

HOUSE BILL NO. 4490

April 23, 2019, Introduced by Reps. Hoitenga, Iden, Warren, LaGrand, Leutheuser, Chirkun, Gay-Dagnogo and Sowerby and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending section 105 (MCL 339.5105).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 105. As used in this act:
- 2 (a) "Enforcing agency" means that term as defined in section
- 3 2a of the Stille-DeRossett-Hale single state construction code act,
- 4 MCL 125.1502a.

1 (b) "Formal complaint" means a document that states the
2 charges of each alleged violation and is prepared by the department
3 or the department of attorney general after a complaint is received
4 by the department.

5 (c) "Former act" means former 1956 PA 217; former 1984 PA 192;
6 former 1986 PA 54; former 2002 PA 733; or former 1965 PA 290, as
7 applicable.

8 (d) "General public" means each individual who resides in this
9 state and is 18 years of age or older, other than an individual or
10 the spouse of an individual who is licensed or registered in the
11 occupation or who has a material financial interest in the
12 occupation that is regulated by the specific article in which the
13 term is used.

14 (e) "Good moral character" means good moral character as
15 defined in, ~~section 1 of and determined under~~, 1974 PA 381, MCL
16 338.41 **to 338.47**.

17 (f) "Governmental subdivision" means a governmental
18 subdivision as defined in section 2a of the Stille-DeRossett-Hale
19 single state construction code act, MCL 125.1502a.

20 (g) "Incompetence" means a departure from, or a failure to
21 conform to, minimal standards of acceptable practice for an
22 occupation.

23 (h) "Knowledge and skill" means information, education,
24 practical experience, and the facility to apply that information,
25 education, and practical experience.

26 (i) "License" includes the whole or part of a governmental
27 permit, certificate, approval, registration, charter, or similar
28 form of permission required under a specific article of this act.

29 (j) "Licensee" means a person that is issued a license under

1 this act.

2 (k) "Limitation" means a condition, stricture, constraint,
3 restriction, or probation attached to a license that relates to the
4 scope of practice of that occupation by the licensee. The term
5 includes, but is not limited to, any of the following:

6 (i) A requirement that the licensee perform only specified
7 functions of the licensee's occupation.

8 (ii) A requirement that the licensee perform the licensee's
9 occupation only for a specified period of time.

10 (iii) A requirement that the licensee perform the licensee's
11 occupation only within a specified geographical area.

12 (iv) A requirement that restitution be made or certain work be
13 performed before a license is issued or renewed or the licensee is
14 relicensed.

15 (v) A requirement that a person file a financial statement
16 certified by an individual who is licensed as a certified public
17 accountant under article 7 of the occupational code, 1980 PA 299,
18 MCL 339.720 to 339.736, with the department at regular intervals.

19 (vi) A requirement that reasonably assures a licensee's
20 competence to perform the licensee's occupation.

21 (vii) A requirement that all contracts of a licensee are
22 reviewed by an attorney.

23 (viii) A requirement that a licensee have on file with the
24 department a bond issued by a surety insurer that is approved by
25 the department or cash in an amount determined by the department.

26 (ix) A requirement that a licensee deposit money received in an
27 escrow account from which money may be disbursed only under certain
28 conditions as determined by the licensee and another party.

1 (x) A requirement that a licensee file reports with the
2 department at intervals determined by the department.

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

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No. 4488 (request no.
7 00446'19) of the 100th Legislature is enacted into law.