

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 450

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 601, 602, 604, 605, 2405, 2411, and 2412 (MCL
339.601, 339.602, 339.604, 339.605, 339.2405, 339.2411, and
339.2412), sections 601 and 602 as amended by 2005 PA 278, section
604 as amended by 1989 PA 261, and sections 2411 and 2412 as
amended by 2001 PA 113, and by adding sections 606 and 2404a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601. (1) A person shall not engage in or attempt to
2 engage in the practice of an occupation regulated under this act or
3 use a title designated in this act unless the person possesses a
4 license or registration issued by the department for the
5 occupation.

Senate Bill No. 450 (H-1) as amended December 11, 2007

1 (2) A school, institution, or person shall not operate or
2 attempt to operate a barber college, school of cosmetology, or real
3 estate school unless the school, institution, or person is licensed
4 or approved by the department.

5 (3) SUBJECT TO SECTION 411, A PERSON WHOSE LICENSE OR
6 REGISTRATION IS SUSPENDED, REVOKED, OR LAPSED, AS DETERMINED BY THE
7 RECORDS OF THE DEPARTMENT, IS CONSIDERED UNLICENSED OR
8 UNREGISTERED.

9 (4) ~~(3) A~~ EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION 735, A
10 person, school, or institution that violates subsection (1) or (2)
11 is guilty of a misdemeanor ~~—~~ punishable by a fine of not more than
12 \$500.00, or imprisonment for not more than 90 days, or both.

13 (5) ~~(4) A~~ EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION 735, A
14 person, school, or institution that violates subsection (1) or (2)
15 a second or any subsequent time is guilty of a misdemeanor ~~—~~
16 punishable ~~, except as provided in section 735,~~ by a fine of not
17 more than \$1,000.00, or imprisonment for not more than 1 year, or
18 both.

19 (6) NOTWITHSTANDING SUBSECTIONS (4) AND (5), A PERSON NOT
20 LICENSED UNDER ARTICLE 24 AS A RESIDENTIAL BUILDER OR A RESIDENTIAL
21 MAINTENANCE AND ALTERATION CONTRACTOR WHO VIOLATES SUBSECTION (1)
22 OR (2) IS GUILTY AS FOLLOWS:

23 (A) IN THE CASE OF A FIRST OFFENSE, A MISDEMEANOR PUNISHABLE
24 BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$25,000.00, OR
25 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

26 (B) IN THE CASE OF A SECOND [OR SUBSEQUENT] OFFENSE, A MISDEMEANOR
27 PUNISHABLE
BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN \$25,000.00, OR

Senate Bill No. 450 (H-1) as amended December 11, 2007

1 IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH.

2 (C) IN THE CASE OF [AN OFFENSE THAT CAUSES DEATH OR SERIOUS
3 INJURY], A FELONY

4 PUNISHABLE BY A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN

5 \$25,000.00, OR IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR BOTH.

6 (7) ANY VIOLATION OF THIS ACT SHALL INCLUDE A REQUIREMENT THAT

7 RESTITUTION BE MADE, BASED UPON PROOFS SUBMITTED TO AND FINDINGS

8 MADE BY THE TRIER OF FACT AS PROVIDED BY LAW.

9 (8) ~~(5)~~ Notwithstanding the existence and pursuit of any other

10 remedy, an affected person may maintain injunctive action to

11 restrain or prevent a person from violating subsection (1) or (2).

12 If successful in obtaining injunctive relief, the affected person

13 shall be entitled to actual costs and attorney fees.

14 (9) ~~(6)~~ This act does not apply to a person engaging in or

15 practicing the following:

16 (a) Interior design.

17 (b) Building design.

18 (c) Any activity for which the person is licensed under the

19 state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.

20 (d) Any activity for which the person is licensed under the

21 Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to

22 338.988.

23 (e) Any activity for which the person is licensed under the

24 electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892.

25 (10) ~~(7)~~ As used in subsection ~~(5)~~ (8), "affected person"

26 means a person directly affected by the actions of a person

27 suspected of violating subsection (1) or (2) and includes, but is

not limited to, a licensee or registrant, a board established

1 pursuant to this act, **THE DEPARTMENT**, a person who has utilized the
2 services of the person engaging in or attempting to engage in an
3 occupation regulated under this act or using a title designated by
4 this act without being licensed or registered by the department, or
5 a private association composed primarily of members of the
6 occupation in which the person is engaging in or attempting to
7 engage in or in which the person is using a title designated under
8 this act without being registered or licensed by the department.

9 (11) ~~(8)~~—An investigation may be conducted under article 5 to
10 enforce this section. A person who violates this section shall be
11 subject to this section and ~~section~~**SECTIONS 506, 602, AND 606.**

12 (12) **THE DEPARTMENT, THE ATTORNEY GENERAL, OR A COUNTY**
13 **PROSECUTOR MAY UTILIZE FORFEITURE AS A REMEDY IN THE MANNER**
14 **PROVIDED FOR IN SECTION 606.**

15 (13) ~~(9)~~—The remedies under this section are independent and
16 cumulative. The use of 1 remedy by a person shall not bar the use
17 of other lawful remedies by that person or the use of a lawful
18 remedy by another person.

19 (14) ~~(10)~~—An interior designer may perform services in
20 connection with the design of interior spaces including preparation
21 of documents relative to finishes, systems furniture, furnishings,
22 fixtures, equipment, and interior partitions that do not affect the
23 building mechanical, structural, electrical, or fire safety
24 systems.

25 (15) **UPON ENTERING A CONVICTION UNDER SUBSECTION (4) OR (5), A**
26 **COURT ENTERING THE CONVICTION SHALL NOTIFY, BY MAIL, FACSIMILE**
27 **TRANSMISSION, OR ELECTRONIC MAIL, THE BUREAU OF COMMERCIAL SERVICES**

1 **AT THE DEPARTMENT.**

2 Sec. 602. A person, school, or institution that violates this
3 act or a rule or order promulgated or issued under this act shall
4 be assessed 1 or more of the following penalties:

5 (a) Placement of a limitation on a license or certificate of
6 registration for an occupation regulated under articles 8 to 25.

7 (b) Suspension of a license or certificate of registration.

8 (c) Denial of a license, certificate of registration, or
9 renewal of a license or certificate of registration.

10 (d) Revocation of a license or certificate of registration.

11 (e) ~~An~~ **IN THE CASE OF A PERSON LICENSED OR REGISTERED UNDER**
12 **THIS ACT AND EXCEPT AS OTHERWISE PROVIDED FOR BY THIS ACT, AN**
13 administrative fine to be paid to the department, not to exceed
14 \$10,000.00.

15 (f) Censure.

16 (g) Probation.

17 (h) A requirement that restitution be made, **BASED UPON PROOFS**
18 **SUBMITTED TO, AND FINDINGS MADE BY, THE HEARING EXAMINER AFTER A**
19 **CONTESTED CASE.**

20 Sec. 604. A person who violates 1 or more of the provisions of
21 an article which regulates an occupation or who commits 1 or more
22 of the following shall be subject to the penalties prescribed in
23 section 602:

24 (a) Practices fraud or deceit in obtaining a license or
25 registration.

26 (b) Practices fraud, deceit, or dishonesty in practicing an
27 occupation.

1 (c) Violates a rule of conduct of an occupation.

2 (d) Demonstrates a lack of good moral character.

3 (e) Commits an act of gross negligence in practicing an
4 occupation.

5 (f) Practices false advertising.

6 (g) Commits an act which demonstrates incompetence.

7 (h) Violates any other provision of this act or a rule
8 promulgated under this act for which a penalty is not otherwise
9 prescribed.

10 (i) Fails to comply with a subpoena issued under this act.

11 (j) Fails to respond to a citation as required by section 555.

12 (k) Violates or fails to comply with a final order issued by a
13 board, including a stipulation, settlement agreement, or a
14 citation.

15 **(l) AIDS OR ABETS ANOTHER PERSON IN THE UNLICENSED PRACTICE OF**
16 **AN OCCUPATION.**

17 Sec. 605. (1) The department may bring any appropriate action,
18 **INCLUDING MEDIATION OR OTHER ALTERNATIVE DISPUTE RESOLUTION**, in the
19 name of the people of this state to carry out this act and to
20 enforce this act.

21 (2) If the attorney general considers it necessary, the
22 attorney general shall intervene in and prosecute all cases arising
23 under this act.

24 **(3) THIS SECTION DOES NOT PROHIBIT THE DEPARTMENT FROM**
25 **BRINGING ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION FOR THE**
26 **ENFORCEMENT OF SECTION 601.**

27 **(4) THE DEPARTMENT HAS STANDING TO BRING AN ADMINISTRATIVE**

1 ACTION OR TO DIRECTLY BRING AN ACTION IN A COURT OF COMPETENT
2 JURISDICTION REGARDING UNLICENSED PRACTICE OF AN OCCUPATION.

3 SEC. 606. THE DEPARTMENT, THE ATTORNEY GENERAL, AND A COUNTY
4 PROSECUTOR MAY UTILIZE THE FORFEITURE PROVISIONS OF CHAPTER 47 OF
5 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO
6 600.4709, FOR ITEMS SEIZED AND DETERMINED TO BE PROCEEDS OF A
7 CRIME, SUBSTITUTED PROCEEDS OF A CRIME, OR THE INSTRUMENTALITY OF A
8 CRIME AS THOSE TERMS ARE DEFINED UNDER SECTION 4701 OF THE REVISED
9 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701.

10 SEC. 2404A. A LICENSEE SHALL, AS PART OF THE CONTRACT, PROVIDE
11 INFORMATION RELATING TO HIS OR HER INDIVIDUAL LICENSE AND TO ANY
12 LICENSE ISSUED TO THAT PERSON AS A QUALIFYING OFFICER OF ANOTHER
13 ENTITY.

14 Sec. 2405. (1) If a license is applied for by a corporation,
15 partnership, ~~or~~ association, **LIMITED LIABILITY COMPANY, OR OTHER**
16 **ENTITY**, the applicant shall designate 1 of its officers, partners,
17 members, or managing agent as a qualifying officer who, upon taking
18 and passing the examination, and upon meeting all other
19 requirements of this article, ~~shall be~~ **IS** entitled to a license to
20 act for the corporation, partnership, ~~or~~ association, **LIMITED**
21 **LIABILITY COMPANY, OR OTHER ENTITY. THE QUALIFYING OFFICER SHALL**
22 **ALSO OBTAIN AND MAINTAIN A LICENSE UNDER THIS ARTICLE AS AN**
23 **INDIVIDUAL.** The qualifying officer shall be responsible for
24 exercising the supervision or control of the building or
25 construction operations necessary to secure full compliance with
26 this article and the rules promulgated under this article. A
27 license shall not be issued to a corporation, partnership, ~~or~~

1 association, **LIMITED LIABILITY COMPANY, OR OTHER ENTITY** unless each
2 partner, trustee, director, officer, member, and a person
3 exercising control is at least 18 years of age, and meets the
4 requirements for a license under this article other than those
5 relating to knowledge and experience. **IF AN INDIVIDUAL LICENSEE IS**
6 **ALSO A QUALIFYING OFFICER, THE INDIVIDUAL'S NAME AND LICENSE NUMBER**
7 **SHALL BE LISTED ON ANY LICENSE ISSUED TO THE INDIVIDUAL AS A**
8 **QUALIFYING OFFICER. IN THE CASE OF A LICENSE ISSUED UNDER THIS**
9 **SUBSECTION, EACH OFFICER, PARTNER, MEMBER, OR MANAGING AGENT,**
10 **WHETHER OR NOT HE OR SHE IS THE QUALIFYING OFFICER, SHALL PROVIDE A**
11 **COPY OF HIS OR HER OPERATOR'S LICENSE OR STATE PERSONAL**
12 **IDENTIFICATION CARD TO THE DEPARTMENT FOR USE BY THE DEPARTMENT**
13 **ONLY FOR IDENTIFICATION PURPOSES. A LICENSEE GRANTED INACTIVE**
14 **STATUS UNDER SECTION 2404B IS NOT ELIGIBLE TO SERVE AS A QUALIFYING**
15 **OFFICER.**

16 (2) The license of a corporation, partnership, **ASSOCIATION,**
17 **LIMITED LIABILITY COMPANY,** or other ~~association~~-**ENTITY** shall be
18 suspended when a license or license application of a qualifying
19 officer, partner, trustee, director, officer, member, or a person
20 exercising control of the corporation, partnership, **ASSOCIATION,**
21 **LIMITED LIABILITY COMPANY,** or other ~~association~~-**ENTITY** is
22 suspended, revoked, or denied. The suspension shall remain in force
23 until the board determines that the disability created by the
24 suspension, revocation, or denial has been removed.

25 (3) A suspension, revocation, or denial of a license of an
26 individual shall suspend, revoke, or deny any other license held or
27 applied for by that individual issued under this article. A

1 suspension, revocation, or denial of a license by the department
 2 ~~may~~ **SHALL** suspend, revoke, or deny any other license held or
 3 applied for under this article by the qualifying officer of a
 4 corporation, partnership, **ASSOCIATION, LIMITED LIABILITY COMPANY,**
 5 or other ~~association~~ **ENTITY** whose license is suspended, revoked, or
 6 denied.

7 (4) If the qualifying officer of a licensee ceases to be its
 8 qualifying officer, the license is suspended. However, upon
 9 request, the department may permit the license to remain in force
 10 for a reasonable time to permit the qualification of a new
 11 qualifying officer.

12 Sec. 2411. (1) A complaint filed under this section or article
 13 5, or both, shall be made within 18 months after ~~completion,~~
 14 ~~occupancy, or purchase, whichever occurs later,~~ of **THE LATEST OF**
 15 **THE FOLLOWING REGARDING** a residential structure or a combination of
 16 residential and commercial structure ~~—~~ **AS FOLLOWS:**

17 (A) **IN THE CASE OF A MAINTENANCE AND ALTERATION CONTRACT:**

18 (i) **COMPLETION.**

19 (ii) **OCCUPANCY.**

20 (iii) **PURCHASE.**

21 (B) **IN THE CASE OF A PROJECT REQUIRING AN OCCUPANCY PERMIT:**

22 (i) **ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR TEMPORARY**
 23 **CERTIFICATE OF OCCUPANCY.**

24 (ii) **CLOSING.**

25 (2) A licensee or applicant who commits 1 or more of the
 26 following shall be subject to the penalties set forth in article 6:

27 (a) Abandonment without legal excuse of a contract,

1 construction project, or operation engaged in or undertaken by the
2 licensee.

3 (b) Diversion of funds or property received for prosecution or
4 completion of a specific construction project or operation, or for
5 a specified purpose in the prosecution or completion of a
6 construction project or operation, and the funds or property
7 application or use for any other construction project or operation,
8 obligation, or purposes.

9 (c) Failure to account for or remit money coming into the
10 person's possession which belongs to others.

11 (d) A willful departure from or disregard of plans or
12 specifications in a material respect and prejudicial to another,
13 without consent of the owner or an authorized representative and
14 without the consent of the person entitled to have the particular
15 construction project or operation completed in accordance with the
16 plans and specifications.

17 (e) A willful violation of the building laws of the state or
18 of a political subdivision of the state.

19 (f) In a **RESIDENTIAL** maintenance and alteration contract,
20 failure to furnish to a lender the purchaser's signed completion
21 certificate executed upon completion of the work to be performed
22 under the contract.

23 (g) If a licensed residential builder or licensed residential
24 maintenance and alteration contractor, failure to notify the
25 department within 10 days of a change in the control or direction
26 of the business of the licensee resulting from a change in the
27 licensee's partners, directors, officers, or trustees, or a change

1 in the control or direction of the business of the licensee
2 resulting from any other occurrence or event.

3 (h) Failure to deliver to the purchaser the entire agreement
4 of the parties including finance and any other charge arising out
5 of or incidental to the agreement when the agreement involves
6 repair, alteration, or addition to, subtraction from, improvement
7 of, wrecking of, or demolition of a residential structure or
8 combination of residential and commercial structure, or building of
9 a garage, or laying of concrete on residential property, or
10 manufacture, assembly, construction, sale, or distribution of a
11 residential or combination residential and commercial structure
12 which is prefabricated, preassembled, precut, packaged, or shell
13 housing.

14 (i) If a salesperson, failure to pay over immediately upon
15 receipt money received by the salesperson, in connection with a
16 transaction governed by this article to the residential builder or
17 residential maintenance and alteration contractor under whom the
18 salesperson is licensed.

19 (j) Aiding or abetting an unlicensed person to evade this
20 article, or knowingly combining or conspiring with, or acting as
21 agent, partner, or associate for an unlicensed person, or allowing
22 one's license to be used by an unlicensed person, or acting as or
23 being an ostensible licensed residential builder or licensed
24 residential maintenance and alteration contractor for an
25 undisclosed person who does or shall control or direct, or who may
26 have the right to control or direct, directly or indirectly, the
27 operations of a licensee.

1 (k) Acceptance of a commission, bonus, or other valuable
2 consideration by a salesperson for the sale of goods or the
3 performance of service specified in the article from a person other
4 than the residential builder or residential maintenance and
5 alteration contractor under whom the person is licensed.

6 (l) Becoming insolvent, filing a bankruptcy action, becoming
7 subject to a receivership, assigning for the benefit of creditors,
8 failing to satisfy judgments or liens, or failing to pay an
9 obligation as it becomes due in the ordinary course of business.

10 (m) ~~Peer workmanship or workmanship~~ **WORKMANSHIP** not meeting
11 the standards of the ~~custom or trade verified by a building code~~
12 ~~enforcement official~~ **MICHIGAN RESIDENTIAL CODE AS PROMULGATED UNDER**
13 **THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972**
14 **PA 230, MCL 125.1501 TO 125.1531.**

15 (3) The department shall suspend or revoke the license of a
16 person licensed under this article whose failure to pay a lien
17 claimant results in a payment being made from the homeowner
18 construction lien recovery fund pursuant to the construction lien
19 act, 1980 PA 497, MCL 570.1101 to 570.1305, regardless of whether
20 the person was performing services as a licensee under this
21 article; under the electrical administrative act, 1956 PA 217, MCL
22 338.881 to 338.892; or under ~~1929 PA 266, MCL 338.901 to 338.917~~
23 **THE STATE PLUMBING ACT, 2002 PA 733, MCL 338.3511 TO 338.3569.** The
24 department shall not renew a license or issue a new license until
25 the licensee has repaid in full to the fund the amount paid out
26 plus the costs of litigation and interest at the rate set by
27 section 6013 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.6013.

2 (4) The department shall conduct a review upon notice that the
3 licensee has violated the asbestos abatement contractors licensing
4 act, 1986 PA 135, MCL 338.3101 to 338.3319. The department may
5 suspend or revoke that person's license for a knowing violation of
6 the asbestos abatement contractors licensing act, 1986 PA 135, MCL
7 338.3101 to 338.3319.

8 (5) Notwithstanding article 5, the following apply to
9 administrative proceedings regarding workmanship under subsection
10 (2) (m):

11 (a) A complaint submitted by an owner shall describe in
12 writing to the department the factual basis for the allegation. The
13 homeowner shall send a copy of the initial complaint to the
14 licensee concurrent with the submission of the complaint to the
15 department.

16 (b) The department shall presume the innocence of the licensee
17 throughout the proceeding until the administrative law hearing
18 examiner finds otherwise in a determination of findings of fact and
19 conclusions of law under article 5. The licensee has the burden of
20 refuting evidence submitted by a person during the administrative
21 hearing. The licensee also has the burden of proof regarding the
22 reason deficiencies were not corrected.

23 (c) Upon receipt of a building inspection report issued to the
24 department by a state or local building enforcement official
25 authorized to do so under the Stille-DeRossett-Hale single state
26 construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, which
27 report verifies or confirms the substance of the complaint, the

1 department shall send by certified mail a copy of the verified
2 complaint to ~~both the complainant and the licensee~~. Failure of the
3 department to send a copy of the verified complaint within 30 days
4 of receipt of the building inspection report prevents the
5 department from assessing a fine against the licensee under article
6 6 but does not prevent the department from pursuing restitution,
7 license suspension, or other remedies provided under this act.

8 (d) A licensee may contractually provide for an alternative
9 dispute resolution procedure to resolve complaints filed with the
10 department. The procedure shall be conducted by a neutral third
11 party for determining the rights and responsibilities of the
12 parties and shall be initiated by the licensee, who shall provide
13 notice of the initiation of the procedure to the complainant by
14 certified mail not less than 30 days before the commencement of
15 that procedure. The procedure shall be conducted at a location
16 mutually agreed to by the parties.

17 (e) The department shall not initiate a proceeding against a
18 licensee under this subsection in the case of a licensee who
19 contractually provides for an alternative dispute resolution
20 procedure that has not been utilized and completed unless it is
21 determined that the licensee has not complied with a decision or
22 order issued as a result of that alternative dispute resolution
23 procedure, that alternative dispute resolution procedure was not
24 fully completed within 90 days after the filing of the complaint
25 with the department, or an alternative dispute resolution procedure
26 meeting the requirements of subdivision ~~(D)~~ **(D)** is not available to
27 the complainant.

1 (f) The complainant shall demonstrate that notice has been
2 provided to the licensee describing reasonable times and dates that
3 the residential structure was accessible for any needed repairs and
4 proof acceptable to the department that the repairs were not made
5 within 60 days after the sending of the notice. This subdivision
6 does not apply where the department determines a necessity to
7 safeguard the structure or to protect the occupant's health and
8 safety and, in such case, the department may utilize any remedy
9 available under section 504(3)(a) through (d).

10 (g) In the case where the owner and licensee have agreed
11 contractually on mutually acceptable performance guidelines
12 relating to workmanship, the department shall consider those
13 guidelines in its evaluation of a complaint. The guidelines shall
14 be consistent with the Stille-DeRossett-Hale single state
15 construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

16 **(6) IN ANY CASE WHERE THE LICENSEE OR RESPONDENT FAILS TO**
17 **APPEAR, PARTICIPATE, OR DEFEND ANY ACTION, THE BOARD SHALL ISSUE AN**
18 **ORDER GRANTING BY DEFAULT THE RELIEF REQUESTED, BASED UPON PROOFS**
19 **SUBMITTED TO AND FINDINGS MADE, BY THE HEARING EXAMINER AFTER A**
20 **CONTESTED CASE.**

21 (7) ~~(6)~~As used in this section, "verified complaint" means a
22 complaint in which all or a portion of the allegations have been
23 confirmed by ~~the building inspection report~~ **AN AFFIDAVIT OF THE**
24 **STATE OR LOCAL BUILDING OFFICIAL.**

25 Sec. 2412. (1) A person or qualifying officer for a
26 corporation or member of a residential builder or residential
27 maintenance and alteration contractor shall not bring or maintain

Senate Bill No. 450 (H-1) as amended December 11, 2007

1 an action in a court of this state for the collection of
2 compensation for the performance of an act or contract for which a
3 license is required by this article without alleging and proving
4 that the person was licensed under this article during the
5 performance of the act or contract.

6 (2) Failure of the person bringing a complaint against a
7 licensee to utilize a contractually provided alternative dispute
8 resolution procedure shall be an affirmative defense to an action
9 brought in a court of this state against a licensee under this
10 article.

11 (3) A PERSON OR QUALIFYING OFFICER FOR A CORPORATION OR A
12 MEMBER OF A RESIDENTIAL BUILDER OR RESIDENTIAL MAINTENANCE AND
13 ALTERATION CONTRACTOR SHALL NOT IMPOSE OR TAKE ANY LEGAL OR OTHER
14 ACTION TO IMPOSE A LIEN ON REAL PROPERTY UNLESS THAT PERSON WAS
15 LICENSED UNDER THIS ARTICLE DURING THE PERFORMANCE OF THE ACT OR
16 CONTRACT.

17 (4) A PROSECUTING ATTORNEY AND THE ATTORNEY GENERAL MAY BRING
18 AN ACTION FOR A CIVIL VIOLATION IN A COURT OF COMPETENT
19 JURISDICTION AGAINST A PERSON NOT LICENSED UNDER THIS ARTICLE THAT
20 HAS VIOLATED SECTION 601(1) OR (2). THE COURT SHALL ASSESS A CIVIL
21 [FINE], TO BE PAID TO THE PROSECUTING ATTORNEY OR THE
22 ATTORNEY GENERAL BRINGING THE ACTION, OF NOT LESS THAN \$5,000.00
23 AND NOT MORE THAN \$25,000.00, ASIDE FROM ANY CIVIL DAMAGES OR
24 RESTITUTION.

25 Enacting section 1. This amendatory act does not take effect
26 unless all of the following bills of the 94th Legislature are
27 enacted into law:

Senate Bill No. 450 (H-1) as amended July 17, 2007
as amended December 11, 2007

1 (a) Senate Bill No. 451.

2 (b) Senate Bill No. 452.

3 (c) Senate Bill No. 453.

[[Enacting section 2. Sections 2405, 2411, and 2412 of the occupational code, 1980 PA 299, MCL 339.2405, 339.2411, and 339.2412, as amended by this amendatory act, and sections 606 and 2404a of the occupational code, 1980 PA 299, as added by this amendatory act, take effect June 1, 2008.]]