

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 2
ISSUANCE OF LICENSES

339.5201 License; application; form; fees; requirements for issuance of license; expiration date; proof of licensure and government-issued photo identification; definitions.

Sec. 201. (1) A person shall apply for a license under this act on an application form provided by the department and must include with the application the appropriate fees established by rules promulgated by the department under section 207. Subject to the exceptions described in section 203, the department shall issue a license to a person that meets the licensure requirements set forth in a specific article of this act and in rules promulgated under this act.

(2) The department shall establish the expiration date of licenses issued under this act by rule promulgated by the department under section 207. However, the department shall not issue, and the rules shall not permit, the issuance of a permanent license.

(3) At the request of a building official, inspector, or employee of an enforcing agency, acting in his or her official capacity, an individual who is licensed under this act must present to that building official, inspector, or employee proof of licensure and a government-issued photo identification. As used in this subsection:

(a) "Building official" means that term as defined in section 1001.

(b) "Inspector" means that term as defined in section 1003.

History: 2016, Act 407, Eff. Apr. 4, 2017;—Am. 2018, Act 151, Eff. Aug. 14, 2018.

339.5202 Preliminary determination; procedure; effect.

Sec. 202. (1) The department shall establish a procedure that allows an individual to obtain a preliminary determination from the department concerning whether any court judgments against him or her would likely result in a denial of a license or registration for failing to meet the good moral character requirement for that license or registration.

(2) All of the following apply for purposes of subsection (1):

(a) To obtain a preliminary determination under this section, an individual must file a request that meets all of the following:

(i) Is submitted on a form provided by the department.

(ii) Identifies the license or registration for which he or she may apply.

(iii) Includes a detailed description of any criminal proceedings that resulted in a judgment against him or her.

(iv) Includes the nonrefundable fee required by the department.

(b) The department shall only consider the information provided by an individual under subdivision (a)(ii) and (iii) in making a preliminary determination.

(c) A preliminary determination under this section that is adverse to an individual does not prevent the individual from subsequently applying for a license or registration.

(d) The department or a board is not bound by a preliminary determination under this section if the individual applies for a license or registration under this act.

(e) The issuance of a preliminary determination under this section does not limit the authority of the department to review applications for a license or registration, or to issue or deny a license or registration.

(f) The department shall notify an individual of a preliminary determination by delivering a preliminary determination letter to the individual, in a form determined by the department.

(3) An individual shall not request more than 1 preliminary determination under this section in any 120-day period.

History: Add. 2018, Act 454, Eff. Mar. 21, 2019.

339.5203 License; issuance upon demonstration of unfair and inadequate requirements; fees; license with limitation; notice; approval or disapproval; review.

Sec. 203. (1) The department may issue a license to an individual under a specific article of this act if the individual demonstrates to the satisfaction of the department and a board, in the manner required under article 5, that the licensure requirements do not constitute a fair and adequate measure of the individual's knowledge and skills or that a required examination for receipt of a license does not serve as an adequate basis for determining whether an individual could perform an occupation with competence.

(2) The department shall not issue and a person shall not receive a license under this act until the person

pays the appropriate fees established by rule promulgated by the department under section 207.

(3) The department may issue a license under this act with a limitation. If the department intends to impose a limitation on the issuance of a license of a person under a specific article of this act, the department shall notify the appropriate board of its intent, and the department may impose the limitation only with the approval of that board. However, if a board, within 60 days after it receives notification by the department under this subsection, does not approve or disapprove of the imposition of the limitation, the department may impose the limitation. A person that receives a license with a limitation may receive a review of the decision to place the limitation under section 533.

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

339.5205 Renewal; issuance; demonstration of unfair and inadequate requirements; fees; issuance with limitation; notice; approval or disapproval; responsibility for renewal.

Sec. 205. (1) Unless otherwise provided in this act and subject to the limitations set forth in this section, the department shall renew the license of a person that fulfills all of the following requirements:

(a) Has applied to the department on a form provided by the department for renewal of the license. The completed application for renewal must be received by the department on or before the date prescribed by the department for the expiration of the current license.

(b) Has paid the appropriate fees established by rule promulgated by the department under section 207.

(c) Has met the renewal requirements set forth in a specific article of this act, a rule promulgated under this act, or an order issued under this act.

(2) Except as otherwise provided in this act, the department may renew the license of an individual that does not meet the requirements for renewal if the individual demonstrates to the satisfaction of the department and a board, if applicable, in the manner required under article 5, that the requirements for renewal as set forth in a specific article of this act or a rule promulgated under this act do not constitute a fair and adequate measure of the individual's knowledge and skills or that the requirements for renewal do not serve as an adequate basis for determining whether an individual could continue to perform an occupation with competence. However, if attendance in a continuing education program is a requirement for renewal of a license, the department shall not waive that requirement under this subsection.

(3) The department shall not issue a license under this act until the person seeking renewal pays the appropriate fees established under this act or by rule promulgated by the department under section 207.

(4) The department may issue a license under this act with a limitation. If the department intends to place a limitation on the license of a person under a specific article of this act, the department shall notify the appropriate board of its intent, and the department may impose the limitation only with the approval of that board. However, if a board, within 60 days after it receives notification by the department under this subsection, does not approve or disapprove of the imposition of the limitation, the department may impose the limitation. A person that receives a license renewal with a limitation may receive a review of the limitation under section 533.

(5) It is the responsibility of the licensee to renew a license. The department shall send a renewal application to the last known physical or electronic address of a licensee on file with the department. The failure of a licensee to notify the department of a change of address does not extend the expiration date of a license and may result in disciplinary action.

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

339.5207 Rules.

Sec. 207. (1) The department, in consultation with the appropriate board, shall promulgate any rules it considers necessary and appropriate to implement and administer articles 1 to 6 and to enable the department to fulfill its responsibilities under this act.

(2) The department, in consultation with the appropriate board, shall promulgate rules to establish the fees for licenses, examinations, and inspections. The fees shall reflect the actual costs and expenses of the department in issuing licenses and conducting inspections. The fees in effect on the day immediately preceding the effective date of this act shall continue in effect until the department promulgates rules under this subsection. This subsection does not apply to any specific fee if the amount of that fee is established in this act.

(3) The department, in consultation with the appropriate board, shall promulgate rules to establish the fee schedules for other items, including, but not limited to, variance requests, product approvals, or special inspections. The fees shall reflect the actual costs and expenses of the department for those items.

(4) The department may promulgate rules to set the minimal standards of acceptable practice for an occupation.

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

339.5209 Examination or test; review and approval of form and content; administering, scoring, and monitoring; providing equipment, examination room, form, and other items; agreement.

Sec. 209. (1) Before an examination or other test required under this act is administered and except as otherwise provided in this act, the department and the appropriate board, acting jointly, shall review and approve the form and content of the examination or other test. The examination or test shall be structured to provide a measure of whether an individual has sufficient knowledge and skills to perform an occupation with competence.

(2) Except as otherwise provided in this act, subject to subsection (4), the department shall administer, score, and monitor an examination or test under this section.

(3) Except as otherwise provided in this act, subject to subsection (4), the department shall provide the equipment, examination room, written form, and any other item needed to administer an examination or test under this section.

(4) The department may enter into an agreement with an entity that is not an agency of a state or the federal government that authorizes the entity to fulfill the department's responsibilities under subsection (2) or (3). The department shall promulgate any rules it considers appropriate to implement and administer this subsection.

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

339.5211 Files of board; control and physical possession by department.

Sec. 211. The department shall have control over and physical possession of the board files of each board. The department shall ensure that applicable laws concerning public access to the board files are met.

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

339.5213 Office services; administrative and secretarial staff, clerks, and employees; powers of department.

Sec. 213. (1) The department shall furnish office services to each board and perform managerial, administrative, and budgetary functions for each board.

(2) The department shall appoint administrative and secretarial staff, clerks, and employees necessary for the proper exercise of the powers and duties of a board.

(3) The department, subject to any limitations imposed by the civil service commission, may fire, suspend, promote, demote, or transfer an individual who is providing administrative or secretarial service for a board.

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

339.5215 Orientation program for board member.

Sec. 215. The department shall provide a comprehensive orientation program for each individual who is appointed and confirmed as a member of a board.

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

339.5217 Annual report.

Sec. 217. The department shall prepare and publish an annual report describing the activities of the department and each board. The annual report shall be filed with the governor and the legislature.

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

339.5219 Temporary license; validity.

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

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

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

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

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

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

(c) A license is issued.

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

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

(f) A change in employment is made.

(3) In addition to a temporary license under subsection (1), the department shall grant a temporary license under a specific article of this act to an individual who applies for a temporary license if the applicant meets all of the following:

(a) He or she provides proof acceptable to the department that he or she is a dependent of a member of the armed forces, a dependent of a member of the uniformed services, or a dependent of a veteran.

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

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

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

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

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

339.5221 Records unavailable from foreign country; examination or application for reciprocal license; required documents.

Sec. 221. If the records of an applicant for licensure under this act related to the education or experience required under a specific article of this act are unavailable from a foreign country, the applicant may, with the approval of the board and the department, take an examination or apply for a reciprocal license after submitting all of the following to the department:

(a) A notarized affidavit approved by the department that states the total number of years of education received, the name of the school or schools attended, the dates each school was attended, the degree obtained, the courses taken, the grades received, and the names of each former employer of the applicant.

(b) A notarized statement approved by the department from a governmental official testifying to the unavailability of the necessary records.

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

339.5223 Licensure or registration without examination; member of armed forces, veteran, and dependent of a member or veteran; requirements.

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

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

(i) A member of the armed forces or uniformed services.

(ii) A veteran.

(iii) A dependent of a member of the armed forces, a member of the uniformed services, or a veteran.

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

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

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

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

(iv) The requirements for licensure or registration in the other state are substantially equivalent to or

exceed the requirements of this act and any rule promulgated under this act for the license or registration.

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

(d) Has not had discipline imposed by any equivalent licensing department, board, or authority in another state of the United States. If another state of the United States has taken disciplinary action against the applicant, the department shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that other state, the department shall not issue or deny a license or registration until the matter is resolved.

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

(f) Pays all applicable fees.

(g) Is of good moral character.

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

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

History: Add. 2021, Act 24, Eff. Sept. 7, 2021.