

Act No. 276
Public Acts of 2004
Approved by the Governor
July 22, 2004
Filed with the Secretary of State
July 23, 2004
EFFECTIVE DATE: July 23, 2004

STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

Introduced by Reps. Acciavatti, Richardville, Shackleton, Stahl, Voorhees, Amos, Palsrok, Taub, Meyer, LaJoy, Garfield, Nitz, DeRoche, Milosch, Pumford, Hummel, Steil, Koetje, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Huizenga, Caul, Kooiman, Hoogendyk, Nofs and Sheen

ENROLLED HOUSE BILL No. 5887

AN ACT to amend 1972 PA 295, entitled "An act to license and regulate persons who purport to be able to detect deception, verify truthfulness, or provide a diagnostic opinion of either through the use of any device or instrumentation as lie detectors, forensic polygraphs, deceptographs, emotional stress meters or similar or related devices and instruments; to create a state board of forensic polygraph examiners with licensing and regulatory powers over all such persons and instruments; to provide for administrative proceedings and court review; to establish minimum standards and requirements for all such instrumentation or devices and to prohibit the use of instruments or devices which do not meet minimum standards and requirements; and to provide for injunctions and penalties," by amending sections 7 and 15 (MCL 338.1707 and 338.1715).

The People of the State of Michigan enact:

Sec. 7. (1) The department shall promulgate rules consistent with the provisions of this act for the dissemination, retention and destruction of polygraph results to protect the general public for the administration and enforcement of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. An application for an examination, license, renewal or other provisions under this act shall comply with the requirements of the department and board and shall be accompanied by the license fee, which is not returnable except by a showing of mistake, inadvertence, error in the collection of the fee, or pursuant to section 15(3).

(2) An order or a certified copy, over the board seal and purporting to be signed by the board members or board chair shall be prima facie proof of the following:

- (a) That the signatures are the genuine signatures of the board members or the board chair.
- (b) That the board members or the chair are duly appointed and qualified.
- (c) That the board and its members are fully qualified to act.

(3) All fees collected under this act shall be deposited to the credit of the general fund of the state. Funds necessary for the enforcement and administration of this act shall be appropriated by the legislature within the budget of the department of labor and economic growth.

Sec. 15. (1) The fees to accompany applications under this act are as follows:

- (a) Private examiner's license, original, \$100.00; renewal, \$50.00.
- (b) Public examiner's license, original, \$25.00; renewal, \$25.00.
- (c) Temporary examiner's license, original and renewal:
- (i) Residents applying under section 9, private examiners, \$100.00; public examiners, \$25.00.

- (ii) Nonresidents, 10-day license, \$100.00; annual license, original and renewal, \$200.00.
- (d) Intern's license, original and renewal, \$25.00.
- (e) Duplication or alteration of license, \$5.00.
- (f) Reinstatement fee, \$25.00.
- (g) Licensing examination fee, \$50.00.

(2) Beginning the effective date of the amendatory act that added this subsection, the department shall issue an initial or renewal license not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information available electronically, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

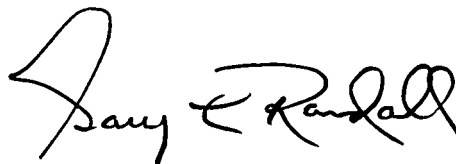
(3) If the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(4) Beginning October 1, 2005, the director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:


- (a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (2).
- (b) The number of applications denied.
- (c) The number of applicants not issued a license within the 90-day time period and the amount of money returned to licensees and registrants under subsection (3).

(5) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor