

Act No. 372
Public Acts of 2020
Approved by the Governor
January 4, 2021
Filed with the Secretary of State
January 4, 2021
EFFECTIVE DATE: April 4, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Gay-Dagnogo, Iden, Warren, LaGrand, Chirkun and Sowerby

ENROLLED HOUSE BILL No. 4492

AN ACT to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 104 (MCL 339.104), as amended by 2016 PA 412.

The People of the State of Michigan enact:

Sec. 104. (1) “Department” means the department of licensing and regulatory affairs.

(2) “Director” means the director of the department or his or her authorized representative.

(3) “Disability” means an infirmity that prevents a board member from performing a duty assigned to the board member.

(4) “Files” means the records, memoranda, opinions, minutes, and similar written materials that were formerly in the physical dominion of a board abolished by this act and the records, memoranda, opinions, minutes, and similar written materials of a board created under this act.

(5) “Formal complaint” means a document that states the charges of each alleged violation and is prepared by the department or the department of attorney general after a complaint is received by the department.

(6) “General public” means each individual residing in this state who is 18 years of age or older, other than an individual or the spouse of an individual who is licensed or registered in the occupation or who has a material financial interest in the occupation regulated under the specific article in which the term is used.

(7) “Good moral character” means good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(8) “Incompetence” means a departure from, or a failure to conform to, minimal standards of acceptable practice for an occupation.

(9) “Knowledge and skill” means the information, education, practical experience, and the facility in applying that information, education, and practical experience.


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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4488 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4488, referred to in enacting section 2, was filed with the Secretary of State January 4, 2021, and became 2020 PA 368, Eff. Apr. 4, 2021.