

SUBSTITUTE FOR  
HOUSE BILL NO. 6060

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
(MCL 339.101 to 339.2677) by adding section 202a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 202A. (1) THE DEPARTMENT SHALL ESTABLISH A PROCEDURE THAT  
2           ALLOWS AN INDIVIDUAL TO OBTAIN A PRELIMINARY DETERMINATION FROM THE  
3           DEPARTMENT CONCERNING WHETHER ANY COURT JUDGMENTS AGAINST HIM OR  
4           HER WOULD LIKELY RESULT IN A DENIAL OF A LICENSE OR REGISTRATION  
5           FOR FAILING TO MEET THE GOOD MORAL CHARACTER REQUIREMENT FOR THAT  
6           LICENSE OR REGISTRATION.

7           (2) ALL OF THE FOLLOWING APPLY FOR PURPOSES OF SUBSECTION (1):

8           (A) TO OBTAIN A PRELIMINARY DETERMINATION UNDER THIS SECTION,  
9           AN INDIVIDUAL MUST FILE A REQUEST THAT MEETS ALL OF THE FOLLOWING:

10           (i) IS SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT.

1           (ii) IDENTIFIES THE LICENSE OR REGISTRATION FOR WHICH HE OR  
2 SHE MAY APPLY.

3           (iii) INCLUDES A DETAILED DESCRIPTION OF ANY CRIMINAL  
4 PROCEEDINGS THAT RESULTED IN A JUDGMENT AGAINST HIM OR HER.

5           (iv) INCLUDES THE NONREFUNDABLE FEE REQUIRED BY THE  
6 DEPARTMENT.

7           (B) THE DEPARTMENT SHALL ONLY CONSIDER THE INFORMATION  
8 PROVIDED BY AN INDIVIDUAL UNDER SUBDIVISION (A) (ii) AND (iii) IN  
9 MAKING A PRELIMINARY DETERMINATION.

10           (C) A PRELIMINARY DETERMINATION UNDER THIS SECTION THAT IS  
11 ADVERSE TO AN INDIVIDUAL DOES NOT PREVENT THE INDIVIDUAL FROM  
12 SUBSEQUENTLY APPLYING FOR A LICENSE OR REGISTRATION.

13           (D) THE DEPARTMENT OR A BOARD IS NOT BOUND BY A PRELIMINARY  
14 DETERMINATION UNDER THIS SECTION IF THE INDIVIDUAL APPLIES FOR A  
15 LICENSE OR REGISTRATION UNDER THIS ACT.

16           (E) THE ISSUANCE OF A PRELIMINARY DETERMINATION UNDER THIS  
17 SECTION DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO REVIEW  
18 APPLICATIONS FOR A LICENSE OR REGISTRATION, OR TO ISSUE OR DENY A  
19 LICENSE OR REGISTRATION.

20           (F) THE DEPARTMENT SHALL NOTIFY AN INDIVIDUAL OF A PRELIMINARY  
21 DETERMINATION BY DELIVERING A PRELIMINARY DETERMINATION LETTER TO  
22 THE INDIVIDUAL, IN A FORM DETERMINED BY THE DEPARTMENT.

23           (3) AN INDIVIDUAL SHALL NOT REQUEST MORE THAN 1 PRELIMINARY  
24 DETERMINATION UNDER THIS SECTION IN ANY 120-DAY PERIOD.

25           Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.