

# HOUSE BILL No. 4490

April 23, 2019, Introduced by Reps. Hoitenga, Iden, Warren, LaGrand, Leutheuser, Chirkun, Gay-Dagnogo and Sowerby and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled  
"Skilled trades regulation act,"  
by amending section 105 (MCL 339.5105).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 105. As used in this act:

2       (a) "Enforcing agency" means that term as defined in section  
3 2a of the Stille-DeRossett-Hale single state construction code act,  
4 MCL 125.1502a.

5       (b) "Formal complaint" means a document that states the  
6 charges of each alleged violation and is prepared by the department  
7 or the department of attorney general after a complaint is received  
8 by the department.

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

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

7 (e) "Good moral character" means good moral character as  
8 defined in, ~~section 1 of~~ **AND DETERMINED UNDER**, 1974 PA 381, MCL  
9 338.41 **TO 338.47**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No. \_\_\_\_ or House Bill No. 4488 (request no.  
3 00446'19) of the 100th Legislature is enacted into law.