

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

***** 339.5105.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 7, 2021 *****

339.5105.amended 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.