) A requirement that a licensee or registrant have on file with the department a bond issued by a surety insurer approved by the department or cash in an amount determined by the department.

(i) A requirement that a licensee or registrant deposit money received in an escrow account which can be disbursed only under certain conditions as determined by the licensee or registrant and another party.

(j) A requirement that a licensee or registrant file reports with the department at intervals determined by the department.

(4) "Occupation" means a field of endeavor regulated by this act.

(5) "Person" means an individual, sole proprietorship, partnership, association, corporation, common law trust, or a combination of those legal entities. Person includes a department, board, school, institution, establishment, or governmental entity.

(6) "Physical dominion" means control and possession.

(7) "Physician" means that term as defined in section 17001 and section 17501 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.17001 and 333.17501 of the Michigan Compiled Laws.

(8) "Probation" means a sanction which permits a board to evaluate over a period of time a licensee's or registrant's fitness to practice an occupation regulated by this act.

(9) "Public access" means the right of a person to view and copy files pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(10) "Registrant" means a person who is registered under this act.

(11) "Registration" means the document issued to a person under this act which will enable that person to use a designated title, which use would be otherwise prohibited by this act.

(12) "Rule" means a rule promulgated under this act and pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(13) "State" means the District of Columbia or a commonwealth, state, or territory of the United States.

Sec. 202. (1) An application for licensure or registration shall be made on a form provided by the department and accompanied by the appropriate fees prescribed in article 4. Except as otherwise provided in this act, the department shall issue a license or registration to a person who meets the licensure or registration requirements set forth in a specific article and in rules promulgated under this act, subject to the exceptions set forth in section 203.

(2) The expiration date of a license or registration issued under this act shall be established by rule promulgated by the department under section 205, which rule shall not permit the issuance of a permanent license or registration.

Sec. 203. (1) The department may issue a license or registration to a person pursuant to a specific article, if the person demonstrates to the satisfaction of the department and a board that the licensure or registration requirements do not constitute a fair and adequate measure of the person's knowledge and skills or that a required examination for receipt of a license or registration does not serve as an adequate basis for determining whether a person could perform an occupation with competence. The procedure to be followed in obtaining the review by the director and a board is prescribed in article 5. A person shall not have a license or registration issued under this section until the person pays the appropriate fees as prescribed in article 4.

(2) A license or registration issued under this article may be issued with a limitation. The department shall notify the appropriate board of the department's intent to impose a limitation on the issuance of a license or registration of a person seeking a license or registration in the occupation for which the board serves. The department may impose the limitation only with the approval of the notified board. However, if the notified board, within 60 days after receipt of the notification by the department, neither approves nor disapproves the imposition of a limitation, the department may impose the limitation. A person who receives a license or registration with a limitation may receive a review of the limitation as provided in section 519.

(3) Notwithstanding any other provision of this act, a person licensed, registered, or certified under an act repealed by this act to practice an occupation on the day immediately preceding the effective date of this act shall be considered to be appropriately licensed, registered, or certified under this act until the expiration of the licensure, registration, or certification granted under the repealed act.

Sec. 204. (1) Unless otherwise provided in this act and subject to the limitations set forth in this section, the department shall renew the license or registration of a person who fulfills all of the following requirements:

(a) Has applied to the department on a form provided by the department for renewal of a license or registration. The application for renewal shall be received by the department on or before the date prescribed by the department for the expiration of the current license or registration.

(b) Has paid the appropriate fees prescribed in article 4.

(c) Has met the renewal requirements set forth in a specific article, rule, or an order issued under this act.

(2) Except as otherwise provided in this act, the department may renew the license or registration of a person who does not meet the requirements for renewal, if the person demonstrates to the satisfaction of the department and a board that the requirements for renewal as set forth in an article or rule do not constitute a fair and adequate measure of the person's knowledge and skills or that the requirements for renewal do not serve as an adequate basis for determining whether a person could continue to perform an occupation with competence. However, a requirement of attendance in a continuing education program shall not be waived as a requirement for the renewal. The procedure to be followed in obtaining a review of requirements for renewal by the director and a board is prescribed in article 5. The department shall not issue a license or registration under this subsection until the person seeking renewal pays the appropriate fees as prescribed in article 4.

(3) Except as otherwise provided in article 7, a license or registration renewed under this section may be renewed with a limitation. The department shall notify the appropriate board of the department's intent to impose a limitation on the renewal of a license of a person seeking license renewal in the occupation for which the board serves. The department may impose the limitation only with the approval of the notified board. However, if the notified board, within 30 days after receipt of the notification by the department, neither approves nor disapproves the imposition of a limitation, the department may impose the limitation. A person who receives a license or registration renewed with a limitation may receive a review of that limitation as provided in section 519.

(4) It is the responsibility of the licensee or registrant to renew a license or registration. The department shall send a renewal application to the last known address of a licensee or registrant on file with the department. The failure of a licensee or registrant to notify the department of a change of address shall not extend the expiration date of a license or registration and may result in disciplinary action.

Sec. 401. The specific amounts to be charged for licenses, registrations, and other activities provided for in this act shall be as prescribed in the state license fee act, Act No. 152 of the Public Acts of 1979, being sections 338.2201 to 338.2277 of the Michigan Compiled Laws.

Sec. 402. As used in this article:

(a) "Expiration date" means the date prescribed in rules promulgated by the department in accordance with section 202(2).

(b) "Reinstatement" means the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been revoked.

(c) "Relicensure" means the granting of a license to a person whose license has lapsed for failure to renew the license within 60 days after the expiration date.

(d) "Reregistration" means the granting of a registration to a person whose registration has lapsed for failure to renew the registration within 60 days after the expiration date.

Sec. 403. (1) This act does not prohibit a person who has a contract with the department or any other person providing direct services from collecting fees directly from an applicant, registrant, or licensee.

(2) If the department terminates a contract with a person who has been administering a licensing or registration examination to applicants for licensure or registration in a specific profession, and the department itself begins to administer the examination, the department shall not charge an applicant a fee greater than the fee charged under the terminated contract unless the examination fee for that profession is increased under the state license fee act, Act No. 152 of the Public Acts of 1979, being sections 338.2201 to 338.2277 of the Michigan Compiled Laws.

Sec. 405. An application for a license or registration shall be accompanied by a nonrefundable application processing fee. The department may also require that the application be accompanied by the fee for a required examination or inspection or the fee for the initial license or registration period.

Sec. 407. (1) An individual who is required to take an examination shall pay an examination fee before being scheduled for an examination.

(2) An individual who is scheduled for examination or reexamination and who fails to appear shall forfeit the examination fee.

(3) An individual who fails all or part of an examination may be reexamined, if eligible, after paying for the complete examination or such parts of the examination as must be repeated.

(4) The department shall publish in its application instructions the deadline by which applications must be received in order for an applicant to be scheduled for a required examination.

Sec. 409. (1) A person who has completed the requirements for a license or registration or who seeks to renew a license or registration shall not be issued a license or registration until the person has paid the license or registration fee.

(2) License and registration fees shall be prescribed on a per year basis. If licenses and registrations are established by rules promulgated by the department under section 202 as biennial renewals, the fee required shall be twice the per year amount.

(3) Unless otherwise provided by this act or rules promulgated under this act, all requirements for licensure or registration shall be completed by the applicant within 1 year after receipt of the application by the department or mailing of a notice of an incomplete application to the last known address on file with the department, whichever is later. If the requirements are not completed, the fees paid shall be forfeited to the department and the application shall be void. A person whose application has been determined to be void under this subsection shall submit a new application and fees and shall meet the standards in effect on the date of receipt of the new application.

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

(2) A person who fails to renew a license or registration on or before the expiration date shall be permitted to renew the license or registration by payment of the required license or registration fee and a late renewal fee within 60 days after the expiration date.

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

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

(b) The person pays an application processing fee, the late renewal fee, and the per year license or registration fee for the upcoming licensure or registration period.

(c) Penalties and conditions imposed by disciplinary action in this state or any other jurisdiction have been satisfied.

(d) The person submits proof of having completed the equivalent of 1 year of continuing education within the 12 months immediately preceding the date of application, if continuing education is required of licensees or registrants under a specific article.

(4) Except as otherwise provided in this act, relicensure or reregistration subsequent to 3 or more years after the expiration date of the last license or registration shall be subject to rules promulgated by a board which may require a person to pass all or part of a required examination, to complete continuing education requirements, or to meet current education or training requirements.

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

Sec. 704. (1) The department, upon application, shall, at the direction of the board, issue a certificate of certified public accountant to an individual who is 18 years of age or older, who is of good moral character, who has not been convicted of embezzlement or misappropriation of funds, who meets the educational requirements set forth in subsection (2), who holds a certificate of examination under subsection (3), and who meets the experience requirements set forth in subsection (5).

(2) Before an examination, an applicant for a certificate of examination shall have completed at least a curriculum required for a baccalaureate degree with a concentration in accounting or its equivalent at an educational institution recognized by the board.

(3) The department or any person authorized by the board shall grant a certificate of examination which is valid for the life of the holder to an individual who meets all of the following requirements:

(a) At the time of filing an application for writing the examination prescribed in this section, the individual is a resident of this state, has a place of business in this state, or is regularly employed in this state.

(b) The individual meets the educational requirements of subsection (2).

(c) The individual successfully passes a written examination in accounting theory, auditing, and other related subjects, which examination is prepared and scored without personal identification by a national testing organization, is administered under the direction of the board, and is an examination the passage of which is given reciprocal status in the plurality of states as compared to other examinations.

(4) The examination described in subsection (3) shall take place as often as the department and the board determine, but shall be held not less than once a year. A notice of the time and place for holding the examination shall be mailed to an applicant approved by the board for examination under this article. The board may require an applicant to appear in person to answer questions or produce evidence to sustain facts which will determine whether the qualifications of the applicant are as prescribed by this article and the rules of the board. Only the names and addresses of individuals who make application to take the examination shall be released to organizations for the purpose of providing applicants with information relating to available professional educational materials and courses. The department shall be reimbursed by the organizations for the costs involved. This subsection shall not prevent the board from making public announcements of the names of individuals receiving certificates under this act.

(5) An individual shall have 2 years qualifying experience which shall have been obtained within a period beginning 6 years immediately preceding the date of the initial application for a certificate of certified public

accountant. The experience shall have been obtained in 1 or more of the following responsible audit positions or as provided in this section:

(a) The practice of public accounting, under the direction and supervision of a certified public accountant of this or another state.

(b) A governmental agency involving 1 of the following:

(i) Auditing the books and accounts or financial activities of persons engaged in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards.

(ii) Auditing the books and accounts of financial activities of 3 or more distinct governmental agencies or independent organizational units other than an employer of the applicant in accordance with generally accepted auditing standards, and in which the results of the auditing are reported to a third party.

(iii) Reviewing a financial statement and supporting material covering the financial condition and operations of entities engaged in 3 or more distinct lines of commercial or industrial business to determine the reliability and fairness of the financial reporting and compliance with the generally accepted accounting principles and applicable laws and governmental regulations.

(iv) A combination of (i), (ii), and (iii).

(6) The department, upon proper application and at the direction of the board, shall issue a certificate of certified public accountant to an applicant who holds a valid and unrevoked certificate as a certified public accountant issued by or under the authority of another state or holds a valid and unrevoked certificate as a chartered accountant or its equivalent issued by or under the authority of a foreign country, or a political subdivision of the foreign country, if the applicant has complied with the requirements of this act, this article, and the rules of the department and the board, and either the original certificate was secured as the result of an examination which, in the judgment of the board, is equivalent to the examination which was administered in this state during the same time period as the examination passed by the applicant, or the holder of the certificate has maintained an office for the practice of public accounting under the authority of the certificate for not less than 10 years.

(7) An individual who has earned a graduate degree in accounting or its equivalent at an educational institution recognized by the board, and who has completed at least 2 years, within the 6-year period immediately prior to applying for a certificate of certified public accountant, as a full-time instructor of accounting in subjects above the elementary level prescribed in rules promulgated by the board as qualifying in meeting the curriculum leading to the mastery of a body of knowledge commensurate with professional responsibility for the practice of public accounting, and who has met the other requirements of this article, shall be considered as having received the equivalent of 1 year of qualifying experience under subsection (5).

(8) An individual who has earned a graduate degree in accounting or its equivalent at an educational institution recognized by the board, and who has completed a curriculum leading to the mastery of a body of knowledge commensurate with professional responsibility for the practice of public accounting as prescribed in rules promulgated by the board, shall be considered as having received the equivalent of 1 year of qualifying experience under subsection (5).

Sec. 705. (1) Registration shall be required for all of the following:

(a) Each individual holder of a certificate of certified public accountant issued by the department at the direction of the board and each nonresident member of a firm or stockholder of a corporation having administrative responsibility for the practice by the firm or corporation of public accounting in this state.

(b) Each firm organized for the practice of public accounting in which:

(i) One general partner or member is in good standing as a certified public accountant of this state.

(ii) Each partner or member is in good standing as a certified public accountant of some state.

(iii) Each resident manager in charge of an office of the firm in this state and each partner or member of a firm in this state personally engaged within this state in the practice of public accounting is in good standing as a certified public accountant of this state.

(c) Each corporation organized for the practice of public accounting as a corporation of certified public accountants which meets the following requirements:

(i) The sole purpose and business of the corporation is to furnish to the public services consistent with this article and the rules of the board. The corporation may invest its funds in a manner not incompatible with the practice of public accounting.

(ii) Each stockholder of the corporation is in good standing as a certified public accountant of some state.

(iii) The principal officer of the corporation and each officer or director having authority over the practice of public accounting by the corporation is in good standing as a certified public accountant of some state.

(iv) Not less than 1 stockholder of the corporation is in good standing as a certified public accountant of this state.

(v) Each resident individual in charge of an office of the corporation in this state and each stockholder or other director personally engaged within this state in the practice of public accounting is in good standing as a certified public accountant of this state.

(vi) The corporation is in compliance with other rules pertaining to corporations practicing public accounting in this state promulgated by the board.

(2) An application for registration shall be made by an individual, a general partner or member, or a stockholder who is in good standing as a certified public accountant of this state.

(3) An application for registration shall be made by or for each office other than the principal office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or firm or corporation of certified public accountants.

(4) Each registered individual holder of a certificate of certified public accountant shall be styled and known as a certified public accountant and no other person shall use that title or the abbreviation "C.P.A." or any other word, words, letters, or figures to indicate that the person using them is a certified public accountant. The terms, "certified accountant", "chartered accountant", "public accountant", and "registered accountant" and the abbreviations, "C.A.", "P.A.", and "R.A.", are specifically prohibited as being prima facie misleading to the public.

(5) Each registered firm or corporation may use the designation, "certified public accountants", in connection with the firm or corporate name, except that a registered corporation having only 1 stockholder may use only the designation, "certified public accountant". The name of each firm or corporation shall be listed in the register together with the names of the partners, members, stockholders, and managers in charge of offices in the state. A nonregistered firm or corporation shall not use the designation "certified public accountants", "certified accountants", "chartered accountants", "public accountants", or "registered accountants" or the abbreviation "C.P.A.", "C.A.", "P.A.", or "R.A." in connection with the firm name.

Sec. 706. (1) The department shall issue registration certificates under this article at the direction of the board. At the direction of the board, the department shall issue a license to practice public accounting in this state only to an individual who holds a certificate of certified public accountant and who has furnished evidence satisfactory to the board of compliance with the requirements of subsection (3).

(2) Failure to register at a time specified by the department shall not disqualify the holder of a certificate of certified public accountant, not currently in practice, from reregistration or relicensure for a future period or, if the license, certificate, or registration was revoked under section 708(g), from reinstatement, upon compliance with the rules promulgated by the board.

(3) An application for reciprocal licensure or a renewal of licensure shall be supported by evidence of compliance with the continuing education rules promulgated by the board which shall include both of the following:

(a) Basic requirements of not less than 40 hours of continuing education for each continuing education period since the license was last issued or renewed.

(b) Educational requirements of this subsection.

(4) In exercising authority under subsection (3), the board shall establish requirements designed to insure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants. The board may make exceptions from continuing education requirements for reasons of health, military service, or other good cause. The board may offer written examinations in place of all of or a part of the qualifying education requirements. However, the applicant shall decide whether to satisfy the continuing education requirement by examination, if offered, or by participation in qualifying education programs. The board may appoint a continuing education committee composed of certified public accountants licensed under this act. This committee shall assist the board in the administration of continuing education requirements under this act. The committee members shall serve without compensation, but shall receive reasonable travel expenses and other expenses incurred in the performance of official duties.

Sec. 708. A holder of a certificate issued under section 704, a registration issued under section 705, or a license issued under section 706, shall be subject to the penalties of section 602 for 1 or more of the following:

(a) Fraud or deceit in obtaining a certificate of certified public accountant or a license to practice public accounting, or in registering under this act.

(b) Dishonesty, fraud, or negligence in the practice of public accounting.

(c) Violation of a rule of professional conduct promulgated by the board.

(d) Conviction of a felony under the laws of a state or the United States or conviction of a crime, an element of which is dishonesty, fraud, or negligence, under the laws of a state or of the United States, including the failure to file a personal federal, state, or local income tax return.

(e) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant by another state for any cause other than failure to pay a registration fee in that state.

(f) Suspension of or revocation for cause of the right to practice before a state or federal agency.

(g) Failure of a holder of a certificate of certified public accountant to register under section 705 within 4 years after the date set for registration by the board.

(h) Conduct discreditable to the public accounting profession.

(i) Determination of mental incompetency by a court of law.

(j) A violation of this act.

(k) A violation of the provisions of section 604.

Sec. 711. This article shall not prohibit the following:

(a) An individual who is not a certified public accountant from serving as an employee of, or an assistant to, a certified public accountant or partnership or corporation composed of certified public accountants registered under this article to practice if the employee or assistant does not issue an accounting or financial statement over the employee's or assistant's name.

(b) A certified public accountant of another state, or an accountant who is licensed in a foreign country for the practice of public accounting in that country, from temporarily and periodically practicing in this state if all of the following requirements are met:

(i) The individual is conducting a regular practice in the other state or foreign country.

(ii) The temporary practice is conducted in conformity with rules promulgated by the board.

(iii) The individual secures permission from the board to conduct the practice.

(c) A practicing attorney from preparing reports or presenting records customarily prepared by an attorney in connection with the attorney's professional work.

(d) A person from preparing a report or return, not requiring the expression of an opinion on the report or return, for filing with a federal, state, or local governmental unit.

(e) An officer, employee, partner, or principal of an organization from signing a statement or report in reference to the financial affairs of the organization with wording designating the position, title, or office which the officer, employee, partner, or principal holds in that organization.

(f) An act of a public official or public employee in the performance of that individual's official duties.

(g) An individual who may be employed by more than 1 person, firm, or corporation from keeping books, making trial balances or statements, and preparing audits or reports, if the audits or reports are not used or issued by the employers as having been prepared by a certified public accountant.

Sec. 805. A boxing, sparring, or wrestling match or exhibition shall not be held or conducted within this state, except under a license issued by the department pursuant to this article, and the rules promulgated under this act. However, the department may issue, without the payment of a fee, a license to hold either a boxing or wrestling match or exhibition between professionals under the sponsorship of a civic organization or veterans' group if held for charitable purposes.

Sec. 806. A promoter, boxing club, physician, referee, judge, matchmaker, timekeeper, announcer, professional boxer, professional wrestler, or a manager, or second of those persons shall obtain a license from the department before participating either directly or indirectly in a boxing, sparring, or wrestling contest, and a person shall not profit directly or indirectly from a boxing or wrestling contest or participate directly or indirectly in the contest or in the receipts from a contest unless it is licensed by the department in advance under the classifications designated in this article. Each application for a license shall be in writing, shall be verified by the applicant, and shall set forth those facts and conform to the rules promulgated by the department, jointly with the board. The department shall issue a passport with each professional boxer's license. Each applicant for a license as a promoter, referee or judge shall be of good moral character.

Sec. 808. Each promoter or boxing club, within 24 hours after the termination of a contest, shall furnish to the department a written report, showing the number of tickets sold for the contest and the amount of the gross proceeds of the contest, and other matter as the department prescribes.



Sec. 810. (1) A professional boxing contest shall be of not more than 10 rounds in length, except a contest which involves a national or international championship may last not more than 20 rounds in the determination of the department. The contestants shall wear during a contest gloves weighing at least 6 ounces each. Rounds shall be not longer than 3 minutes, with not less than 1-minute rest between rounds.

(2) A contestant in a professional or amateur boxing, sparring, or wrestling contest shall be certified to be in proper physical condition by an individual licensed as a physician before participating in a boxing, sparring, or wrestling contest.

Sec. 811. At the expense of a promoter or boxing club, a physician shall be in attendance at each boxing, sparring, or wrestling contest. The physician shall observe the physical condition of the boxers and wrestlers, and advise the referee or judges with regard to the health of the contestants. The physician shall examine each boxer or wrestler within 2 hours before entering the ring. A promoter or boxing club shall file with the department the report of the physical examination of a contestant not later than 24 hours after termination of the contest. If, in the opinion of the physician, the health or safety of a boxer or wrestler requires that the contest in which he or she is participating be terminated, the physician shall notify the referee. The referee shall terminate the contest.

Sec. 812. If a boxer or wrestler loses consciousness during or as a result of a contest in which he or she participates, he or she shall not again be eligible to participate in a contest in this state unless examined by a physician appointed by the department and unless the physician certifies the boxer's or wrestler's fitness to participate. The boxer or wrestler shall pay the cost of the examination.

Sec. 904. (1) Except as provided in this article, a person shall not operate a collection agency or engage or commence in the business of a collection agency without first applying for and obtaining a license from the department for each place of business.

(2) The department may require financial statements, references, or information to determine the qualifications of the applicant, including the names, addresses, and references of each member of a partnership or of each officer, director, or shareholder holding 10% or more of the outstanding shares of the agency.

(3) Each individual applicant, each partner of a partnership which is an applicant, and each officer or director of a corporation which is an applicant shall:

(a) Be not less than 18 years of age.

(b) Be of good moral character and have the financial responsibility, reputation, and experience such as to command the confidence of the community and to warrant the belief that the business will be operated lawfully, honestly, and fairly.

Sec. 906. A collection agency license is not transferable to another person or location. Notification of changes in the corporate structure, partnership, name, or address shall be submitted in writing within 30 days after the date of the change.

Sec. 911. The department shall issue a collection agency manager's license or a collection agency license to an individual who meets all of the following requirements:

(a) Has a high school diploma or demonstrates to the satisfaction of the department that the applicant possesses the equivalent of a high school education.

(b) Has had at least 6 months of full-time experience in the collection of accounts.

(c) Has passed the examination approved by the department.

(d) Is at least 18 years of age.

(e) Is of good moral character.

Sec. 913. A collection agency manager's license shall be displayed on the premises where licensed business or activity is conducted.

Sec. 1005. (1) An application for an employment agency license shall be accompanied by a certificate of bonding from a bonding agency.

(2) A principal of an employment agency, or if the employment agency is a corporation, each active officer or the employment agent of the corporation, or if the employment agency is a partnership, each active partner of a partnership, as a condition to initial licensing of the employment agency, by means of a written examination, shall satisfy the department that the applicant has sufficient knowledge of this article, the rules promulgated under this article, and the laws against discrimination in employment and pertinent labor laws, to reasonably ensure that an act performed by the applicant is in compliance with the applicable law or rule.

Sec. 1008. The employment agency license shall state the name of the employment agent charged with the general management of the office and the name under which the business is to be conducted.

Sec. 1009. A license granted under this article shall not be transferable, except that the employment agency may admit a partner, officer, or stockholder to the business. The employment agent of the employment agency shall notify the department within 15 days after a change in the board of directors or a partner.

Sec. 1013. An employment agent shall apply for a license to the department and shall be required to pass a written examination. An employment agent shall be responsible for the actual operation of an employment agency.

Sec. 1105. (1) The department shall issue a student license valid for 2 years to an individual who fulfills all of the following requirements:

- (a) Has completed the tenth grade of school or has an equivalent education as determined by the department.
- (b) Is of good moral character.

(2) Upon being licensed by the department, a student may render barber services to the public under the supervision of an instructor. A student shall not receive compensation for performing barber services.

(3) A student may renew his or her license for 1 additional year. An extension of a student license beyond that provided for in this subsection requires approval by the board.

(4) Upon approval of the department, an individual who has previously held a student license may be granted a new student license or may transfer a student license to another barber college.

Sec. 1106. (1) The department shall issue a license as a student instructor to an individual who fulfills all of the following requirements:

(a) Has graduated from high school or provided documentation of an equivalent education acceptable to the department and the board.

(b) Is of good moral character.

(c) Is a licensed barber with not less than 2 years' experience.

(2) A student instructor shall not render barber services to the public in a barber college except incidentally as a teaching example or to correct or complete the work of a student.

(3) With the approval of the board, a student instructor may renew his or her license for an additional year.

Sec. 1108. (1) The department shall issue a license to practice as a barber to an individual who fulfills all of the following requirements:

(a) Is not less than 17 years of age.

(b) Is of good moral character.

(c) Demonstrates satisfactory completion of not less than a 2,000-hour course of study at a licensed barber college.

(d) Passes an examination approved by the board and the department.

(e) Has completed the tenth grade of school or has an equivalent education as determined by the department.

(2) An individual who has held a license as a barber in another state, jurisdiction, or country for 1 out of the 3 years immediately preceding the date of application shall be issued a license as a barber if the requirements for licensure in the other state, jurisdiction, or country are substantially equivalent to the requirements of subsection (1), as determined by the department. However, a license may be denied or limited if the applicant has been disciplined or disciplinary action is pending in another state, jurisdiction, or country.

(3) For the purposes of fulfilling the requirement of subsection (1)(c), an individual whose instruction as a barber was received in another state, jurisdiction, or country may substitute experience as a barber or barber apprentice for instruction in the ratio of 3 months of experience for 100 hours of instruction.

Sec. 1109. (1) The department shall issue a license as an instructor to an individual who fulfills all of the following requirements:

(a) Is a licensed barber with not less than 2 years of experience.

(b) Except as provided in subsection (2), has completed 1 year of instruction in the teaching of barbering at a licensed barber college or has successfully completed 60 semester hours or 90 term hours in a course of

instruction approved by the board at an accredited college or university and has 6 months of instruction in the teaching of barbering at a barber college.

(c) Has graduated from high school or has an equivalent education as approved by the department.

(d) Has passed an examination approved by the board and the department to determine the individual's fitness to practice as an instructor.

(e) Is of good moral character.

(2) For the purposes of fulfilling the requirements of subsection (1)(b), an individual who has been duly authorized under the laws of another state, jurisdiction, or country to instruct others in barbering may substitute 1 year of experience in barber instruction for the required training. The requirements of subsection(1)(a) and (d) shall not be waived on the basis of prior experience as an instructor.

Sec. 1110. (1) The department shall license a barber college which fulfills all of the following requirements:

(a) Has made, through its owners or managers, application to the department.

(b) Provides an educational program requiring completion of 250 hours of classroom study, demonstrations and recitations and 1,750 hours of practical barber training.

(c) Meets the sanitation standards required of barbershops as set forth in rules promulgated by the board and determined by inspection by the department.

(d) Files and maintains a corporate surety or cash bond of \$10,000.00 conditioned upon the faithful performance and satisfaction of the contractual rights of students enrolled in the barber college.

(e) Employs or contracts with not less than 2 full-time, licensed instructors. At any time classroom study or theory training is given to any number of students, at least 1 instructor shall be present. If practical training occurs, there shall be at least 1 instructor present for every 30 students at all times.

(f) Is completely partitioned from any other place of business or dwelling. No other business shall be conducted from a barber college than the rendering of barber services and the teaching of barbering, although a barber college may sell at retail to patrons those preparations used on patrons receiving barbering services from students.

(g) Provides reasonable classroom facilities and other equipment for the proper instruction of students as set forth in this subdivision and rules promulgated by the board, including 1 stationary wash basin with hot and cold running water and a connected drain for every 2 barber chairs. Enrollment and course scheduling shall be arranged by the barber college so that no student is required to share the use of a training station during any practical training period.

(2) Except as provided in this subsection, a student instructor may not instruct without a supervising instructor present in the room. In case of emergency, a student instructor may instruct up to 30 students, but notice shall be given to the department in writing and an instructor shall be on the premises at all times. Use of a student instructor as a substitute instructor pursuant to this subsection shall not continue for more than 7 consecutive days without written approval of the department certifying the emergency circumstances.

(3) The transfer of ownership or location of a barber college shall automatically revoke its license. A new license shall not be granted to new owners or for a new location unless the requirements of subsection (1) are fulfilled.

(4) The classroom courses of a barber college shall include at least all of the following: scientific fundamentals for barbering; hygiene; bacteriology; histology of hair, skin, and nails; structure of the head, face, and neck, including muscles and nerves; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands, and nails; massaging and manipulating the head, face, and neck; haircutting and shaving; cosmetic therapy; arranging, styling, dressing, coloring, bleaching, curling, permanent waving, and tinting of the hair; elements of business training; and barber laws and rules of the state.

(5) The time to be devoted to each subject set forth in subsection (4) shall be prescribed in rules promulgated by the board. Each barber college shall provide a written copy of the rules to each student at the beginning of his or her instruction.

(6) The license of the barber college and all instructors, student instructors, and students shall be displayed in a prominent place visible to the public at all times. An individual's license may be displayed at the individual's work station.

Sec. 1111. (1) The department shall issue a license to a barbershop which fulfills all of the following requirements:

(a) Has made, through its owner, application to the department. The application shall include a description of the premises for which licensure is sought.

(b) Has satisfactorily passed an inspection to determine that the barbershop has met sanitation and establishment standards prescribed in rules promulgated under this article.

(2) A barbershop shall be completely partitioned from a dwelling and shall not be occupied for lodging or residential purposes.

(3) The transfer of ownership or location of a barbershop shall automatically revoke its license. A new license shall not be granted to a new owner or at a new location unless the requirements of subsection (1) have been fulfilled.

(4) The licenses of the barbershop and all barbers working in the barbershop shall be displayed in a prominent place visible to the public at all times. The license of an individual barber may be posted at the barber's work station.

Sec. 1114. A student instructor, barber, instructor, barbershop or barber college license shall be renewed by completing a form provided by the department on or before the date prescribed in rules promulgated by the department. A barber or instructor who fails to renew a license for 3 or more years shall be required by the board to complete the licensing examination.

Sec. 1204. A person desiring to operate a cosmetological establishment shall make application to the department for a license. The cosmetological establishment shall be under the daily attendance and supervision of a licensed cosmetologist who is not less than 18 years of age and has had not less than 1 year's practical experience in all practices of cosmetology. A cosmetological establishment shall not have more than 2 apprentices at the same time. A cosmetological establishment shall be completely separated by full partitions and doors from every other activity, business, or dwelling, except a barbershop licensed under article 11 or an area in which the sale of clothing and accessories is made.

Sec. 1205. (1) A person desiring to conduct a school of cosmetology, shall make application to the department for a license. A school of cosmetology shall be completely separated by a full partition and door from every other activity, business, or dwelling.

(2) A school of cosmetology shall be in the charge of and under the supervision and daily attendance of an individual who meets all of the following criteria:

(a) Is licensed as an instructor who has had at least 3 years' practical experience in all practices of cosmetology in a licensed cosmetological establishment or at least 1 year's practical experience in all practices of cosmetology in a licensed cosmetological establishment, and at least 2 years' practical experience in teaching all practices of cosmetology.

(b) Is a licensed cosmetologist with not less than 500 hours of instructor training.

(c) Has a high school diploma or its equivalent.

(d) Has passed an examination approved by the department and the board.

(e) Is of good moral character.

(3) A school of cosmetology shall fulfill all of the following requirements:

(a) It shall maintain a school term of not less than 1,500 hours, extending over a period of 10 consecutive months, and shall maintain a course of practical training and technical instruction, as outlined in the department approved curriculum, equal to the requirements for examination for a license as a cosmetologist as set forth in section 1207.

(b) It shall possess efficient apparatus and equipment prescribed by the department and the board sufficient for the ready and full teaching of each subject in the curriculum approved by the department and the board.

(c) It shall maintain 1 person licensed as an instructor for every 20 enrolled students, competent to impart instruction in each subject of its curriculum. The department shall license as an instructor an individual who passes an examination prescribed by the board and department. The instructor shall not be in charge of or supervise a school unless the instructor meets the experience requirement described in this section.

(d) It shall keep a daily record of the attendance of each student, a copy of which shall be sent to the department monthly, establish grades, and hold an examination before issuing a diploma.

(e) It shall be operated for teaching purposes only and a student shall not practice on the public until having completed at least 350 hours of instruction in the cosmetology curriculum.

(f) A student shall not be in attendance at a school more than 7 hours per day or more than 40 hours per week.

(4) A school of cosmetology shall furnish a bond of \$10,000.00 in favor of the people of the state, for the use and benefit of students and conditioned upon the faithful performance and satisfaction of the contractual rights of students.

(5) A school of cosmetology, at the time of the enrollment of a student, shall furnish the student a financial contract showing the total cost and all charges involved in the complete course of study. Advertising matter put out by schools, when mentioning the cost of tuition or related subjects, shall furnish the same financial statement as described in this subsection.

(6) A cosmetological establishment exacting a fee for the teaching of cosmetology shall be classed as a school of cosmetology and shall be required to comply with this section.

Sec. 1207. The department shall issue a license to practice cosmetology to an individual who fulfills all of the following requirements:

(a) Passes an examination prescribed by the department and the board, which examination shall include both a practical demonstration and a written or oral test and shall not be confined to a specific system or method.

(b) Presents a diploma, issued to the applicant by a school of cosmetology licensed by the department, showing that the applicant has completed the course of study in the school prescribed by the department, or furnishes proof of having completed the required time in a licensed school of cosmetology as prescribed by the department.

(c) Is at least 17 years of age.

(d) Is of good moral character.

(e) Has had an education equivalent to the completion of the ninth grade of public school.

(f) Has had training of at least 1,500 hours extending over a period of at least 10 months in a school of cosmetology approved by the department, or has served at least 2 years as an apprentice in a licensed cosmetological establishment in which cosmetology is practiced.

Sec. 1208. The department shall admit to examination for a license as an electrologist, an individual who has made application to the department, is not less than 18 years of age, is of good moral character, and has had a minimum training of 300 hours under the immediate supervision of a licensed electrologist in a school of cosmetology in which the practice is taught or has studied under a licensed electrologist who has had at least 3 years' practical experience as an electrologist for a period of 12 months.

Sec. 1209. The department shall admit to examination for a license as a manicurist, an individual who has made an application to the department, is at least 17 years of age, is of good moral character, and has had a minimum training of 300 hours under the supervision of a licensed manicurist, or a licensed cosmetologist in a licensed school of cosmetology, or shall have spent at least 6 months in a licensed cosmetological establishment where the subject is practiced.

Sec. 1211. Upon an application to the department, an individual licensed as a cosmetologist under the laws of another state shall, without examination, be granted a license to practice the occupation in which that individual was previously licensed if the applicant is not less than 17 years of age, is of good moral character, and the requirements for registration or licensure as a cosmetologist in the particular state were substantially equal to the requirements then in force in this state. Years or months of experience as a licensed cosmetologist, electrologist, or manicurist may be substituted for hours of training in a ratio of 100 hours of training credited for each 6 months of experience. An individual applying for licensure having qualifications acquired outside of the United States shall provide proof of training or experience, or both, as a cosmetologist. The department may determine whether or not an applicant is qualified to be admitted for examination for licensure.

Sec. 1214. A school of cosmetology or an establishment of cosmetology upon enrolling a student or apprentice shall file an application with the department and shall obtain proof of at least a ninth grade education or the equivalent of a ninth grade education. The application and proof of education shall be kept on file until the student or apprentice makes application for examination to obtain a license as a cosmetologist. The ninth grade education requirement shall not apply to a student enrolling in a program offered as a part of the regular curriculum of a public school and approved by the state board of education.

Sec. 1301. As used in this article:

(a) "Hearing aid" means an instrument or device designed for regular and constant use in or proximate to the human ear and represented as aiding or improving defective human hearing.

(b) "Hearing aid dealer" means an individual who engages in the sale or offering for sale at retail of a hearing aid.

(c) "Hearing aid salesperson" means an individual who engages in the sale or offering for sale at retail of a hearing aid and who is an employee of a hearing aid dealer.

(d) "Practice of selling or fitting a hearing aid" means the selection, adaptation, and sale of a hearing aid and includes the testing of hearing by means of an audiometer and other means for the sale of a hearing aid. The practice also includes the making of an impression for an ear mold.

(e) "Unethical conduct" means:

(i) Selling a hearing aid intended to be used by an individual 16 years of age or less without an otologic examination and approval by a physician and an audiologic evaluation and recommendation.

(ii) Canvassing from house to house or place of business either in person or by an agent for selling a hearing aid without prior referral or request.

(iii) Failing to properly and reasonably accept responsibility for the actions of a licensed trainee.

(iv) Offering, paying, causing to be paid, or inferring that a payment might be made, directly or indirectly, of money or other thing of value to an audiologist, otologist, physician, clinic, or other similar medical person or institution as a consideration for a referral by a medical person or institution or as a part of an agreement with a medical person or institution.

Sec. 1305. (1) An individual wishing to sell or fit a hearing aid in connection with the sale of a hearing aid as a dealer shall make application to the department. An individual employed by a dealer as a hearing aid salesperson shall make application to the department.

(2) An applicant for a license as a hearing aid dealer shall be issued a license if the applicant is over 18 years of age, is of good moral character, is a graduate of an accredited high school or secondary school, has served as a licensed hearing aid salesperson for a period of 2 years under the direction and supervision of a licensed hearing aid dealer, and passes a written examination as prescribed by the department and the board.

(3) An applicant for a license as a hearing aid salesperson shall be issued a license if the applicant is at least 18 years of age, is of good moral character, is a graduate from an accredited high school or secondary school, successfully completes additional training and education as may be required by the department, passes a written examination as prescribed by the department and the board, and has served at least 6 months as a trainee licensed by the department.

(4) The department and the board shall encourage the establishment of a specialized educational course of training for an individual wishing to become a licensed hearing aid dealer or hearing aid salesperson.

(5) In place of the written examination provided in subsection (2), the department may accept successful completion of the basic home study course conducted by the national hearing aid society or may waive the examination provided for in subsection (2) when proof satisfactory to the department and the board is submitted showing that the applicant has successfully passed an examination given by the official hearing aid examining board in another state, if the examination and passing requirements at the time taken, were substantially equal to those required by the department.

Sec. 1307. (1) The department may grant a trainee license to an applicant working for and under the direct supervision of a licensed dealer on the following conditions:

(a) The trainee license shall be valid for a 12-month period. A new trainee license may be issued by the board upon the filing of an application.

(b) The trainee license shall provide that the individual to whom it was issued shall work for and under the direction and supervision of a named licensed hearing aid dealer.

(2) The department may transfer a license of a trainee upon the filing of an application for a transfer.

(3) A trainee license is subject to revocation for the same reasons and in a similar manner as a regular license.

Sec. 1403. An applicant for registration under this act shall meet the experience and educational requirements of section 1404 and the following requirements:

(a) Be of good moral character.

(b) Be 18 years of age or older.

Sec. 1405. If the applicant is a horologist in good standing, registered, certified, or licensed in another state, and having engaged in horology for 2 years preceding application for registration, the department may issue a temporary registration for horology without examination. After 6 months' residence in this state, the department shall issue to that applicant a registration to practice horology.

Sec. 1406. The department shall issue an apprenticeship registration to an applicant who submits an application signed by a registered horologist. An apprenticeship registration may be renewed 3 times.

Sec. 1504. This article shall not apply to a psychologist licensed under part 182 of Act No. 368 of the Public Acts of 1978, being sections 333.18201 to 333.18237 of the Michigan Compiled Laws, an attorney licensed to practice in this state, or a physician, if that individual does not advertise or represent that the individual is a marriage counselor and does not collect a fee for marriage counseling. This article shall not apply to an individual engaged in social work as defined in article 16 in the course of employment with a governmental agency or a reputable social service agency regularly providing that service as an agency. This article shall not apply to an ordained cleric or other religious practitioner recognized by the department if the advice or counsel is incidental to duties as a cleric or other religious practitioner, and if the cleric or other religious practitioner does not advertise as a marriage counselor or 1 of the titles listed in section 1503. This article shall not apply to an apprentice meeting the academic requirements of this article in training for marriage counseling and who provides that service as part of the training.

Sec. 1603. An individual shall not represent that he or she is a certified social worker, social worker, or social work technician unless the individual is registered in that capacity under this article.

Sec. 1604. The department shall issue a registration as a social work technician to an individual who meets all of the following requirements:

- (a) Has had 1 year of social work experience acceptable to the department, or has successfully completed 2 years of college.
- (b) Is employed in the practice of social work. This subdivision shall be waived if the individual has the equivalent of 2,000 hours of service in social work with a recognized agency or has received an associate degree in social work at an approved college which includes supervised instructional field experience.
- (c) Is of good moral character.

Sec. 1605. The department shall issue a registration as a social worker to an individual who meets all of the following requirements:

- (a) Has obtained a baccalaureate degree.
- (b) Has 2 years or more of social work experience acceptable to the department or is enrolled in a graduate school of social work, or has a master's degree from an accredited school of social work or has the equivalent of 4,000 hours of service in social work with a recognized agency.
- (c) Is employed in the practice of social work or is enrolled in a graduate school of social work. This subdivision shall be waived if the individual has received a bachelor's or master's degree from an accredited school of social work.
- (d) Is of good moral character.

Sec. 1606. The department shall issue a registration as a certified social worker to an individual who meets the requirements of section 1605, who has 2 years or more of social work experience acceptable to the department, and who has obtained a master's degree from an accredited school of social work, or its equivalent, acceptable to the department.

Sec. 1607. The department may issue a registration without examination to an individual who, at the time of application, is licensed or certified by another state, if the requirements of that state for certification or licensure are substantially the equivalent of the requirements of this article.

Sec. 1707. Upon application and proof of examination, the department shall issue a license as a myomassologist to an individual licensed in another state if the requirements under which the license was issued do not conflict with this article and are of a standard not less restrictive than that specified in this article.

Sec. 1806. (1) The department shall issue a license to engage in the practice of mortuary science to an individual who has served as a resident trainee for 1 year under the personal supervision and instruction of the holder of a license for the practice of mortuary science, has graduated from a 3-year course in mortuary science in an accredited school, college, or university, has satisfactorily passed the examination approved by the department and the board, and is of good moral character. The applicant may take the examination in 2 parts, 1 part after the completion of the prescribed education and 1 part after the completion of the prescribed education and the service of resident training. The department may waive a portion of the requirement of 1 year of resident training if the applicant has a baccalaureate degree from an accredited school, college, or university, which the department finds to be a satisfactory substitute for the resident training.

(2) The practice of mortuary science shall be practiced at a fixed place. A person shall not open or maintain a place for practice, or hold itself out as engaging in the practice of mortuary science unless an establishment license is granted by the department. The license is issued for a specific location only. The holder of a license for the practice of mortuary science may conduct a funeral in another licensed funeral establishment, or at a church, home, public hall, lodge room, or other fixed place or establishment owned by the person conforming to section 1809.

(3) A funeral establishment or a branch of a funeral establishment may be inspected by the department and shall meet and conform to section 1809 and to other lawful standards and requirements established by rule of the department in furtherance of this act. The department may revoke a license for failure to meet those requirements pursuant to the procedure set forth in this article. A change in the ownership or location of the funeral establishment automatically cancels its license. A change in ownership or location shall be immediately reported to the department.

(4) The department shall issue a mortuary science license to an individual holding a valid license in another state having substantially equal requirements to those existing in this state who has fulfilled all of the following:

(a) Applied for a license to practice in this state.

(b) Filed with the department a certified statement from the examining board of the state in which the applicant holds a license, showing the basis upon which the license was granted, and whether the license has been suspended, revoked, or limited by a state board.

(c) Passed an examination approved by the department and the board which tests the individual's knowledge of law relating to the practice of mortuary science in Michigan.

Sec. 1808. (1) The department shall issue a license as a resident trainee to an individual who is of good moral character and possesses a high school diploma or its equivalent. Resident training shall be served only under the sponsorship and in the licensed funeral establishment of the holder of a license for the practice of mortuary science. When a resident trainee enters the employ of a person licensed under this article, the trainee immediately shall notify the department of the name and place of business of the person whose service the trainee has entered. If a resident trainee leaves the employ of the person whose service the trainee has entered, the person shall file with the department a notice showing the length of time the trainee has served as a resident trainee. If the resident trainee enters the employ of another person licensed under this article, the trainee immediately shall report the employment to the department. Resident training may be served after satisfactory completion of an accredited school or college, or professional instruction prescribed by the department and the board.

(2) A resident trainee licensed as provided in this section shall be required to report to the department semiannually on January 15 and July 15 upon a form provided by the department, showing the work which the trainee completed during the 6 months preceding the first of the month in which the report is made. The data contained in the report shall be certified to as its correctness by the licensee under whom the trainee has served during that period.

(3) Before a resident trainee shall be eligible to engage in the practice of mortuary science, the trainee shall present, in connection with the other evidence required by this article, a statement from each holder of a license to practice mortuary science under whom the trainee has trained, showing that the trainee has embalmed for burial or shipment at least 25 dead human bodies, or has assisted the holder of a license for the practice of mortuary science in supervising the preparation of 25 dead human bodies for burial or transportation during the period of resident training. A resident trainee shall meet other training or requirements as may be required by rules of the department and the board.

(4) Not more than 1 resident trainee shall be supervised by a licensee. The supervisor for a trainee shall be actively connected with a funeral establishment.

Sec. 1904. The department shall license as a nursing home administrator an individual who fulfills the requirements of sections 1905 or 1908. A nursing home administrator's license shall be nontransferable.

Sec. 1907. A renewal license shall not be issued unless the licensee presents satisfactory evidence to the department that the licensee has participated in educational courses of 18 clock hours' duration approved by the department, for each year subsequent to the expiration of the individual's last license. The educational courses shall contain subjects related to the practice of nursing home administration.

Sec. 1909. The department may issue a nursing home administrator's license, without examination, to an individual who holds a current license as a nursing home administrator from another state if the department



finds that the standards for licensing in the other state are at least the substantial equivalent of those prevailing in this state, and the applicant passes an examination approved by the department and the board which tests the individual's knowledge of law relating to practice in Michigan.

Sec. 1910. A licensee shall be subject to the penalties set forth in article 6 who directly or indirectly, offers to pay, causes to be paid, or infers that payment be made of, a sum of money or other thing of value to a physician, a pharmacist licensed under part 177 of Act No. 368 of the Public Acts of 1978, as amended, being sections 333.17701 to 333.17770 of the Michigan Compiled Laws, or other person or institution in a health occupation as consideration for a referral of a patient to the licensee or has accepted or demanded payment of a sum of money or other thing of value from a person or institution in connection with the rendering of professional services by the person or institution.

Sec. 2004. (1) In order to be licensed as an architect, an individual shall meet all of the following:

(a) The requirements prescribed in section 2005(1).

(b) Pass an examination which tests the applicant's qualifications to practice architecture or provide equivalent proof of qualification acceptable to the department and the board.

(c) Be of good moral character.

(2) In order to be licensed as a professional engineer, an individual shall meet all of the following:

(a) The requirements prescribed in section 2005(2).

(b) Pass the engineering fundamentals and professional practice examinations or provide equivalent proof of qualification to practice professional engineering acceptable to the department and the board.

(c) Be of good moral character.

(3) In order to be licensed as a land surveyor, an individual shall meet all of the following:

(a) The requirements prescribed in section 2005(3).

(b) Pass the land surveying fundamentals and professional practice examinations or provide equivalent proof of qualification to practice land surveying acceptable to the department and the board.

(c) Be of good moral character.

Sec. 2005. (1) In order to be examined as an architect, an applicant shall meet all of the following requirements:

(a) Provide documentation of not less than 8 years of professional experience in architectural work satisfactory to the board of architects, including not more than 6 years of education.

(b) Provide evidence of completion of a first professional degree or further degree in architecture satisfactory to the board of architects.

(c) Provide not less than 5 references, 3 of which shall be references from licensed architects who have personal knowledge of the applicant's professional experience.

(2) In order to be examined as a professional engineer, an individual shall meet all of the following requirements for admission to the professional practice examination:

(a) Provide documentation of not less than 8 years of professional experience in engineering work acceptable to the board of professional engineers, including not more than 6 years of education.

(b) Provide evidence of completion of a baccalaureate degree in engineering from an accredited program or its equivalent, as determined by the board of professional engineers.

(c) Provide not less than 5 references, 3 of which shall be from professional engineers who have personal knowledge of the applicant's professional experience.

(3) In order to be examined as a land surveyor, an individual shall meet all of the following requirements:

(a) For admission to the land surveying fundamentals examination, an applicant shall provide an affidavit stating that a degree acceptable to the board shall be completed not later than 6 months after the date of the examination.

(b) For admission to the professional practice examination, an applicant shall:

(i) Provide documentation of not less than 8 years of professional experience in land surveying satisfactory to the board of land surveyors, including not more than 5 years of education.

(ii) Provide evidence of completion of a degree in land surveying or a related degree with land surveying courses acceptable to the board of land surveyors.

(iii) Provide not less than 5 references, 3 of which shall be from licensed land surveyors who have personal knowledge of the applicant's professional experience.

(4) The examination required by this article shall be given at least once a year.

(5) An examinee shall be notified in writing of the examinee's results on each part of the examination.

(6) Notwithstanding section 316(3), an individual with a mental or physical handicap may be tested using special equipment, facilities, or assistance. However, the examination shall not be varied in form, content, or the format in which answers are submitted.

(7) All requirements for licensure shall be completed within 10 years after receipt of the application by the department. If the requirements are not completed within the 10-year period, the application shall be void.

Sec. 2009. A demonstration of continuing professional competence shall be required for renewal of a license.

Sec. 2013. (1) The department, upon application, shall issue a license to an individual who holds an appropriate certificate of qualification or registration issued by proper authority of a board of registration examiners of another state or national council acceptable to the department and the board, if the requirements for the registration of architects, professional engineers, or land surveyors under which the certificate of qualification or registration was issued are determined to be equivalent by the appropriate board. A board under this article shall not issue a temporary license as provided under section 213.

(2) The appropriate board shall review the application of an individual who seeks relicensure or reinstatement 3 or more years after the expiration of the individual's most recent license if the individual does not meet the requirements for licensure in force at the time of application for relicensure or reinstatement.

Sec. 2107. The department shall register an applicant who is a legally authorized forester in another state or country if the requirements of the state or country are considered by the board to be equivalent to the requirements of registration in this state.

Sec. 2205. All requirements for registration shall be completed within 10 years after receipt of the application by the department. If the requirements are not completed within the 10-year period, the application shall be void.

Sec. 2209. The department may issue a registration without examination to an applicant who is legally registered or licensed as a landscape architect in any other state or country whose requirements for registration or licensure are at least substantially equivalent to the requirements of this state.

Sec. 2306. (1) The department shall issue a registration to an individual applying for registration as a community planner who meets all of the following requirements:

(a) Has passed an examination approved by the department and the board.

(b) Is of good moral character.

(c) Has had not less than 6 years of planning experience in the type of work necessary to the preparation or implementation of comprehensive community plans, not less than 2 years of which shall have been in the United States. However, only 2 years of planning experience is mandatory. A maximum waiver of 4 years may be allowed for 1 degree only as follows:

(i) Doctorate or master's degree in planning, 4 years' credit.

(ii) Bachelor's degree in planning, 3 years' credit.

(iii) Doctorate or master's degree in a related field including architecture, landscape architecture, civil engineering, sociology, economics, geography, political science, or public administration, 3 years' credit.

(iv) Any other degree in a related field, 2 years' credit.

(2) The department may permit the applicant to take the prescribed examination in 2 stages. The stages are as follows:

(a) The first stage of the examination may be taken after the applicant has 3 years of experience credit which may be based on a degree listed in subsection (1)(c).

(b) The second stage of the examination shall be given only after the applicant meets the requirements of subsection (1)(c). The second stage shall test the applicant's ability to apply the applicant's training and knowledge to practical problems in the profession and shall further test the applicant's understanding of the applicant's professional responsibilities.

(3) Except as otherwise provided in subsection (2)(a), all requirements for registration shall be completed within 10 years after receipt of the application by the department. If the requirements are not completed within the 10-year period, the application shall be void.

Sec. 2310. Upon application, the department shall register an individual as a community planner if the individual holds a valid certificate of qualification or registration issued by a state in which the requirements for the registration of community planners and under which the certificate of qualification or registration was issued, as determined by the department, do not conflict with this article.

Sec. 2404. (1) The department may require an applicant, licensee, or each partner, trustee, director, officer, member, or shareholder to submit evidence of good moral character and financial stability. Before the issuance of a license, an applicant shall submit any amount required to be paid under the construction lien act, Act No. 497 of the Public Acts of 1980, being sections 570.1101 to 570.1305 of the Michigan Compiled Laws.

(2) The department shall require an applicant for a license to pass an examination establishing that the applicant has a fair knowledge of the obligations of a residential builder or residential maintenance and alteration contractor to the public and the applicant's principal, and the statutes relating to the applicant's licensure.

(3) The department, upon application, may issue a residential maintenance and alteration contractor's license to an applicant who, upon examination, qualifies for a license, which shall authorize the licensee according to the applicant's qualifications, crafts, and trades to engage in the activities of a residential maintenance and alteration contractor. A license shall include the following crafts and trades: carpentry; concrete; swimming pool installation; waterproofing a basement; excavation; insulation work; masonry work; painting and decorating; roofing; siding and gutters; screen or storm sash installation; tile and marble work; and house wrecking. The license shall specify the particular craft or trade for which the licensee has qualified. This subsection shall not prohibit a specialty contractor from taking and executing a contract involving the use of 2 or more crafts or trades if the performance of the work in the craft or trade, other than in which the person is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

(4) A residential builder or residential maintenance and alteration contractor shall maintain a place of business in this state. If a residential builder or residential maintenance and alteration contractor maintains more than 1 place of business within this state, a branch office license shall be issued to the builder or contractor for each place of business so maintained.

Sec. 2407. (1) A salesperson shall be licensed in the employ of only 1 residential builder or maintenance and alteration contractor. If a salesperson desires to change employment from 1 residential builder or maintenance and alteration contractor to another, the license shall be forwarded to the department and application made for a transfer and the issuance of a new license under the salesperson's new employer.

(2) An application for a salesperson's license shall be submitted by the employing residential builder or residential maintenance and alteration contractor.

Sec. 2409. (1) Failure of a residential builder or residential maintenance and alteration contractor to pay within 90 days of notice of the required assessment under section 201(2) of the construction lien act, Act No. 497 of the Public Acts of 1980, being section 570.1201 of the Michigan Compiled Laws, shall result in the automatic suspension of all licenses issued under this article.

(2) A licensee shall report to the department a change of name or address or a change of members or addresses of the partnership, association, or corporation holding a license under this article within 30 days after the change occurs.

Sec. 2505. (1) An applicant for a real estate broker's license shall file an application setting forth the applicant's present address, both of business and residence; the complete address of each former place where the applicant has resided or been engaged in business, or acted as a real estate salesperson, for a period of 60 days or more, during the 5 years immediately preceding the date of application. An applicant for a real estate broker's license shall state the name of the individual, sole proprietorship, partnership, association, corporation, common law trust, or a combination of those entities and the location of the place for which the license is desired, and set forth the period of time which the applicant has been engaged in the business. The application shall be executed by the person, or by an officer or member of the applicant. An applicant for a real estate broker's license which is a partnership, association, corporation, common law trust, or a combination of those entities shall designate which individuals who are officers or members of the partnership, association, or corporation will be performing acts regulated by this article as principals.

(2) A real estate broker's license shall not be issued to a new applicant who has been convicted of embezzlement or misappropriation of funds.

(3) A real estate broker shall maintain a place of business in this state. If a real estate broker maintains more than 1 place of business within the state, a branch office license shall be secured by the real estate broker for each branch office maintained. A branch office maintained in excess of 25 miles from the city limits in which the broker maintains a main office shall be under the personal, direct supervision of an associate broker.

(4) An applicant for a salesperson's license shall set forth the period of time during which the individual has been engaged in the business, stating the name of the applicant's last employer and the name and the place of business of the individual, partnership, association, or corporation then employing the applicant or in whose employ the applicant is to enter. The application shall be signed by the real estate broker in whose employ the applicant is to enter.

(5) Before issuing a license, the department may require and procure satisfactory proof of the business experience, competence, and good moral character of an applicant for a real estate broker's or salesperson's license or of an officer or member of an applicant. The department shall require an applicant for a broker's or salesperson's license to pass an examination developed by the department or contracted for with a recognized outside testing agency establishing, in a manner satisfactory to the department, that the applicant has a fair knowledge of the English language, including reading, writing, spelling, and elementary arithmetic; a satisfactory understanding of the fundamentals of real estate practice and of the laws and principles of real estate conveyancing, deeds, mortgages, land contracts, and leases; the obligations of a broker to the public and a principal; and the law defining, regulating, and licensing real estate brokers and salespersons. The department may require written examination or written reexamination of a broker or salesperson, and in that case a passing score satisfactory to the department is required as a condition precedent to reinstatement of a license to a broker or salesperson or relicensure of a broker or salesperson. The department shall require proof that each applicant for a real estate broker's license has the equivalent of 3 years of full-time experience in the business of real estate or in a field that is determined by the department to be relevant and related to the business of real estate.

Sec. 2506. (1) The license of a real estate salesperson shall be delivered or mailed to the real estate broker by whom the real estate salesperson is employed and shall be kept in the custody and control of the broker. A real estate broker shall conspicuously display the real estate broker's license and the license of each real estate salesperson employed by the real estate broker in the real estate broker's place of business. Written notice shall be given to the department by a licensee of a change of either a principal or branch business location.

(2) If the department determines that it will be unable to issue a real estate salesperson's license under subsection (1) within 2 weeks after the department determines that the applicant for a real estate salesperson's license has met all requirements for licensure, or the department is in fact unable to issue the real estate salesperson's license within 2 weeks, the department shall issue to the applicant, without payment of an additional fee, a temporary license pursuant to section 213.

Sec. 2507. If a real estate salesperson is discharged or terminates employment with a real estate broker by giving the employer a written notice of the termination, the real estate broker shall deliver or mail by certified mail to the department, within 5 days, the real estate salesperson's license. If a written notice of termination of employment is not served upon the real estate broker by the real estate salesperson, an application to the department for a transfer of license by the real estate salesperson shall be communicated in writing by the department to the real estate broker. As of the date of the communication, the notice shall operate as if a written notice were served by the real estate salesperson upon the real estate broker. The real estate broker, at the time of mailing the real estate salesperson's license to the department, shall address a communication to the last known residence address of the real estate salesperson, which communication shall advise the real estate salesperson that the license has been delivered or mailed to the department. A copy of the communication to the real estate salesperson shall accompany the license when mailed or delivered to the department. A real estate salesperson shall not perform an act regulated by this article either directly or indirectly under authority of the license after the date of the department's receipt of the license from a broker. Another license shall not be issued to a real estate salesperson until the person returns the former pocket card to the department or satisfactorily accounts to the department for the pocket card. Not more than 1 license shall be issued to a real estate salesperson for the same period of time.

Sec. 2701. As used in this article:

(a) "Apprentice" means an individual who is registered as an apprentice.

(b) "Ocular prosthetic appliances" means 1 or more of the following:

(i) Stock and custom prosthetic eyes.

(ii) Stock and custom therapeutic scleral shells.

(iii) Stock and custom therapeutic painted iris shells.

- (iv) External orbital and facial prosthetics.
- (v) Ocular conformers.
- (c) "Ocularist" means an individual registered as an ocularist.
- (d) "Practice of ocularism" means 1 or more of the following:
  - (i) The design and fabrication of ocular prosthetic appliances.
  - (ii) The fitting of ocular prosthetic appliances.
  - (iii) The performance of necessary procedures to provide an ocular prosthetic service for the patient in the ocularist's office or laboratory.

Sec. 2705. An individual shall not be registered as an ocularist until the individual meets the following requirements:

- (a) Is at least 18 years of age.
- (b) Has graduated from an accredited high school or has an equivalent education.
- (c) Is of good moral character.
- (d) Has done 1 or more of the following:
  - (i) Successfully completed at least 5 years of apprenticeship training under an ocularist in this state.
  - (ii) Successfully completed a prescribed course in ocularist training programs in a college, teaching facility, or university approved by the department.
  - (iii) Been principally engaged in the practice of ocularism outside this state for at least 5 years and been employed by an ocularist, optometrist, or physician for at least 1 year in this state.

Sec. 2709. (1) The department shall issue an apprentice's registration to an individual who applies for registration and who furnishes the department with a verification from an ocularist stating that the applicant is receiving training under the direct supervision of the ocularist pursuant to rules promulgated by the department, if the applicant also meets the following criteria:

- (a) Is 18 years of age or older.
- (b) Has graduated from an accredited high school or has an equivalent education.
- (c) Is of good moral character.

(2) Any individual who on the effective date of this article is employed as apprentice by an individual who is principally engaged in the practice of ocularism, who notifies the department of that fact within 120 days after the effective date of this article, and furnishes the department a statement of his or her employer stating the length of time of the employment, shall be given credit for that period towards compliance with the requirements for 5 years' apprenticeship described in section 2705.

Sec. 2713. An apprentice shall complete his or her apprenticeship within 8 years after beginning the apprenticeship and shall not receive renewal of an apprentice's registration beyond that time unless the department determines that the apprentice was prevented by causes beyond his or her control from completing the apprenticeship and becoming an ocularist in 8 years.

Sec. 2717. An individual who possesses a registration issued under this article may advertise as being registered by this state.

Sec. 2721. This article does not require an individual licensed as an optometrist or a physician under the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, to receive a registration under this article before the optometrist or physician engages in the practice of ocularism.

Section 2. Sections 905, 1212, 1213, 1215, 1306, 1407, 1506, 1608, 1706, 2006, 2104, 2106, 2206, 2207, 2308, 2408, and 2703 of Act No. 299 of the Public Acts of 1980, being sections 339.905, 339.1212, 339.1213, 339.1215, 339.1306, 339.1407, 339.1506, 339.1608, 339.1706, 339.2006, 339.2104, 339.2106, 339.2206, 339.2207, 339.2308, 339.2408, and 339.2703 of the Michigan Compiled Laws, are repealed.

Section 3. This amendatory shall take effect September 1, 1989.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

.....  
Secretary of the Senate.

Approved.....

.....  
Governor.