

HOUSE BILL NO. 6313

October 21, 2020, Introduced by Rep. Albert and referred to the Committee on Government Operations.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2504a (MCL 339.2504a), as amended by 2017 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2504a. (1) Subject to subsection (7), a licensee must
- 2 successfully complete at least the following number of hours of
- 3 eligible continuing education courses in each license cycle:
- 4 (a) Beginning with the license cycle after the effective date

1 of the rules promulgated under subsection (2)(e), the number of
2 hours determined by the department by rule.

3 (b) In each license cycle before the license cycle described
4 in subdivision (a), 18 clock hours.

5 (2) All of the following apply to the continuing education
6 requirement described in subsection (1):

7 (a) In completing the appropriate number of hours of eligible
8 continuing education courses, a licensee must complete at least 2
9 hours of eligible continuing education courses in each year of a
10 license cycle that involve law, rules, and court cases regarding
11 real estate. The licensee may select any continuing education
12 courses in his or her area of expertise to complete the remaining
13 hours of eligible continuing education courses required under
14 subsection (1) and may complete those hours at any time during the
15 license cycle. **For purposes of this subdivision only, the license
16 cycle year beginning November 1, 2019 ends on December 31, 2020.**

17 (b) At the time he or she attends an eligible continuing
18 education course, a licensee shall do both of the following to
19 confirm his or her identity:

20 (i) Present his or her pocket card, or provide his or her
21 license identification number, from the department to the course
22 provider.

23 (ii) Present his or her operator's license or chauffeur's
24 license issued under the Michigan vehicle code, 1949 PA 300, MCL
25 257.1 to 257.923, an official state personal identification card
26 issued under 1972 PA 222, MCL 28.291 to 28.300, or other
27 government-issued photo identification to the course provider.

28 (c) If a licensee successfully completes an education course
29 to obtain a professional designation, the number of hours of that

1 course is counted toward the total number of hours of continuing
2 education courses required in a license cycle.

3 (d) If a licensee successfully completes an eligible
4 continuing education course, he or she does not earn additional
5 hours toward the requirements of this section if he or she repeats
6 that course.

7 (e) The department by rule shall do all of the following:

8 (i) Determine and provide for the publication of the number of
9 hours of eligible continuing education courses a licensee must
10 successfully complete in a license cycle, including the 2 hours of
11 courses involving statutes, rules, and court cases required in each
12 year of a license cycle under subdivision (a). The department shall
13 determine the number of hours that are required in a license cycle
14 by multiplying the number of years in the license cycle by 6.

15 (ii) Establish the standards for determining if a continuing
16 education course is an eligible continuing education course for
17 purposes of this section.

18 (3) An applicant for license renewal under section 2502a shall
19 certify compliance with subsections (1) and (2) to the department.
20 A licensee shall retain evidence acceptable to the department that
21 demonstrates he or she has met the continuing education
22 requirements under this section, for at least 4 years after the
23 date of that certification, and shall produce the following
24 information at the request of the department:

25 (a) The name and contact information of the continuing
26 professional education program sponsor.

27 (b) The participant's name.

28 (c) The course title and course field of study.

29 (d) The date the course was offered or completed.

1 (e) If applicable, the location of the course.

2 (f) Verification by a representative of the continuing
3 professional education program sponsor of the participant's
4 completion of the course.

5 (g) The number of hours of instruction included in the course
6 and a time statement from the continuing professional education
7 program sponsor that states that continuing professional education
8 credits for the course were granted on a 50-minute hour.

9 (4) An applicant for license renewal under section 2502a is
10 subject to audit by the department for compliance with subsections
11 (1) and (2), or (7), and may be required to submit the
12 documentation described in subsection (3) to the department on
13 request.

14 (5) If the department finds as the result of an audit under
15 subsection (4) that an applicant for license renewal under section
16 2502a did not complete sufficient hours of eligible continuing
17 education courses to renew his or her license, any penalty imposed
18 by the department shall include a requirement that the licensee
19 must complete both of the following, if applicable:

20 (a) A sufficient number of additional hours of continuing
21 education to fulfill the requirements for the period determined by
22 audit to be deficient.

23 (b) If the period determined by the audit to be deficient is
24 at least 60 days, additional hours of continuing education in 1 of
25 the following amounts:

26 (i) If the deficiency period is at least 60 days and less than
27 120 days, 4 hours.

28 (ii) If the deficiency period is 120 days or more, 8 hours.

29 (6) Hours of additional continuing education required under

1 subsection (5) (b) do not apply toward continuing education required
2 in a license cycle. The department may waive the requirement for
3 additional hours under subsection (5) (b) if the applicant
4 demonstrates to the department that the additional hours would
5 present an undue hardship on the applicant.

6 (7) If a real estate broker, associate real estate broker, or
7 salesperson receives a license that is issued after the beginning
8 of the current license cycle for that license, the department may
9 prorate the number of hours of eligible continuing education that
10 licensee is required to complete under subsections (1) and (2) for
11 the year of the license cycle in which the license is issued.

12 (8) Course credits used to meet continuing education
13 requirements under this section do not apply toward the real estate
14 broker's license prelicensure education requirements under section
15 2504, and course credits successfully completed under real estate
16 broker's license prelicensure education requirements under section
17 2504 do not apply toward the continuing education requirements of
18 this section.

19 (9) As used in this section, "eligible continuing education
20 course" means a continuing education course that meets the
21 standards established by the department by rule under subsection
22 (2) (e) and, if successfully completed by a licensee, is counted
23 toward the licensee's continuing education requirements under this
24 section.