



HOUSE BILL No. 5100

October 12, 1993, Introduced by Reps. Mathieu, Gubow, DeLange and Profit and referred to the Committee on Judiciary.

A bill to amend section 601 of Act No. 299 of the Public Acts of 1980, entitled as amended
"Occupational code,"
being section 339.601 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 601 of Act No. 299 of the Public Acts of
2 1980, being section 339.601 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 601. (1) A person shall not engage in or attempt to
5 engage in the practice of an occupation regulated under this act
6 or use a title designated in this act unless the person possesses
7 a license or ~~certification of~~ registration issued by the
8 department for the occupation.

9 (2) A school, institution, or person shall not operate or
10 attempt to operate a barber college, school of cosmetology, or

1 real estate school unless the school, institution, or person is
2 licensed or approved by the department.

3 (3) A person, school, or institution which violates subsec-
4 tion (1) or (2) is guilty of a misdemeanor, punishable by a fine
5 of not more than ~~\$500.00~~ \$5,000.00, or imprisonment for not
6 more than 90 days, or both.

7 (4) A person, school, or institution which violates subsec-
8 tion (1) or (2) a second or any subsequent time is guilty of a
9 misdemeanor, punishable, except as provided in section 707(2), by
10 a fine of not more than ~~\$1,000.00~~ \$10,000.00, or imprisonment
11 for not more than 1 year, or both.

12 (5) NOTWITHSTANDING THE EXISTENCE AND PURSUIT OF ANY OTHER
13 REMEDY, AN AFFECTED PERSON MAY MAINTAIN INJUNCTIVE ACTION TO
14 RESTRAIN OR PREVENT A PERSON FROM VIOLATING SUBSECTION (1) OR
15 (2). IF SUCCESSFUL IN OBTAINING RELIEF, THE AFFECTED PERSON
16 SHALL BE ENTITLED TO ACTUAL COSTS AND ATTORNEY FEES. AS USED IN
17 THIS SUBSECTION, "AFFECTED PERSON" MEANS A PERSON DIRECTLY
18 AFFECTED BY THE ACTIONS OF A PERSON SUSPECTED OF VIOLATING SUB-
19 SECTION (1) OR (2) AND INCLUDES, BUT IS NOT LIMITED TO, A BOARD
20 ESTABLISHED PURSUANT TO THIS ACT, A PERSON WHO HAS UTILIZED THE
21 SERVICES OF THE PERSON ENGAGING IN OR ATTEMPTING TO ENGAGE IN AN
22 OCCUPATION REGULATED UNDER THIS ACT OR USING A TITLE DESIGNATED
23 BY THIS ACT WITHOUT BEING LICENSED OR REGISTERED BY THE DEPART-
24 MENT, OR A PRIVATE ASSOCIATION COMPOSED PRIMARILY OF MEMBERS OF
25 THE OCCUPATION IN WHICH THE PERSON IS ENGAGING IN OR ATTEMPTING
26 TO ENGAGE IN OR IN WHICH THE PERSON IS USING A TITLE DESIGNATED

1 UNDER THIS ACT WITHOUT BEING REGISTERED OR LICENSED BY THE
2 DEPARTMENT.

3 (6) ~~(5)~~ An investigation may be conducted under article 6
4 to enforce this section. A person who violates this section
5 shall be subject to the strictures prescribed in this section and
6 section 506.

7 (7) THE REMEDIES UNDER THIS SECTION ARE INDEPENDENT AND
8 CUMULATIVE. THE USE OF 1 REMEDY BY A PERSON SHALL NOT BAR THE
9 USE OF OTHER LAWFUL REMEDIES BY THAT PERSON OR THE USE OF A
10 LAWFUL REMEDY BY ANOTHER PERSON.

11 Section 2. This amendatory act shall not take effect unless
12 all of the following bills of the 87th Legislature are enacted
13 into law:

14 (a) Senate Bill No. _____ or House Bill No. 5099 (request
15 no. 01988'93).

16 (b) Senate Bill No. _____ or House Bill No. 5098 (request
17 no. 01988'93 b).