

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

***** 339.5601.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

339.5601.new Engaging in occupation or using title without license prohibited; violation; penalty; restitution; injunctive relief; "affected person" defined; construction contrary to permit; investigation; remedies; conviction; notice to department; enforcement.

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

(2) Subject to section 411, a person whose license is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed.

(3) A person that violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(4) A person that violates subsection (1) a second time is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both.

(5) A person that violates subsection (1) a third or subsequent time is guilty of a felony punishable by a fine of not more than \$25,000.00 or imprisonment for not more than 5 years, or both.

(6) The remedies or penalties imposed for a violation of subsection (1) may include a requirement that restitution be made, based on proofs submitted to and findings made by the trier of fact as provided by law.

(7) Notwithstanding the existence and pursuit of any other remedy or penalty, an affected person may pursue an action for injunctive relief to restrain or prevent a person from violating subsection (1). If successful in obtaining injunctive relief, the affected person is entitled to actual costs and attorney fees. As used this subsection, "affected person" means a person that is directly affected by the actions of another person that is suspected of violating subsection (1) and includes, but is not limited to, a licensee, a board, the department, a person that has utilized the services of the person suspected of violating subsection (1), or a private association that is composed primarily of members of the occupation in which the person is engaging in or attempting to engage in or in which the person is using a title designated under this act without a license under this act.

(8) If construction is being undertaken contrary to a building permit, this act, or other applicable laws or ordinances, the enforcing agency shall give written notice to the person that holds the building permit, or if a permit has not been issued then to the person doing the construction, notifying that person of the violation of this act, or other applicable laws and ordinances, and that the person should appear and show cause why the construction should not be stopped. If the person doing the construction is not known, or cannot be located with reasonable effort, the enforcing agency may deliver the notice to the individual in charge of, or apparently in charge of, the construction. If the holder of the permit or the person doing the construction fails to appear and show good cause within 1 full working day after notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction in violation of a stop construction order, except with permission of the enforcing agency to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the stop construction order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

(9) An investigation may be conducted under article 5 to enforce this section. A person that violates this section is subject to this section and sections 511, 603, and 611.

(10) The remedies under this section are independent and cumulative. The use of 1 remedy by a person does not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

(11) If a conviction under subsection (3), (4), or (5) is entered by a court, the court shall notify the department by mail, facsimile transmission, or electronic mail.

(12) The attorney general or the prosecuting attorney of a county may bring an action in a court of competent jurisdiction to enforce this section.

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