

# HOUSE BILL No. 6060

May 23, 2018, Introduced by Reps. Lilly, Sabo, Wentworth and LaFave and referred to the Committee on Regulatory Reform.

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):**

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

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

4 (ii) IDENTIFIES THE LICENSE OR REGISTRATION FOR WHICH HE OR  
5 SHE MAY APPLY.

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

8 (iv) INCLUDES THE NONREFUNDABLE FEE REQUIRED BY THE  
9 DEPARTMENT.

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

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

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

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

23 (F) THE DEPARTMENT SHALL NOTIFY AN INDIVIDUAL OF A PRELIMINARY  
24 DETERMINATION BY DELIVERING A PRELIMINARY DETERMINATION LETTER TO  
25 THE INDIVIDUAL, IN A FORM DETERMINED BY THE DEPARTMENT.

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

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