

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 4
LICENSE FEES

339.5401 Fees; establishment of specific amounts charged for licenses, permits, and activities; license verification

Sec. 401. (1) Unless the amount of a fee is established under a specific article of this act, the department by rule shall establish the specific amounts of the fees charged for licenses, permits, and other activities under this act.

(2) If the department receives a written request and the applicable fee, the department shall issue a license verification for a current license issued under this act.

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

339.5403 Person having contract with department or providing direct services to applicant or licensee; collection of fees; termination of contract with person administering licensing examination; limitation on fee charged by department.

Sec. 403. (1) This act does not prohibit a person that has a contract with the department, or any other person that provides direct services to an applicant or licensee, from collecting fees authorized under this act directly from that applicant or licensee.

(2) If the department terminates a contract with a person that has been administering a licensing examination to applicants for licensure in a specific occupation, and the department itself begins to administer the examination, the department shall not charge an applicant a fee that is greater than the fee charged under the terminated contract, unless the examination fee for that occupation is increased by rule promulgated by the department under section 207.

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

339.5405 Nonrefundable application processing fee.

Sec. 405. An applicant must include a nonrefundable application processing fee with an application for a license. The department may also require that applicant include with the application any fee required for an examination or inspection or the fee for the initial license period.

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

339.5407 Examination fee; forfeiture; reexamination; publication of examination deadline.

Sec. 407. (1) An individual who is required to take an examination shall pay an examination fee before being scheduled for an examination.

(2) An individual who is scheduled for examination or reexamination and who fails to appear shall forfeit the examination fee.

(3) An individual who fails all or part of an examination may be reexamined, if eligible, after paying the fee for the complete examination or those parts of the examination he or she failed, as applicable.

(4) The department shall publish in its application instructions the deadline by which it must receive an application in order for an applicant to be scheduled for a required examination.

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

339.5409 Payment of fee as condition to issuance of license; establishment of fees on per year basis.

Sec. 409. (1) Except as otherwise provided in section 411, the department shall not issue a license to a person that has completed the requirements for a license or that seeks to renew a license until the person has paid the license fee.

(2) The department shall establish license fees on a per year basis. If licenses are established by rules promulgated by the department under section 207 as biennial or triennial renewals, the fee required shall be 2 or 3 times, as appropriate, the per year amount.

(3) Unless otherwise provided under this act or rules promulgated under this act, an applicant must complete all requirements for licensure within 1 year after the department received the license application or the department mails a notice of an incomplete application to the applicant at the applicant's last known physical or electronic address on file with the department, whichever is later. If the requirements for licensure are not completed within that period, the fees paid are forfeited to the department and the application is void. To obtain a license under this act, a person whose application is void under this subsection must submit a new

application and fees and meet the standards in effect on the date the department receives the new application.

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

339.5411 Failure to renew license; prohibited practice; lapse; late renewal fee; relicensure; conditions; individual on active duty in armed forces; temporary exemption.

Sec. 411. (1) A person that fails to renew a license on or before the expiration date of the license shall not practice the occupation, operate, or use the title of that occupation after that date. A license shall lapse on the day after the expiration date.

(2) A person that fails to renew a license on or before the expiration date is permitted to renew the license by payment of the required license fee and a late renewal fee within 60 days after the expiration date.

(3) Except as otherwise provided in this act, the department shall relicense a person that fails to renew a license within the time period set forth in subsection (2), without examination and without meeting additional education or training requirements in force at the time of application for relicensure, if all of the following conditions are met:

(a) The person applies within 3 years after the expiration date of the last license.

(b) The person pays an application processing fee, the late renewal fee, and the per year license fee for the upcoming licensure period.

(c) Any penalties or conditions imposed by disciplinary action in this state or any other jurisdiction have been satisfied.

(d) The person submits proof of having completed the equivalent of 1 year of continuing education within the 12 months immediately preceding the date of application or as otherwise provided in a specific article of this act or by rule, if continuing education is required for that license under a specific article.

(4) Except as otherwise provided in this act, the department shall relicense a person whose last license expired 3 or more years before the application for relicensure if the person shows that the person meets the requirements for licensure established by the department in rules or procedures. The rules or procedures may require that an individual pass all or part of a required examination, complete continuing education requirements, or meet current education or training requirements.

(5) Unless otherwise provided in this act, a person that seeks relicensure shall file a completed application, on a form provided by the department, pay the application processing fee, and file a petition to the department and the appropriate board stating reasons for relicensure and including evidence that the person can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the department or board. The department shall review a petition for relicensure in the same manner as a petition for review under sections 527 to 531. If approved for relicensure, the person shall pay the per year license fee for the upcoming license period if appropriate.

(6) Notwithstanding any provision in this act to the contrary, an individual or qualifying officer who is a licensee under this act and who is on active duty in the armed forces is temporarily exempt from any renewal license fee, continuing education requirements, or other related requirements of this act applicable to that license. It is the obligation of the licensee to inform the department by written or electronic mail of the desire to exercise the temporary exemption under this subsection. If the licensee applying for the temporary exemption is the individual responsible for supervision and oversight of licensed activities, the licensee shall provide notice of arrangements for adequate provision of that supervision and oversight to the department. The licensee shall accompany the request with proof, as determined by the department, to verify the mobilized duty status. If it receives a request for a temporary exemption under this subsection, the department shall make a determination of the requestor's status and grant the temporary exemption after verification of active duty status under this subsection. A temporary exemption is valid until 90 days after the licensee's release from the active duty on which the exemption was based, but shall not exceed 36 months from the date of expiration of the license.

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

339.5413 Electronic continuing education tracking system; agreement.

Sec. 413. (1) The department may enter into an agreement with an entity that is not an agency of a state or the federal government to provide an electronic continuing education tracking system that provides an electronic record of the continuing education courses, classes, or programs completed by all of the individuals who are licensed or registered under this act and are subject to continuing education requirements under this act.

(2) All of the following apply to an electronic system provided by an agreement under subsection (1):

(a) All continuing education tracking provided by the system must accurately reflect the continuing education requirements under this act and rules promulgated under this act.

(b) A confirmation of completion of continuing education requirements generated by the system is considered verification of completion of those requirements for renewal of a license or registration and for purposes of any audit of licensees or registrants conducted by the department.

(c) The system must provide access to continuing education information about an individual who is licensed or registered under this act to the individual, to the appropriate board for the individual's occupation, and to the department.

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

339.5415 Licensure, renewal, or relicensure; payment of fees and fines as condition; lien on real property.

Sec. 415. (1) It is a condition of licensure, renewal, or relicensure that all fees and fines owed to the department are paid.

(2) It is a condition to obtaining a permit that all fees and fines owed to the department are paid, including, but not limited to, current and previous permit fees, inspection fees, plan review fees, and administrative fines.

(3) The amounts owed for permitting, inspections, plan review, and administrative fines in connection with work performed on real property become a lien on the real property 90 days after issuance if not paid. The lien for those amounts, and for all interest and penalties on those amounts, shall continue until paid.

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

339.5417 Fee; waiver.

Sec. 417. The department shall waive the fee for an initial license or initial registration that is otherwise required under this act, or an application processing fee charged by the department for an initial license or initial registration, if the applicant meets 1 of the following requirements:

(a) Is actively serving in the armed forces or the uniformed services.

(b) Is an individual who served in the armed forces or uniformed services and he or she provides to the department a form DD214, form DD215, or any other form that is satisfactory to the department that demonstrates he or she was separated from that service with an honorable character of service or under honorable conditions (general) character of service.

(c) 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 and he or she provides proof acceptable to the department that he or she is a dependent as described in this subdivision.

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

339.5419 Fees, money, and income received by department; disposition.

Sec. 419. All fees and money received by the department for the licensing of persons under this act, and any other income the department receives under this act, shall be paid into the state construction code fund created in section 22 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1522.

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