

HOUSE BILL NO. 6329

November 12, 2020, Introduced by Reps. Anthony and Schroeder and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending sections 103, 105, 219, and 417 (MCL 339.5103,
339.5105, 339.5219, and 339.5417) and by adding section 223.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 103. As used in this act:
- 2 (a) "Administrative procedures act of 1969" means the

administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(b) "Armed forces" means the United States Army, Air Force, Navy, Marine Corps, or Coast Guard or other military force designated by Congress as a part of the ~~armed forces~~ **Armed Forces** of the United States.

(c) "Board" means, in each article of this act that is related to a specific occupation or occupations, the board that is created in that article and composed principally of members of the regulated occupation or occupations, or the commission or other agency that is defined in or designated as the board for purposes of that article. In this article, "board" means any board created or agency designated as a board under any other article of this act.

(d) "Board files" means the records, memoranda, opinions, minutes, and similar written materials that were formerly in the physical possession and control of a board abolished by this act and the records, memoranda, opinions, minutes, and similar written materials of a board created under this act.

(e) "Censure" means an expression of disapproval of a licensee's or registrant's professional conduct, whether or not the conduct is a violation of this act or a rule promulgated or an order issued under this act.

(f) "Charitable organization" means a not-for-profit tax-exempt religious, educational, or humane organization.

(g) "Citation" means that term as described in section 537.

(h) "Competence" means a degree of expertise that enables an individual to engage in an occupation at a level that meets or exceeds minimal standards of acceptable practice for the

1 occupation.

2 (i) "Complaint" means an oral or written grievance.

3 (j) "Completed application" means an application that is
 4 complete on its face and submitted with any applicable licensing or
 5 permit fees and any other information, records, approval, security,
 6 or similar item required by law or rule from a local unit of
 7 government, a federal agency, or a private entity but not from
 8 another department or agency of this state.

9 (k) "Contested case hearing" means a hearing under chapter 4
 10 of the administrative procedures act of 1969, MCL 24.271 to ~~24.287,~~
 11 **24.288**, as authorized under chapter 5 of the administrative
 12 procedures act of 1969, MCL 24.291 to 24.292.

13 (l) "Department" means the department of licensing and
 14 regulatory affairs.

15 **(m) "Dependent" means a spouse, surviving spouse, child under**
 16 **26 years of age, or surviving child under 26 years of age.**

17 **(n)** ~~(m)~~ "Director" means the director of the department of
 18 licensing and regulatory affairs or his or her authorized
 19 representative.

20 **(o)** ~~(n)~~ "Disability" means an infirmity that prevents a board
 21 member from performing a duty assigned to the board member.

22 Sec. 105. As used in this act:

23 (a) "Enforcing agency" means that term as defined in section
 24 2a of the Stille-DeRossett-Hale single state construction code act,
 25 MCL 125.1502a.

26 (b) "Formal complaint" means a document that states the
 27 charges of each alleged violation and is prepared by the department
 28 or the department of attorney general after a complaint is received
 29 by the department.

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

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

10 (e) "Good moral character" means ~~good moral character that~~
11 **term** as defined in ~~section 1 of and determined under~~ 1974 PA 381,
12 MCL 338.41 **to 338.47**.

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

16 (g) "Incompetence" means a departure from, or a failure to
17 conform to, minimal standards of acceptable practice for an
18 occupation.

19 (h) "Knowledge and skill" means information, education,
20 practical experience, and the facility to apply that information,
21 education, and practical experience.

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

25 (j) "Licensee" means a person that is issued a license under
26 this act.

27 (k) "Limitation" means a condition, stricture, constraint,
28 restriction, or probation attached to a license that relates to the
29 scope of practice of that occupation by the licensee. The term

1 includes, but is not limited to, any of the following:

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

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

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

8 (iv) A requirement that restitution be made or certain work be
9 performed before a license is issued or renewed or the licensee is
10 relicensed.

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

15 (vi) A requirement that reasonably ~~assures~~**ensures** a licensee's
16 competence to perform the licensee's occupation.

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

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

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

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

27 (l) **"Veteran" means that term as defined in section 1 of 1965**
28 **PA 190, MCL 35.61.**

1 Sec. 219. (1) The department may grant a nonrenewable
2 temporary license to an individual who is applying for licensure
3 under a specific article of this act if the individual meets both
4 of the following:

5 (a) He or she provides proof acceptable to the department that
6 he or she holds a current license in good standing, or a current
7 registration in good standing, in that occupation, issued by an
8 equivalent licensing department, board, or authority, as determined
9 by the department, in another state of the United States, the
10 District of Columbia, Puerto Rico, the United States Virgin
11 Islands, another territory or protectorate of the United States, or
12 a foreign country.

13 (b) He or she did not previously have a license denied,
14 revoked, or suspended.

15 (2) If approved by a board, a temporary license issued under
16 subsection (1) is valid until 1 or more of the following occur:

17 (a) The results of the next scheduled examination are
18 available.

19 (b) The results of the next required evaluation procedure are
20 available.

21 (c) A license is issued.

22 (d) The next examination date of an examination for licensure
23 in the applicable occupation, if the applicant does not take the
24 examination.

25 (e) The applicant fails to meet the requirements for a
26 license.

27 (f) A change in employment is made.

28 (3) In addition to a temporary license under subsection (1),
29 the department shall grant a temporary license under a specific

1 article of this act to an individual who applies for a temporary
2 license if the applicant meets all of the following:

3 (a) He or she provides proof acceptable to the department that
4 he or she is ~~married to an individual who is serving in the armed~~
5 ~~forces and~~ **a dependent of either a member of the armed forces who**
6 is on active duty **or a veteran.**

7 (b) He or she provides proof acceptable to the department that
8 he or she holds a current license in good standing, or a current
9 registration in good standing, in the trade or occupation for which
10 he or she is seeking a temporary license, issued by an equivalent
11 licensing department, board, or authority, as determined by the
12 department, **in consultation with the board**, in another state of the
13 United States, the District of Columbia, Puerto Rico, the United
14 States Virgin Islands, another territory or protectorate of the
15 United States, or a foreign country.

16 ~~(c) He or she provides proof acceptable to the department that~~
17 ~~his or her spouse is assigned to a duty station in this state and~~
18 ~~that he or she is also assigned to a duty station in this state~~
19 ~~under his or her spouse's permanent change of station orders.~~

20 (4) A temporary license issued under subsection (3) is valid
21 for 6 months and may be renewed for 1 additional 6-month term if
22 the department determines the temporary licensee continues to meet
23 the requirements of subsection (3) and needs additional time to
24 fulfill the requirements for initial licensure in this state.

25 (5) An individual shall not receive more than 2 temporary
26 licenses described in subsection (1) under a specific article of
27 this act within a 4-year period.

28 (6) The department may place a limitation on a temporary
29 license granted under this section.

1 Sec. 223. (1) The department shall issue a license or a
2 certificate of registration for an occupation under this act
3 without examination to an individual who demonstrates to the
4 satisfaction of the department that he or she meets all of the
5 following at the time of application:

6 (a) Provides proof that the individual is 1 of the following:

7 (i) A member in the armed forces on active duty.

8 (ii) A veteran.

9 (iii) A dependent of either a member in the armed forces on
10 active duty or a veteran.

11 (b) Holds a valid license or registration in that occupation
12 from an equivalent licensing department, board, or authority, as
13 determined by the department, in at least 1 other state of the
14 United States. For each license or registration described in this
15 subdivision that he or she holds, all of the following must be met:

16 (i) The license or registration is in good standing and he or
17 she has held that license or registration for at least 1 year.

18 (ii) There were minimum education requirements and, if
19 applicable, work experience requirements in effect for licensure or
20 registration in the other state, and the other state verifies that
21 he or she met those requirements for licensure or registration in
22 that state.

23 (iii) If the other state required an examination for licensure
24 or registration, he or she passed the examination.

25 (c) Has not had a license or registration revoked, and has not
26 voluntarily surrendered a license or registration, in any other
27 state of the United States or a foreign country while under
28 investigation for unprofessional conduct.

29 (d) Has not had discipline imposed by any equivalent licensing

1 department, board, or authority in another state of the United
 2 States. If another state of the United States has taken
 3 disciplinary action against the applicant, the department shall
 4 determine if the cause for the action was corrected and the matter
 5 resolved. If the matter has not been resolved by that other state,
 6 the department shall not issue or deny a license or registration
 7 until the matter is resolved.

8 (e) Does not have a complaint, allegation, or investigation
 9 pending before an equivalent licensing department, board, or
 10 authority in another state of the United States or a foreign
 11 country that relates to unprofessional conduct. If the applicant
 12 has any complaints, allegations, or investigations pending, the
 13 department shall suspend the application process and shall not
 14 issue or deny a license or registration to the applicant until the
 15 complaint, allegation, or investigation is resolved.

16 (f) Pays all applicable fees.

17 (g) Is of good moral character.

18 (h) Meets the age requirement of that occupation under this
 19 act, if applicable.

20 (2) This section does not prevent the department from issuing
 21 a temporary license under section 219 or issuing a license under
 22 section 731(5), 907(3), or 1019(1).

23 Sec. 417. The department shall waive the fee for an initial
 24 license or initial registration that is otherwise required under
 25 this act, or an application processing fee charged by the
 26 department for an initial license or initial registration, if the
 27 applicant ~~is an~~ **meets either of the following requirements:**

28 (a) **Is an** individual who served in the armed forces and he or
 29 she provides to the department a form DD214, form DD215, or any

1 other form that is satisfactory to the department that demonstrates
2 he or she was separated from that service with an honorable
3 character of service or under honorable conditions (general)
4 character of service.

5 **(b) Is a dependent of either a member of the armed forces who**
6 **is on active duty or a veteran and he or she provides proof**
7 **acceptable to the department that he or she is a dependent as**
8 **described in this subdivision.**

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