

HOUSE BILL NO. 6109

August 17, 2020, Introduced by Reps. O'Malley and Meerman and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending section 509 (MCL 339.5509) and by adding section 603a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509. (1) After an investigation is conducted, **subject to**
2 **section 603a**, the department may issue an order summarily
3 suspending a license issued under this act based on an affidavit by
4 an individual who is familiar with the facts set forth in the



1 affidavit, or, if appropriate, based on an affidavit made on
2 information and belief, that an imminent threat to the public
3 health, safety, and welfare exists. After a summary suspension
4 order is issued under this section, the department shall promptly
5 commence the administrative proceedings described in this article
6 to determine what additional administrative action is appropriate.

7 (2) If a person's license is summarily suspended under this
8 section, the person may petition the department to dissolve the
9 order. If it receives a petition under this subsection, the
10 department shall immediately schedule a hearing to decide whether
11 to grant or deny the request to dissolve the order.

12 (3) An administrative law hearings examiner shall grant a
13 request to dissolve a summary suspension order made under
14 subsection (2), unless sufficient evidence is presented that an
15 imminent threat to the public health, safety, and welfare exists
16 that requires emergency action and continuation of the director's
17 summary suspension order.

18 (4) The record created at the hearing to dissolve a summary
19 suspension order shall become part of the record on the complaint
20 at a subsequent contested case hearing.

21 **Sec. 603a. (1) Subject to subsection (2), a licensee or**
22 **registrant who engages in conduct that violates an executive order**
23 **issued by the governor during a state of disaster or emergency**
24 **declared under the emergency management act, 1976 PA 390, MCL**
25 **30.401 to 30.421, or 1945 PA 302, MCL 10.31 to 10.33, relating to**
26 **COVID-19, shall not be subject to either of the following:**

27 (a) An order summarily suspending a license or certificate of
28 registration under section 509.

29 (b) Any penalty described in section 603.



1 (2) Subsection (1) does not apply if the conduct would be a
2 ground for investigation or disciplinary action under this article
3 if the executive order had not been issued.

4 (3) As used in this section, "COVID-19" means severe acute
5 respiratory syndrome coronavirus 2 (SARS-CoV-2).

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. _____ or House Bill No. 6110 (request no.
8 07349'20 a) of the 100th Legislature is enacted into law.

