

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 1

SHORT TITLE, DEFINITIONS, AND EFFECTS OF FORMER ACTS

339.5101 Short title.

Sec. 101. This act shall be known and may be cited as the "skilled trades regulation act".

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5103 Definitions; A to D.

Sec. 103. As used in this act:

(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, Space Force, or Coast Guard or other military force designated by Congress as a part of the Armed Forces of the United States, including the reserve components.

(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 occupation.

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

(j) "Completed application" means an application that is complete on its face and submitted with any applicable licensing or permit fees and 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 this state.

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

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

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

(n) "Director" means the director of the department of licensing and regulatory affairs or his or her authorized representative.

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

History: 2016, Act 407, Eff. Apr. 4, 2017;—Am. 2021, Act 24, Eff. Sept. 7, 2021.

339.5105 Definitions; E to L.

Sec. 105. As used in this act:

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

(b) "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.

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

(d) "General public" means each individual who resides in this state and 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 that is regulated by the specific article in which the term is used.

(e) "Good moral character" means that term as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 2016, Act 407, Eff. Apr. 4, 2017;—Am. 2020, Act 370, Eff. Apr. 4, 2021;—Am. 2021, Act 24, Eff. Sept. 7, 2021.

339.5107 Definitions; M to V.

Sec. 107. As used in this act:

(a) "Michigan building code" means part 4 of the state construction code, R 408.30401 to R 408.30499 of the Michigan Administrative Code.

(b) "Michigan electrical code" means part 8 of the state construction code, R 408.30801 to R 408.30873 of the Michigan Administrative Code.

(c) "Michigan mechanical code" means part 9A of the state construction code, R 408.30901a to R 408.30996 of the Michigan Administrative Code.

(d) "Michigan plumbing code" means part 7 of the state construction code, R 408.30701 to R 408.30792 of the Michigan Administrative Code.

(e) "Municipality" means a city, village, or township.

(f) "Occupation" means a field of endeavor regulated under this act.

(g) "Person" means an individual, sole proprietorship, partnership, association, limited liability company, corporation, or common law trust or a combination of those legal entities. Person includes a department, board, school, institution, establishment, or governmental entity.

(h) "Probation" means a sanction that permits a board to evaluate over a period of time a licensee's fitness to practice an occupation regulated under this act while the licensee continues to practice the occupation.

(i) "Public access" means the right of a person to view and copy files under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(j) "Rule" means a rule promulgated under the administrative procedures act of 1969.

(k) "State construction code" means the rules promulgated by the state construction code commission under section 4 of the Stille-DeRossett-Hale single state construction code act, MCL 125.1504, R 408.30101 to R 408.31194 of the Michigan Administrative Code, including each part of that code that is of limited

application, and any modification of or amendment to those rules.

(l) "Stille-DeRossett-Hale single state construction code act" means 1972 PA 230, MCL 125.1501 to 125.1531.

(m) "Uniformed services" means the Commissioned Corps of the United States Public Health Service and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

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

History: 2016, Act 407, Eff. Apr. 4, 2017;—Am. 2021, Act 24, Eff. Sept. 7, 2021.

339.5109 License, registration, or certification issued under former act; board created under former act; rules promulgated under former act; proceedings pending under authority of former act; reference to former act.

Sec. 109. (1) A person that holds a license, registration, or certification issued under a former act on the day immediately preceding the effective date of this act is considered licensed, registered, or certified under this act until that license, registration, or certification expires, and the person may renew that license, registration, or certification in the manner described in this act.

(2) A board created in a former act shall continue as a board under this act, subject to the provisions of this act. The members of a board created under a former act serve as the initial members of the equivalent board under this act until their successors are appointed under this act or until the expiration of their respective terms, whichever occurs first.

(3) Rules promulgated by the department or by a board under a former act and in effect on the day immediately preceding the effective date of this act continue in effect to the extent that they do not conflict with this act. The rules shall be enforced by and may be amended or rescinded by the department or a board under this act.

(4) Any proceedings pending before the electrical administrative board under the authority of former 1956 PA 217, the board of mechanical rules under the authority of former 1984 PA 192, the board of boiler rules under the authority of former 1965 PA 290, the building officials advisory board under the authority of former 1986 PA 54, or the state plumbing board under the authority of former 2002 PA 733 shall be continued and be conducted and determined in accordance with that former act.

(5) A reference in any other law of this state to a former act is considered a reference to this act.

History: 2016, Act 407, Eff. Apr. 4, 2017.