

**SUBSTITUTE FOR
SENATE BILL NO. 963**

A bill to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations in the skilled trades and to regulate persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain state and local governmental officers and entities, including the boards created under this act; to provide for the promulgation of rules; to provide for fees; to provide for penalties and civil fines; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

ARTICLE 1

2

SHORT TITLE, DEFINITIONS, AND EFFECTS OF FORMER ACTS

3

Sec. 101. This act shall be known and may be cited as the

1 "skilled trades regulation act".

2 Sec. 103. As used in this act:

3 (a) "Administrative procedures act of 1969" means the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328.

6 (b) "Armed forces" means the United States Army, Air Force,
7 Navy, Marine Corps, or Coast Guard or other military force
8 designated by Congress as a part of the armed forces of the United
9 States.

10 (c) "Board" means, in each article of this act that is related
11 to a specific occupation or occupations, the board that is created
12 in that article and composed principally of members of the
13 regulated occupation or occupations, or the commission or other
14 agency that is defined in or designated as the board for purposes
15 of that article. In this article, "board" means any board created
16 or agency designated as a board under any other article of this
17 act.

18 (d) "Board files" means the records, memoranda, opinions,
19 minutes, and similar written materials that were formerly in the
20 physical possession and control of a board abolished by this act
21 and the records, memoranda, opinions, minutes, and similar written
22 materials of a board created under this act.

23 (e) "Censure" means an expression of disapproval of a
24 licensee's or registrant's professional conduct, whether or not the
25 conduct is a violation of this act or a rule promulgated or an
26 order issued under this act.

27 (f) "Charitable organization" means a not-for-profit tax-

1 exempt religious, educational, or humane organization.

2 (g) "Citation" means that term as described in section 537.

3 (h) "Competence" means a degree of expertise that enables an
4 individual to engage in an occupation at a level that meets or
5 exceeds minimal standards of acceptable practice for the
6 occupation.

7 (i) "Complaint" means an oral or written grievance.

8 (j) "Completed application" means an application that is
9 complete on its face and submitted with any applicable licensing or
10 permit fees and any other information, records, approval, security,
11 or similar item required by law or rule from a local unit of
12 government, a federal agency, or a private entity but not from
13 another department or agency of this state.

14 (k) "Contested case hearing" means a hearing under chapter 4
15 of the administrative procedures act of 1969, MCL 24.271 to 24.287,
16 as authorized under chapter 5 of the administrative procedures act
17 of 1969, MCL 24.291 to 24.292.

18 (l) "Department" means the department of licensing and
19 regulatory affairs.

20 (m) "Director" means the director of the department of
21 licensing and regulatory affairs or his or her authorized
22 representative.

23 (n) "Disability" means an infirmity that prevents a board
24 member from performing a duty assigned to the board member.

25 Sec. 105. As used in this act:

26 (a) "Enforcing agency" means that term as defined in section
27 2a of the Stille-DeRossett-Hale single state construction code act,

1 MCL 125.1502a.

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

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

9 (d) "General public" means each individual who resides in this
10 state and is 18 years of age or older, other than an individual or
11 the spouse of an individual who is licensed or registered in the
12 occupation or who has a material financial interest in the
13 occupation that is regulated by the specific article in which the
14 term is used.

15 (e) "Good moral character" means good moral character as
16 defined in section 1 of 1974 PA 381, MCL 338.41.

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

20 (g) "Incompetence" means a departure from, or a failure to
21 conform to, minimal standards of acceptable practice for an
22 occupation.

23 (h) "Knowledge and skill" means information, education,
24 practical experience, and the facility to apply that information,
25 education, and practical experience.

26 (i) "License" includes the whole or part of a governmental
27 permit, certificate, approval, registration, charter, or similar

1 form of permission required under a specific article of this act.

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

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

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

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

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

14 (iv) A requirement that restitution be made or certain work be
15 performed before a license is issued or renewed or the licensee is
16 relicensed.

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

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

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

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

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

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

6 Sec. 107. As used in this act:

7 (a) "Michigan building code" means part 4 of the state
8 construction code, R 408.30401 to R 408.30499 of the Michigan
9 Administrative Code.

10 (b) "Michigan electrical code" means part 8 of the state
11 construction code, R 408.30801 to R 408.30873 of the Michigan
12 Administrative Code.

13 (c) "Michigan mechanical code" means part 9A of the state
14 construction code, R 408.30901a to R 408.30996 of the Michigan
15 Administrative Code.

16 (d) "Michigan plumbing code" means part 7 of the state
17 construction code, R 408.30701 to R 408.30792 of the Michigan
18 Administrative Code.

19 (e) "Municipality" means a city, village, or township.

20 (f) "Occupation" means a field of endeavor regulated under
21 this act.

22 (g) "Person" means an individual, sole proprietorship,
23 partnership, association, limited liability company, corporation,
24 or common law trust or a combination of those legal entities.
25 Person includes a department, board, school, institution,
26 establishment, or governmental entity.

27 (h) "Probation" means a sanction that permits a board to

1 evaluate over a period of time a licensee's fitness to practice an
2 occupation regulated under this act while the licensee continues to
3 practice the occupation.

4 (i) "Public access" means the right of a person to view and
5 copy files under the freedom of information act, 1976 PA 442, MCL
6 15.231 to 15.246.

7 (j) "Rule" means a rule promulgated under the administrative
8 procedures act of 1969.

9 (k) "State construction code" means the rules promulgated by
10 the state construction code commission under section 4 of the
11 Stille-DeRossett-Hale single state construction code act, MCL
12 125.1504, R 408.30101 to R 408.31194 of the Michigan administrative
13 code, including each part of that code that is of limited
14 application, and any modification of or amendment to those rules.

15 (l) "Stille-DeRossett-Hale single state construction code act"
16 means 1972 PA 230, MCL 125.1501 to 125.1531.

17 Sec. 109. (1) A person that holds a license, registration, or
18 certification issued under a former act on the day immediately
19 preceding the effective date of this act is considered licensed,
20 registered, or certified under this act until that license,
21 registration, or certification expires, and the person may renew
22 that license, registration, or certification in the manner
23 described in this act.

24 (2) A board created in a former act shall continue as a board
25 under this act, subject to the provisions of this act. The members
26 of a board created under a former act serve as the initial members
27 of the equivalent board under this act until their successors are

1 appointed under this act or until the expiration of their
2 respective terms, whichever occurs first.

3 (3) Rules promulgated by the department or by a board under a
4 former act and in effect on the day immediately preceding the
5 effective date of this act continue in effect to the extent that
6 they do not conflict with this act. The rules shall be enforced by
7 and may be amended or rescinded by the department or a board under
8 this act.

9 (4) Any proceedings pending before the electrical
10 administrative board under the authority of former 1956 PA 217, the
11 board of mechanical rules under the authority of former 1984 PA
12 192, the board of boiler rules under the authority of former 1965
13 PA 290, the building officials advisory board under the authority
14 of former 1986 PA 54, or the state plumbing board under the
15 authority of former 2002 PA 733 shall be continued and be conducted
16 and determined in accordance with that former act.

17 (5) A reference in any other law of this state to a former act
18 is considered a reference to this act.

19 ARTICLE 2

20 ISSUANCE OF LICENSES

21 Sec. 201. (1) A person shall apply for a license under this
22 act on an application form provided by the department and must
23 include with the application the appropriate fees established by
24 rules promulgated by the department under section 207. Subject to
25 the exceptions described in section 203, the department shall issue
26 a license to a person that meets the licensure requirements set
27 forth in a specific article of this act and in rules promulgated

1 under this act.

2 (2) The department shall establish the expiration date of
3 licenses issued under this act by rule promulgated by the
4 department under section 207. However, the department shall not
5 issue, and the rules shall not permit, the issuance of a permanent
6 license.

7 Sec. 203. (1) The department may issue a license to an
8 individual under a specific article of this act if the individual
9 demonstrates to the satisfaction of the department and a board, in
10 the manner required under article 5, that the licensure
11 requirements do not constitute a fair and adequate measure of the
12 individual's knowledge and skills or that a required examination
13 for receipt of a license does not serve as an adequate basis for
14 determining whether an individual could perform an occupation with
15 competence.

16 (2) The department shall not issue and a person shall not
17 receive a license under this act until the person pays the
18 appropriate fees established by rule promulgated by the department
19 under section 207.

20 (3) The department may issue a license under this act with a
21 limitation. If the department intends to impose a limitation on the
22 issuance of a license of a person under a specific article of this
23 act, the department shall notify the appropriate board of its
24 intent, and the department may impose the limitation only with the
25 approval of that board. However, if a board, within 60 days after
26 it receives notification by the department under this subsection,
27 does not approve or disapprove of the imposition of the limitation,

1 the department may impose the limitation. A person that receives a
2 license with a limitation may receive a review of the decision to
3 place the limitation under section 533.

4 Sec. 205. (1) Unless otherwise provided in this act and
5 subject to the limitations set forth in this section, the
6 department shall renew the license of a person that fulfills all of
7 the following requirements:

8 (a) Has applied to the department on a form provided by the
9 department for renewal of the license. The completed application
10 for renewal must be received by the department on or before the
11 date prescribed by the department for the expiration of the current
12 license.

13 (b) Has paid the appropriate fees established by rule
14 promulgated by the department under section 207.

15 (c) Has met the renewal requirements set forth in a specific
16 article of this act, a rule promulgated under this act, or an order
17 issued under this act.

18 (2) Except as otherwise provided in this act, the department
19 may renew the license of an individual that does not meet the
20 requirements for renewal if the individual demonstrates to the
21 satisfaction of the department and a board, if applicable, in the
22 manner required under article 5, that the requirements for renewal
23 as set forth in a specific article of this act or a rule
24 promulgated under this act do not constitute a fair and adequate
25 measure of the individual's knowledge and skills or that the
26 requirements for renewal do not serve as an adequate basis for
27 determining whether an individual could continue to perform an

1 occupation with competence. However, if attendance in a continuing
2 education program is a requirement for renewal of a license, the
3 department shall not waive that requirement under this subsection.

4 (3) The department shall not issue a license under this act
5 until the person seeking renewal pays the appropriate fees
6 established under this act or by rule promulgated by the department
7 under section 207.

8 (4) The department may issue a license under this act with a
9 limitation. If the department intends to place a limitation on the
10 license of a person under a specific article of this act, the
11 department shall notify the appropriate board of its intent, and
12 the department may impose the limitation only with the approval of
13 that board. However, if a board, within 60 days after it receives
14 notification by the department under this subsection, does not
15 approve or disapprove of the imposition of the limitation, the
16 department may impose the limitation. A person that receives a
17 license renewal with a limitation may receive a review of the
18 limitation under section 533.

19 (5) It is the responsibility of the licensee to renew a
20 license. The department shall send a renewal application to the
21 last known physical or electronic address of a licensee on file
22 with the department. The failure of a licensee to notify the
23 department of a change of address does not extend the expiration
24 date of a license and may result in disciplinary action.

25 Sec. 207. (1) The department, in consultation with the
26 appropriate board, shall promulgate any rules it considers
27 necessary and appropriate to implement and administer articles 1 to

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1 6 and to enable the department to fulfill its responsibilities
2 under this act.

3 (2) The department, in consultation with the appropriate
4 board, shall promulgate rules to establish the fees for licenses,
5 examinations, and inspections. The fees shall reflect the actual
6 costs and expenses of the department in issuing licenses and
7 conducting inspections. The fees in effect on the day immediately
8 preceding the effective date of this act shall continue in effect
9 until the department promulgates rules under this subsection. [This
subsection does not apply to any specific fee if the amount of that fee is
established in this act.]

10 (3) The department, in consultation with the appropriate
11 board, shall promulgate rules to establish the fee schedules for
12 other items, including, but not limited to, variance requests,
13 product approvals, or special inspections. The fees shall reflect
14 the actual costs and expenses of the department for those items.

15 (4) The department may promulgate rules to set the minimal
16 standards of acceptable practice for an occupation.

17 Sec. 209. (1) Before an examination or other test required
18 under this act is administered and except as otherwise provided in
19 this act, the department and the appropriate board, acting jointly,
20 shall review and approve the form and content of the examination or
21 other test. The examination or test shall be structured to provide
22 a measure of whether an individual has sufficient knowledge and
23 skills to perform an occupation with competence.

24 (2) Except as otherwise provided in this act, subject to
25 subsection (4), the department shall administer, score, and monitor
26 an examination or test under this section.

27 (3) Except as otherwise provided in this act, subject to

1 subsection (4), the department shall provide the equipment,
2 examination room, written form, and any other item needed to
3 administer an examination or test under this section.

4 (4) The department may enter into an agreement with an entity
5 that is not an agency of a state or the federal government that
6 authorizes the entity to fulfill the department's responsibilities
7 under subsection (2) or (3). The department shall promulgate any
8 rules it considers appropriate to implement and administer this
9 subsection.

10 Sec. 211. The department shall have control over and physical
11 possession of the board files of each board. The department shall
12 ensure that applicable laws concerning public access to the board
13 files are met.

14 Sec. 213. (1) The department shall furnish office services to
15 each board and perform managerial, administrative, and budgetary
16 functions for each board.

17 (2) The department shall appoint administrative and
18 secretarial staff, clerks, and employees necessary for the proper
19 exercise of the powers and duties of a board.

20 (3) The department, subject to any limitations imposed by the
21 civil service commission, may fire, suspend, promote, demote, or
22 transfer an individual who is providing administrative or
23 secretarial service for a board.

24 Sec. 215. The department shall provide a comprehensive
25 orientation program for each individual who is appointed and
26 confirmed as a member of a board.

27 Sec. 217. The department shall prepare and publish an annual

1 report describing the activities of the department and each board.
2 The annual report shall be filed with the governor and the
3 legislature.

4 Sec. 219. (1) The department may grant a nonrenewable
5 temporary license to an individual who is applying for licensure
6 under a specific article of this act if the individual meets both
7 of the following:

8 (a) He or she provides proof acceptable to the department that
9 he or she holds a current license in good standing, or a current
10 registration in good standing, in that occupation, issued by an
11 equivalent licensing department, board, or authority, as determined
12 by the department, in another state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, another territory or protectorate of the United States, or
15 a foreign country.

16 (b) He or she did not previously have a license denied,
17 revoked, or suspended.

18 (2) If approved by a board, a temporary license issued under
19 subsection (1) is valid until 1 or more of the following occur:

20 (a) The results of the next scheduled examination are
21 available.

22 (b) The results of the next required evaluation procedure are
23 available.

24 (c) A license is issued.

25 (d) The next examination date of an examination for licensure
26 in the applicable occupation, if the applicant does not take the
27 examination.

1 (e) The applicant fails to meet the requirements for a
2 license.

3 (f) A change in employment is made.

4 (3) In addition to a temporary license under subsection (1),
5 the department shall grant a temporary license under a specific
6 article of this act to an individual who applies for a temporary
7 license if the applicant meets all of the following:

8 (a) He or she provides proof acceptable to the department that
9 he or she is married to an individual who is serving in the armed
10 forces and is on active duty.

11 (b) He or she provides proof acceptable to the department that
12 he or she holds a current license in good standing, or a current
13 registration in good standing, in the trade or occupation for which
14 he or she is seeking a temporary license, issued by an equivalent
15 licensing department, board, or authority, as determined by the
16 department, in another state of the United States, the District of
17 Columbia, Puerto Rico, the United States Virgin Islands, another
18 territory or protectorate of the United States, or a foreign
19 country.

20 (c) He or she provides proof acceptable to the department that
21 his or her spouse is assigned to a duty station in this state and
22 that he or she is also assigned to a duty station in this state
23 under his or her spouse's permanent change of station orders.

24 (4) A temporary license issued under subsection (3) is valid
25 for 6 months and may be renewed for 1 additional 6-month term if
26 the department determines the temporary licensee continues to meet
27 the requirements of subsection (3) and needs additional time to

1 fulfill the requirements for initial licensure in this state.

2 (5) An individual shall not receive more than 2 temporary
3 licenses described in subsection (1) under a specific article of
4 this act within a 4-year period.

5 (6) The department may place a limitation on a temporary
6 license granted under this section.

7 Sec. 221. If the records of an applicant for licensure under
8 this act related to the education or experience required under a
9 specific article of this act are unavailable from a foreign
10 country, the applicant may, with the approval of the board and the
11 department, take an examination or apply for a reciprocal license
12 after submitting all of the following to the department:

13 (a) A notarized affidavit approved by the department that
14 states the total number of years of education received, the name of
15 the school or schools attended, the dates each school was attended,
16 the degree obtained, the courses taken, the grades received, and
17 the names of each former employer of the applicant.

18 (b) A notarized statement approved by the department from a
19 governmental official testifying to the unavailability of the
20 necessary records.

21 ARTICLE 3

22 BOARDS GENERALLY

23 Sec. 301. Unless otherwise provided in a specific article of
24 this act, all of the following apply to a board:

25 (a) A board shall consist of 9 voting members, as follows:

26 (i) Six of the members of a board shall be individuals who
27 have a license or registration in the occupation or occupations

1 that the board monitors.

2 (ii) Three members of a board shall represent the general
3 public.

4 (iii) The director is an ex officio member without vote of a
5 board, but is not a member for purposes of section 5 of article V
6 of the state constitution of 1963 or for determining a quorum.

7 (b) A member of a board, in addition to fulfilling the
8 requirements set forth in a specific article, shall be at least 18
9 years old and a resident of this state.

10 Sec. 303. Unless otherwise provided in a specific article of
11 this act, each of the following applies to the appointment of board
12 members:

13 (a) The governor shall appoint an individual as a member of a
14 board with the advice and consent of the senate, including an
15 individual appointed to fill a vacancy on a board.

16 (b) In making an appointment, the governor shall seek
17 nominations from a wide range of interested groups and persons,
18 including appropriate professional associations, consumer
19 associations, labor unions, and other organizations or individuals.

20 Sec. 305. Unless otherwise provided in a specific article of
21 this act, all of the following apply to the members of a board:

22 (a) Except for a member described in subdivision (b), the term
23 of a member who is appointed to a board is 4 years.

24 (b) An individual who is appointed to fill a vacancy on a
25 board that is the result of a member's resignation, death,
26 disability, or removal for cause by the governor shall serve for
27 the balance of the term of the member he or she replaced and he or

1 she may be reappointed for not more than 2 full terms.

2 (c) A vacancy is filled in the same manner as the original
3 appointment was made. The governor shall appoint an individual as a
4 member of a board, subject to the advice and consent of the senate
5 under section 303, within 60 days after a vacancy occurs and within
6 60 days after the senate disapproves an appointment by the
7 governor.

8 (d) The governor may remove a member of a board under section
9 10 of article V of the state constitution of 1963.

10 (e) Except as provided in subdivision (b), the governor shall
11 not appoint an individual to serve for more than 2 consecutive
12 terms.

13 (f) Of the initial members of a board created or first
14 appointed, the terms of 3 of the members, including 2 of the
15 members who have a license in an occupation that the board monitors
16 and 1 of the members representing the general public, is 4 years;
17 the terms of 2 of the members, including 1 of the members who has a
18 license in an occupation that the board monitors and 1 of the
19 members representing the general public, is 3 years; the terms of 2
20 of the members, including 1 of the members who has a license in an
21 occupation that the board monitors and 1 of the members who
22 represents the general public, is 2 years; and the terms of the
23 remaining members are 1 year.

24 Sec. 307. The term of office of a member of a board shall
25 commence on July 31 of the year he or she is appointed to the
26 board.

27 Sec. 309. Annually, the legislature shall fix the per diem

1 compensation of a member of a board. Travel or other expenses
2 incurred by a member of a board in the performance of an official
3 function is payable by the department under the standardized travel
4 regulations of the department of technology, management, and
5 budget.

6 Sec. 311. Unless otherwise provided in a specific article of
7 this act, all of the following apply to the meetings of a board:

8 (a) A board shall meet as often as necessary to fulfill its
9 duties under this act, but shall meet at least 2 times a year and
10 at other dates set by the director.

11 (b) In addition to the meetings described in subdivision (a),
12 special meetings of a board may be called by the chairperson or by
13 a majority of members of the board. The department shall notify the
14 members of the board of a special meeting at least 12 days before
15 the date of the meeting.

16 (c) A majority of the members appointed and serving on a board
17 constitute a quorum.

18 (d) A member of a board shall not vote by proxy.

19 (e) A board shall conduct its meetings pursuant to the open
20 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

21 Sec. 313. Unless otherwise provided in a specific article of
22 this act, all of the following apply to the operation of a board:

23 (a) Annually a board shall elect a chairperson, a vice-
24 chairperson, and any other officers the board determines are
25 necessary. A board may fill a vacancy in an office of the board for
26 the balance of the 1-year term.

27 (b) A board may adopt bylaws for the regulation of its

1 internal affairs.

2 (c) A board shall report its activities to the department
3 annually and as often as the director orders.

4 Sec. 315. (1) Each board created or continued under this act
5 is created or continued within the department.

6 (2) A board's duties shall include the interpretation of a
7 licensure or permit requirement of a specific article of this act,
8 and, if necessary, the furnishing of aid in an investigation
9 conducted under article 5. At the discretion of the board, a member
10 of that board may attend an informal conference conducted under
11 section 515. A board shall assist the department in the
12 implementation of this act.

13 Sec. 317. After completion of a hearing conducted under
14 section 519, a board shall assess a penalty or penalties under
15 article 6.

16 Sec. 319. A board shall aid the department in interpreting a
17 licensure or permit requirement described in this act that is
18 incomplete or subjective in nature to determine whether the person
19 seeking a license or permit or a renewal has met the requirements
20 for the issuance or renewal.

21 Sec. 321. (1) Unless otherwise provided in a specific article
22 of this act, a board and the department shall develop an
23 examination or test required in a specific article. The board and
24 the department in developing an examination or test may adopt an
25 examination or test prepared by another agency if the board and the
26 department determine that the examination or test serves as a basis
27 for determining whether an individual has the knowledge and skills

1 to perform an occupation with competence.

2 (2) The material required by the board and the department to
3 develop an examination or test may be considered by the board in a
4 closed session, if the board meets the requirements of section 7 of
5 the open meetings act, 1976 PA 267, MCL 15.267.

6 Sec. 323. (1) A board abolished under this act shall surrender
7 control over and physical possession of any board files to the
8 department.

9 (2) The successor board, until the department determines
10 otherwise, shall utilize the personnel, office space, and items or
11 equipment that were utilized by an abolished board and that are
12 needed for the board to function.

13 ARTICLE 4

14 LICENSE FEES

15 Sec. 401. (1) Unless the amount of a fee is established under
16 a specific article of this act, the department by rule shall
17 establish the specific amounts of the fees charged for licenses,
18 permits, and other activities under this act.

19 (2) If the department receives a written request and the
20 applicable fee, the department shall issue a license verification
21 for a current license issued under this act.

22 Sec. 403. (1) This act does not prohibit a person that has a
23 contract with the department, or any other person that provides
24 direct services to an applicant or licensee, from collecting fees
25 authorized under this act directly from that applicant or licensee.

26 (2) If the department terminates a contract with a person that
27 has been administering a licensing examination to applicants for

1 licensure in a specific occupation, and the department itself
2 begins to administer the examination, the department shall not
3 charge an applicant a fee that is greater than the fee charged
4 under the terminated contract, unless the examination fee for that
5 occupation is increased by rule promulgated by the department under
6 section 207.

7 Sec. 405. An applicant must include a nonrefundable
8 application processing fee with an application for a license. The
9 department may also require that applicant include with the
10 application any fee required for an examination or inspection or
11 the fee for the initial license period.

12 Sec. 407. (1) An individual who is required to take an
13 examination shall pay an examination fee before being scheduled for
14 an examination.

15 (2) An individual who is scheduled for examination or
16 reexamination and who fails to appear shall forfeit the examination
17 fee.

18 (3) An individual who fails all or part of an examination may
19 be reexamined, if eligible, after paying the fee for the complete
20 examination or those parts of the examination he or she failed, as
21 applicable.

22 (4) The department shall publish in its application
23 instructions the deadline by which it must receive an application
24 in order for an applicant to be scheduled for a required
25 examination.

26 Sec. 409. (1) Except as otherwise provided in section 411, the
27 department shall not issue a license to a person that has completed

1 the requirements for a license or that seeks to renew a license
2 until the person has paid the license fee.

3 (2) The department shall establish license fees on a per year
4 basis. If licenses are established by rules promulgated by the
5 department under section 207 as biennial or triennial renewals, the
6 fee required shall be 2 or 3 times, as appropriate, the per year
7 amount.

8 (3) Unless otherwise provided under this act or rules
9 promulgated under this act, an applicant must complete all
10 requirements for licensure within 1 year after the department
11 received the license application or the department mails a notice
12 of an incomplete application to the applicant at the applicant's
13 last known physical or electronic address on file with the
14 department, whichever is later. If the requirements for licensure
15 are not completed within that period, the fees paid are forfeited
16 to the department and the application is void. To obtain a license
17 under this act, a person whose application is void under this
18 subsection must submit a new application and fees and meet the
19 standards in effect on the date the department receives the new
20 application.

21 Sec. 411. (1) A person that fails to renew a license on or
22 before the expiration date of the license shall not practice the
23 occupation, operate, or use the title of that occupation after that
24 date. A license shall lapse on the day after the expiration date.

25 (2) A person that fails to renew a license on or before the
26 expiration date is permitted to renew the license by payment of the
27 required license fee and a late renewal fee within 60 days after

1 the expiration date.

2 (3) Except as otherwise provided in this act, the department
3 shall relicense a person that fails to renew a license within the
4 time period set forth in subsection (2), without examination and
5 without meeting additional education or training requirements in
6 force at the time of application for relicensure, if all of the
7 following conditions are met:

8 (a) The person applies within 3 years after the expiration
9 date of the last license.

10 (b) The person pays an application processing fee, the late
11 renewal fee, and the per year license fee for the upcoming
12 licensure period.

13 (c) Any penalties or conditions imposed by disciplinary action
14 in this state or any other jurisdiction have been satisfied.

15 (d) The person submits proof of having completed the
16 equivalent of 1 year of continuing education within the 12 months
17 immediately preceding the date of application or as otherwise
18 provided in a specific article of this act or by rule, if
19 continuing education is required for that license under a specific
20 article.

21 (4) Except as otherwise provided in this act, the department
22 shall relicense a person whose last license expired 3 or more years
23 before the application for relicensure if the person shows that the
24 person meets the requirements for licensure established by the
25 department in rules or procedures. The rules or procedures may
26 require that an individual pass all or part of a required
27 examination, complete continuing education requirements, or meet

1 current education or training requirements.

2 (5) Unless otherwise provided in this act, a person that seeks
3 relicensure shall file a completed application, on a form provided
4 by the department, pay the application processing fee, and file a
5 petition to the department and the appropriate board stating
6 reasons for relicensure and including evidence that the person can
7 and is likely to serve the public in the regulated activity with
8 competence and in conformance with all other requirements
9 prescribed by law, rule, or an order of the department or board.

10 The department shall review a petition for relicensure in the same
11 manner as a petition for review under sections 527 to 531. If
12 approved for relicensure, the person shall pay the per year license
13 fee for the upcoming license period if appropriate.

14 (6) Notwithstanding any provision in this act to the contrary,
15 an individual or qualifying officer who is a licensee under this
16 act and who is on active duty in the armed forces is temporarily
17 exempt from any renewal license fee, continuing education
18 requirements, or other related requirements of this act applicable
19 to that license. It is the obligation of the licensee to inform the
20 department by written or electronic mail of the desire to exercise
21 the temporary exemption under this subsection. If the licensee
22 applying for the temporary exemption is the individual responsible
23 for supervision and oversight of licensed activities, the licensee
24 shall provide notice of arrangements for adequate provision of that
25 supervision and oversight to the department. The licensee shall
26 accompany the request with proof, as determined by the department,
27 to verify the mobilized duty status. If it receives a request for a

1 temporary exemption under this subsection, the department shall
2 make a determination of the requestor's status and grant the
3 temporary exemption after verification of active duty status under
4 this subsection. A temporary exemption is valid until 90 days after
5 the licensee's release from the active duty on which the exemption
6 was based, but shall not exceed 36 months from the date of
7 expiration of the license.

8 Sec. 413. (1) The department may enter into an agreement with
9 an entity that is not an agency of a state or the federal
10 government to provide an electronic continuing education tracking
11 system that provides an electronic record of the continuing
12 education courses, classes, or programs completed by all of the
13 individuals who are licensed or registered under this act and are
14 subject to continuing education requirements under this act.

15 (2) All of the following apply to an electronic system
16 provided by an agreement under subsection (1):

17 (a) All continuing education tracking provided by the system
18 must accurately reflect the continuing education requirements under
19 this act and rules promulgated under this act.

20 (b) A confirmation of completion of continuing education
21 requirements generated by the system is considered verification of
22 completion of those requirements for renewal of a license or
23 registration and for purposes of any audit of licensees or
24 registrants conducted by the department.

25 (c) The system must provide access to continuing education
26 information about an individual who is licensed or registered under
27 this act to the individual, to the appropriate board for the

1 individual's occupation, and to the department.

2 Sec. 415. (1) It is a condition of licensure, renewal, or
3 relicensure that all fees and fines owed to the department are
4 paid.

5 (2) It is a condition to obtaining a permit that all fees and
6 fines owed to the department are paid, including, but not limited
7 to, current and previous permit fees, inspection fees, plan review
8 fees, and administrative fines.

9 (3) The amounts owed for permitting, inspections, plan review,
10 and administrative fines in connection with work performed on real
11 property become a lien on the real property 90 days after issuance
12 if not paid. The lien for those amounts, and for all interest and
13 penalties on those amounts, shall continue until paid.

14 Sec. 417. The department shall waive the fee for an initial
15 license or initial registration that is otherwise required under
16 this act, or an application processing fee charged by the
17 department for an initial license or initial registration, if the
18 applicant is an individual who served in the armed forces and he or
19 she provides to the department a form DD214, form DD215, or any
20 other form that is satisfactory to the department that demonstrates
21 he or she was separated from that service with an honorable
22 character of service or under honorable conditions (general)
23 character of service.

24 Sec. 419. All fees and money received by the department for
25 the licensing of persons under this act, and any other income the
26 department receives under this act, shall be paid into the state
27 construction code fund created in section 22 of the Stille-

1 DeRossett-Hale single state construction code act, 1972 PA 230, MCL
2 125.1522.

3 ARTICLE 5

4 COMPLAINTS, INVESTIGATIONS, AND ADMINISTRATIVE PROCEEDINGS

5 Sec. 501. A complaint that alleges that a person has violated
6 this act or a rule promulgated or an order issued under this act
7 shall be submitted to the department. The department of attorney
8 general, the department, a board, or any other person may file a
9 complaint.

10 Sec. 503. If it receives a complaint, the department shall
11 immediately begin an investigation of the allegations of the
12 complaint and shall open a correspondence file. Within 15 days
13 after it receives a complaint, the department shall make a written
14 acknowledgment of the complaint to the person that made the
15 complaint. If the complaint is made by the department, the director
16 shall designate 1 or more employees of the department to act as the
17 person that made the complaint.

18 Sec. 505. The department shall conduct the investigation
19 required under section 503. In furtherance of that investigation,
20 the department may request that the attorney general petition a
21 circuit court of this state to issue a subpoena that requires a
22 person to appear before the department and be examined with
23 reference to a matter within the scope of the investigation and to
24 produce books, papers, or documents pertaining to the
25 investigation.

26 Sec. 507. (1) The investigative unit of the department, within
27 30 days after the department receives the complaint, shall report

1 to the director on the results of the investigation. If, for good
2 cause shown, an investigation cannot be completed within 30 days,
3 the director may extend the time in which a report may be filed.
4 The total number of extensions granted under this section shall be
5 included in the report required under section 217.

6 (2) If the report of the investigative unit of the department
7 does not disclose a violation of this act or a rule promulgated or
8 an order issued under this act, the department shall close the
9 complaint. The department shall forward the reasons for closing the
10 complaint to the respondent and complainant, who then may provide
11 additional information to reopen the complaint.

12 (3) If the report of the investigative unit made under
13 subsection (1) discloses evidence of a violation of this act or a
14 rule promulgated or an order issued under this act, the department
15 or the department of attorney general shall prepare the appropriate
16 action against the respondent which may be any of the following:

17 (a) A formal complaint.

18 (b) A cease and desist order.

19 (c) A notice of summary suspension.

20 (d) A citation.

21 Sec. 509. (1) After an investigation is conducted, the
22 department may issue an order summarily suspending a license issued
23 under this act based on an affidavit by an individual who is
24 familiar with the facts set forth in the affidavit, or, if
25 appropriate, based on an affidavit made on information and belief,
26 that an imminent threat to the public health, safety, and welfare
27 exists. After a summary suspension order is issued under this

1 section, the department shall promptly commence the administrative
2 proceedings described in this article to determine what additional
3 administrative action is appropriate.

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

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

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

18 Sec. 511. (1) After an investigation is conducted, the
19 director may order a person to cease and desist from a violation of
20 this act or a rule promulgated or an order issued under this act.

21 (2) A person that is ordered to cease and desist under
22 subsection (1) is entitled to a hearing before the department if a
23 written request for a hearing is filed within 30 days after the
24 effective date of the order.

25 (3) If a cease and desist order issued under this section is
26 violated, the department of the attorney general may bring an
27 action in a circuit court of this state to restrain and enjoin,

1 temporarily or permanently, or both, a person from further
2 violating the cease and desist order.

3 Sec. 513. A summary suspension order, cease and desist order,
4 or injunctive relief issued or granted in relation to a license or
5 permit issued under this act is in addition to and not in place of
6 an informal conference under section 515(3); criminal prosecution;
7 or proceeding to deny, revoke, suspend, or place a limitation on, a
8 license or permit or any other action authorized under this act.

9 Sec. 515. (1) After an investigation is conducted and a formal
10 complaint is prepared, the department shall serve the formal
11 complaint on the respondent and the complainant. At the same time,
12 the department shall serve the respondent with a notice that
13 describes the compliance conference and hearing processes and
14 offers the following alternatives to the respondent:

15 (a) An opportunity to meet with the department to negotiate a
16 settlement of the matter.

17 (b) If the respondent is a licensee or registrant under this
18 act, an opportunity to demonstrate compliance before a contested
19 case hearing is held.

20 (c) An opportunity to proceed to a contested case hearing.

21 (2) A respondent that is served with notice of a formal
22 complaint under this section may select, within 15 days after the
23 respondent receives the notice, 1 of the alternatives described in
24 subsection (1). If a respondent does not select 1 of those
25 alternatives within the time period described in this subsection,
26 then the department shall proceed to a contested case hearing as
27 described in subsection (1)(c).

1 (3) At any time during an investigation or administrative
2 process under this article, the department may bring the parties
3 together for an informal conference to attempt to resolve the
4 issues raised in the complaint. An informal conference may be
5 attended by a member of the board, at the discretion of that board,
6 and may result in a settlement, consent order, waiver, default, or
7 other method of settlement agreed on by the parties and the
8 department. A settlement may include the revocation, suspension, or
9 limitation of a license or registration; censure; probation;
10 restitution; or a penalty under article 6.

11 (4) A board may reject a settlement and require a contested
12 case hearing.

13 (5) An authorized employee or agent of the department may
14 represent the department in any contested case hearing.

15 Sec. 517. This act does not prevent a person against which a
16 complaint is filed from showing compliance with this act, or a rule
17 promulgated or an order issued under this act, in a contested case
18 hearing.

19 Sec. 519. If an informal conference under section 515(3) is
20 not held or does not result in a resolution of a complaint, the
21 department shall hold a hearing as authorized under section 92 of
22 the administrative procedures act of 1969, MCL 24.292. A member of
23 a board may attend a hearing under this section.

24 Sec. 521. The department or the department of the attorney
25 general may petition a circuit court to issue a subpoena that
26 requires the person subpoenaed to appear or testify or produce
27 relevant documentary material for examination at a proceeding

1 conducted under section 515 or 519.

2 Sec. 523. (1) At the conclusion of a hearing conducted under
3 section 519, the administrative law hearings examiner shall submit
4 a determination of findings of fact and conclusions of law to the
5 department and the department of the attorney general and the
6 appropriate board in a hearing report. The submitted hearing report
7 may recommend the assessment of penalties under article 6.

8 (2) The department shall submit a copy of a hearing report
9 described in subsection (1) to the person that made the complaint
10 and to the person against which the complaint was made.

11 Sec. 525. (1) Within 60 days after a board receives an
12 administrative law hearings examiner's hearing report under section
13 523, the board shall meet and make a determination of the penalties
14 to be assessed under article 6. The board shall make its
15 determination based on the administrative law hearings examiner's
16 report. A transcript of a hearing or a portion of the transcript
17 shall be made available to a board on request. If a transcript or a
18 portion of the transcript is requested, the board shall make its
19 determination of the penalty or penalties to be assessed under
20 article 6 at a meeting of the board held within 60 days after it
21 receives the transcript or portion of the transcript.

22 (2) If a board does not determine the appropriate penalty or
23 penalties to be assessed within the time limits described in
24 subsection (1), the director may determine the appropriate penalty
25 and issue a final order assessing that penalty.

26 (3) A member of a board who has participated in an
27 investigation on a complaint filed with the department or who has

1 attended an informal conference under section 515(3) shall not
2 participate in making a final determination in a proceeding on that
3 complaint.

4 Sec. 527. A person that is seeking a license or renewal under
5 this act may petition the department and the appropriate board for
6 a review if that person does not receive a license or renewal.

7 Sec. 529. A petition submitted under section 527 shall be in
8 writing and shall set forth the reasons the petitioner believes
9 that the department should issue the license or permit.

10 Sec. 531. The department may issue a license or renewal for an
11 occupation regulated under this act, if, based on a review of the
12 qualifications of the person that submitted a petition under
13 section 527, the department and the appropriate board determine
14 that the person could perform the occupation with competence.

15 Sec. 533. (1) If a limitation is placed on a license or the
16 renewal of a license under section 203 or 205, the licensee, within
17 30 days after the limitation is placed on the license or renewal of
18 the license, may petition the department in writing for a review of
19 the decision to place the limitation.

20 (2) The department, in reply to a petition submitted under
21 subsection (1), shall set forth the reasons the department
22 determined that the limitation should be placed on the license or
23 renewal of a license. The department shall send its reply to a
24 petition submitted under subsection (1) to the petitioner within 15
25 days after the department receives the petition.

26 (3) The department and a board may remove a limitation on a
27 license or renewal of a license, if, based on a review of the

1 petitioner's qualifications, the department and the appropriate
2 board determine that the person that submitted a petition under
3 subsection (1) is able to perform with competence each function of
4 the occupation without the limitation.

5 Sec. 535. Notwithstanding any other provision of this act, if
6 an oral or written grievance was lodged before the effective date
7 of this act against a person that is licensed under a former act,
8 the department shall conduct the proceedings on that grievance in
9 the manner prescribed in the former act.

10 Sec. 537. (1) An employee of the department may issue a
11 citation to a person that is licensed under this act or required to
12 obtain a license under this act if the employee observes or deduces
13 from an investigation, inspection, or complaint that conduct or
14 conditions exist or have existed that violate this act or rules
15 promulgated or orders issued under this act.

16 (2) The department may send a citation to a respondent by
17 certified mail, return receipt requested, or by electronic mail if
18 the department has an electronic mail address for the respondent on
19 file, or the employee of the department who issued the citation may
20 deliver it in person.

21 (3) A citation shall contain all of the following:

22 (a) The date of the citation.

23 (b) The name and title of the employee of the department who
24 issued the citation.

25 (c) The name and address of the respondent, and a statement
26 indicating that the respondent is being cited for a violation of
27 this act or rules promulgated or orders issued under this act.

1 (d) A brief description of the conduct or conditions that the
2 employee of the department who issued the citation considers a
3 violation of this act or rules or orders issued under this act and
4 a reference to the section of this act, the rule, or the order the
5 respondent is alleged to have violated.

6 (e) The proposed penalties or actions required for compliance,
7 including the payment of a fine in an amount that does not exceed
8 \$100.00 for each violation.

9 (f) A space for the respondent to sign as a receipt for the
10 citation.

11 (g) A space where the respondent may accept the citation and
12 agree to comply or may indicate that the respondent contests that
13 the violation described in the citation occurred.

14 (h) A notice that the respondent must accept or contest the
15 terms of the citation within 30 days.

16 (i) A brief description of the hearing process and the process
17 for settlement through an informal conference under section 515(3).

18 (4) As used in this section, "employee of the department"
19 means an individual who is employed by the department, or a person
20 that is under contract to the department, whose duty it is to
21 enforce the provisions of this act or rules promulgated or orders
22 issued under this act.

23 Sec. 539. (1) A respondent has 30 days to notify the
24 department in writing that the person accepts the conditions
25 described in a citation or that the person contests the violation
26 alleged in the citation occurred.

27 (2) If a respondent accepts the conditions described in a

1 citation under subsection (1), the respondent, within 30 days after
2 receiving the citation, shall sign the citation and return it to
3 the department along with any fine or other material the respondent
4 is required to submit under the terms of the citation. The
5 department shall place the citation and accompanying material in
6 the person's records with the department, and include in those
7 records the nature of the violation and that the person accepted
8 the conditions imposed. A citation issued under this section has
9 the same force and effect as a final order issued by a board and
10 may be disclosed to the public. If the department does not take any
11 additional disciplinary actions against the person within 5
12 calendar years after the citation is issued, the department shall
13 remove the citation and accompanying material from its records. If
14 requested by the respondent, the department shall place a 1-page
15 explanation prepared by the respondent in the department's files
16 and shall disclose the explanation each time the department
17 discloses the issuance of the citation.

18 (3) If the respondent does not admit to the violation alleged
19 in a citation, the person may so state on the citation and return 1
20 copy to the department within the 30 days after the respondent
21 receives the citation. If a respondent returns a copy of the
22 citation that includes this statement within the 30-day time
23 period, the citation is considered a formal complaint under section
24 515 and the administrative process described in that section
25 applies.

26 Sec. 541. If a citation is signed as an indication that the
27 respondent received the citation, the signature is considered a

1 receipt of the citation and not an admission to the violation
2 alleged in the citation.

3 ARTICLE 6

4 PENALTIES AND REMEDIES

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

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

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

15 (4) A person that violates subsection (1) a second time is
16 guilty of a misdemeanor punishable by a fine of not more than
17 \$1,000.00 or imprisonment for not more than 1 year, or both.

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

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

26 (7) Notwithstanding the existence and pursuit of any other
27 remedy or penalty, an affected person may pursue an action for

1 injunctive relief to restrain or prevent a person from violating
2 subsection (1). If successful in obtaining injunctive relief, the
3 affected person is entitled to actual costs and attorney fees. As
4 used this subsection, "affected person" means a person that is
5 directly affected by the actions of another person that is
6 suspected of violating subsection (1) and includes, but is not
7 limited to, a licensee, a board, the department, a person that has
8 utilized the services of the person suspected of violating
9 subsection (1), or a private association that is composed primarily
10 of members of the occupation in which the person is engaging in or
11 attempting to engage in or in which the person is using a title
12 designated under this act without a license under this act.

13 (8) If construction is being undertaken contrary to a building
14 permit, this act, or other applicable laws or ordinances, the
15 enforcing agency shall give written notice to the person that holds
16 the building permit, or if a permit has not been issued then to the
17 person doing the construction, notifying that person of the
18 violation of this act, or other applicable laws and ordinances, and
19 that the person should appear and show cause why the construction
20 should not be stopped. If the person doing the construction is not
21 known, or cannot be located with reasonable effort, the enforcing
22 agency may deliver the notice to the individual in charge of, or
23 apparently in charge of, the construction. If the holder of the
24 permit or the person doing the construction fails to appear and
25 show good cause within 1 full working day after notice is
26 delivered, the enforcing agency shall cause a written order to stop
27 construction to be posted on the premises. A person shall not

1 continue, or cause or allow to be continued, construction in
2 violation of a stop construction order, except with permission of
3 the enforcing agency to abate the dangerous condition or remove the
4 violation, or except by court order. If an order to stop
5 construction is not obeyed, the enforcing agency may apply to the
6 circuit court for the county in which the premises are located for
7 an order enjoining the violation of the stop construction order.
8 This remedy is in addition to, and not in limitation of, any other
9 remedy provided by law or ordinance, and does not prevent criminal
10 prosecution for failure to obey the order.

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

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

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

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

24 Sec. 603. If a person violates this act or a rule or order
25 promulgated or issued under this act, the department shall assess 1
26 or more of the following penalties:

27 (a) Placement of a limitation on a license.

1 (b) Suspension of a license.

2 (c) Denial of a license or renewal of a license.

3 (d) Revocation of a license.

4 (e) If the person is licensed under this act and except as
5 otherwise provided in this act, an administrative fine to be paid
6 to the department of not more than \$10,000.00.

7 (f) Censure.

8 (g) Probation.

9 (h) A requirement for the payment of restitution, based on
10 proof submitted to and findings made by the hearing examiner after
11 a contested case hearing.

12 Sec. 605. If payment of restitution is required under section
13 603, the department may suspend the license of the person required
14 to pay the restitution until the restitution is made.

15 Sec. 607. A person that violates 1 or more of the provisions
16 of a specific article of this act or that commits 1 or more of the
17 following is subject to the penalties described in section 603:

18 (a) Practices fraud or deceit in obtaining a license.

19 (b) Practices fraud, deceit, or dishonesty in practicing an
20 occupation.

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

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

23 (e) Commits an act of gross negligence in practicing an
24 occupation.

25 (f) Practices false advertising.

26 (g) Commits an act that demonstrates incompetence.

27 (h) Violates any other provision of this act or a rule

1 promulgated under this act for which a penalty is not otherwise
2 prescribed.

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

4 (j) Fails to respond to a citation under section 539.

5 (k) Violates or fails to comply with a final order issued by a
6 board, including a stipulation, settlement agreement, or a
7 citation.

8 (l) Aids or abets another person in the unlicensed practice of
9 an occupation.

10 Sec. 609. If the parties in a contested case under article 5
11 agree to any fact involved in the controversy by stipulation or
12 there is a finding of fact and conclusion of law in an action under
13 that article that a person has violated this act, the hearings
14 examiner shall assess costs related to the investigation of the
15 violation and costs related to the prosecution of the action. The
16 costs related to the investigation and prosecution include, but are
17 not limited to, salaries and benefits of personnel, costs related
18 to the time spent by the attorney general's office and other
19 personnel working on the action, and any other expenses incurred by
20 the department for the action.

21 Sec. 611. (1) The department may bring any appropriate action,
22 including mediation or other alternative dispute resolution, in the
23 name of the people of this state to carry out this act and to
24 enforce this act.

25 (2) If the attorney general considers it necessary, the
26 attorney general shall intervene in and prosecute any case that
27 arises under this act.

1 (3) This section does not prohibit the department from
2 bringing any civil, criminal, or administrative action for the
3 enforcement of section 601.

4 (4) The department has standing to bring an administrative
5 action or to directly bring an action in a court of competent
6 jurisdiction regarding the unlicensed practice of an occupation
7 regulated under this act.

8 Sec. 613. In the event of a criminal violation of this act,
9 the department, the attorney general, and a county prosecutor may
10 utilize the forfeiture provisions of chapter 47 of the revised
11 judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4710, for
12 items seized and determined to be proceeds of a crime, substituted
13 proceeds of a crime, or the instrumentality of a crime as those
14 terms are defined in section 4701 of the revised judicature act of
15 1961, 1961 PA 236, MCL 600.4701.

16 ARTICLE 7

17 ELECTRICIANS AND ELECTRICAL CONTRACTORS

18 Sec. 701. As used in this article:

19 (a) "Apprentice electrician" means an individual other than an
20 electrical contractor, master electrician, or electrical
21 journeyman, who is engaged in learning about and assisting in the
22 installation or alteration of electrical wiring and equipment under
23 the direct personal supervision of an electrical journeyman or
24 master electrician.

25 (b) "Board" means the electrical administrative board
26 described in section 705.

27 (c) "Electrical contractor" means a person that is engaged in

1 the business of erecting, installing, altering, repairing,
2 servicing, or maintaining electrical wiring, devices, appliances,
3 or equipment.

4 (d) "Electrical journeyman" means an individual other than an
5 electrical contractor who, as his or her principal occupation, is
6 engaged in the practical installation or alteration of electrical
7 wiring. An electrical contractor or master electrician may also be
8 an electrical journeyman.

9 (e) "Electric sign" means fixed, stationary, or portable self-
10 contained, electrically illuminated equipment that has words or
11 symbols designed to convey information or attract attention.
12 Electric sign includes outline lighting. Electric sign does not
13 include those signs that are indoor or outdoor portable
14 applications or recognized holiday residential signs listed with a
15 recognized testing and approval agency and that use a cord cap-110
16 volt plug as the electrical energizing attachment method.

17 (f) "Electrical wiring" means all wiring, generating
18 equipment, fixtures, appliances, and appurtenances in connection
19 with the generation, distribution, and utilization of electrical
20 energy, in or on a building, residence, structure, or properties.
21 The term includes service entrance wiring as defined in the
22 Michigan electrical code.

23 (g) "Fire alarm contractor" means a person that is engaged in
24 the business of erecting, installing, altering, repairing,
25 servicing, or maintaining wiring, devices, appliances, or equipment
26 of a fire alarm system.

27 (h) "Fire alarm specialty apprentice technician" means an

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1 individual other than a fire alarm contractor or a fire alarm
2 specialty technician who is engaged in learning about and assisting
3 in the installation or alteration of fire alarm system wiring and
4 equipment under the direct personal supervision of a fire alarm
5 specialty technician.

6 (i) "Fire alarm specialty licensure" means licensure as a fire
7 alarm contractor or a fire alarm specialty or apprentice
8 technician.

9 (j) "Fire alarm specialty technician" means an individual
10 other than a fire alarm contractor who, as his or her principal
11 occupation, is engaged in the [design and] practical installation or
12 alteration of fire alarm ~~[system wiring. A systems. An individual who is a]~~ fire
13 alarm contractor may also be a fire alarm specialty technician.

14 (k) "Fire alarm system" means a system that is designed to
15 detect and annunciate the presence of fire, or by-products of fire,
16 installed in a building or structure. Fire alarm system does not
17 include a single station smoke detector.

18 Sec. 703. As used in this article:

19 (a) "Jobsite" means the immediate work area within the
20 property lines of a single construction project, alteration
21 project, or maintenance project where electrical construction or
22 alteration of electrical wiring is in progress.

23 (b) "Master electrician" means an individual who has the
24 necessary qualifications, training, experience, and technical
25 knowledge to supervise the installation of electrical wiring and
26 equipment in accordance with the standard rules and regulations
27 governing that work.

1 (c) "Minor repair work" means electrical wiring that has a
2 value of \$100.00 or less.

3 (d) "Outline lighting" means an arrangement of incandescent
4 lamps or electric discharge tubing that is an integral part of an
5 electrical sign that outlines certain features, such as the shape
6 of a building or the decoration of a window.

7 (e) "Related wiring" means any of the following:

8 (i) Except as otherwise provided in subparagraphs (i), (ii),
9 (iii), and (iv), that portion of the electric sign wiring that
10 originates at the load-side terminals of a disconnecting means
11 located in the vicinity of the electric sign involved but does not
12 include the installation of the disconnecting means, complete with
13 line-side connections.

14 (ii) In the case of electric sign installations that have sign
15 transformers installed physically apart from the electric sign,
16 that portion of the electric sign wiring that originates at the
17 load-side terminals of a disconnecting means located in the
18 vicinity of the electric sign involved but does not include the
19 installation of the disconnecting means, complete with line-side
20 connections.

21 (iii) In the case of free-standing electric sign installations
22 supplied through underground circuit conductors, that portion of
23 the electric sign wiring that originates at a wiring termination
24 point adjacent to, within, or immediately above the permanent base
25 for the electric sign but does not include, if the base of the sign
26 structure is suitable for use as a raceway, the installation of
27 bushing, complete with free-length circuit conductors extending

1 through to accommodate the connection of the related wiring within
2 the sign structure raceway.

3 (iv) In the case of electric signs specifically designed to be
4 connected directly to the building wiring raceway or cable supply,
5 that portion of the electric sign wiring that originates at the
6 point where the free-length circuit conductors extend through the
7 building wiring raceway or cable at the specifically designed
8 supply location for the electric sign involved but does not include
9 the installation of the building wiring raceway or cable system to
10 the specifically designated point of supply for the electric sign
11 involved, complete with free-length circuit conductors extending
12 through the building wiring raceway or cable to accommodate the
13 connection of the related wiring.

14 (f) "Sign specialist" means an individual who, as his or her
15 principal occupation, is engaged in the installation, alteration,
16 or repair of electric signs.

17 (g) "Sign specialty contractor" means a person that is engaged
18 in the business of manufacturing, installing, maintaining,
19 connecting, or repairing electric sign wiring or devices, including
20 wiring that is directly related to electric signs and is
21 electrically dedicated as a sign circuit.

22 (h) "Sign specialty licensure" means licensure as a sign
23 specialist or sign specialty contractor.

24 Sec. 705. (1) The electrical administrative board created in
25 section 2 of former 1956 PA 217 shall continue in existence and is
26 designated as the board for purposes of this article.

27 (2) The board shall consist of 10 members, as follows:

1 (a) The state fire marshal or his or her representative.

2 (b) Nine members, who are residents of this state and
3 appointed by the governor, including each of the following:

4 (i) One member who is a representative of an insurance
5 inspection bureau that operates in this state.

6 (ii) One member who is a representative of an electrical
7 energy supply agency that operates in this state.

8 (iii) One member who is an electrical contractor that operates
9 in this state.

10 (iv) One member who is a master electrician who serves as a
11 supervisor.

12 (v) One member who is an electrical journeyman.

13 (vi) One member who is a chief electrical inspector of a
14 municipality.

15 (vii) One member who is a representative of distributors of
16 electrical apparatus and supplies.

17 (viii) One member who is a representative of manufacturers
18 primarily and actively engaged in producing material fittings,
19 devices, appliances, fixtures, apparatus, and similar products,
20 used as a part of, or in connection with, an electrical
21 installation.

22 (ix) One member who is a representative of the general public.

23 (3) The director of the department, or the authorized
24 representative of the director, is an ex officio member of the
25 board without vote.

26 (4) The governor shall designate a member of the board to
27 serve as its chairperson at the pleasure of the governor and the

1 members of the board may annually elect a vice-chairperson.

2 Sec. 707. (1) The examination fee for licensure of any of the
3 following is \$100.00:

4 (a) Master electrician.

5 (b) Electrical contractor.

6 (c) Electrical journeyman.

7 (d) Fire alarm contractor.

8 (e) Fire alarm specialty technician.

9 (f) Sign specialty contractor.

10 (g) Sign specialist.

11 (2) The fee for an initial license, an apprentice electrician
12 registration, or renewal of a license relating to electricians is
13 as follows:

14 (a) Master electrician..... \$ 50.00.

15 (b) Electrical journeyman..... \$ 40.00.

16 (c) Apprentice electrician..... \$ 15.00.

17 (3) The fee for an initial fire alarm specialty technician
18 license, a fire alarm specialty apprentice technician registration,
19 or renewal of that license or registration is as follows:

20 (a) Fire alarm specialty technician..... \$ 50.00.

21 (b) Fire alarm specialty apprentice technician. \$ 15.00.

22 (4) The fee for an initial sign specialist license or renewal
23 of a sign specialist license is \$40.00.

24 (5) An apprentice electrician or specialty apprentice
25 technician registration expires on August 31 of each year and is

1 renewable within 30 days after that date if a renewal fee is paid.
2 The amount of the fee is \$15.00. An applicant for registration
3 under this subsection must submit proof of a sponsoring employer
4 for initial or renewal registration.

5 (6) Except as otherwise provided in subsection (5) or (7), a
6 license expires on December 31 of each year and is renewable not
7 more than 60 days after that date if an application is submitted
8 and the appropriate fee is paid. After March 1 of each year or
9 after March 1 of the renewal year in the case of electrical
10 contractors, fire alarm contractors, or sign specialty contractors,
11 a license that is not renewed is void and the contractor may only
12 be relicensed if an application for relicensure is submitted and
13 the appropriate license fee for the appropriate class is paid.

14 (7) A license for an electrical contractor, fire alarm
15 contractor, or sign specialty contractor expires December 31 of
16 every third year. A license for an electrical contractor, fire
17 alarm contractor, or sign specialty contractor is renewable not
18 later than on March 1 every third year by submitting an application
19 and paying 1 of the following amounts:

20 (a) A fee of \$300.00 by electrical contractors and fire alarm
21 contractors.

22 (b) A fee of \$200.00 by sign specialty contractors.

23 (8) If a person that is applying for an initial contractor's
24 license or for relicensure at a time other than between December 31
25 and March 1 of the year in which the department issues renewal
26 licenses, the department shall compute and charge the 3-year
27 license fee described in subsection (7) on a yearly pro rata basis

1 beginning in the year of the application until the last year of the
2 3-year license cycle.

3 Sec. 709. An applicant for a license who meets the
4 requirements described in article 2 may sit for an examination if
5 he or she does all of the following, as applicable:

6 (a) Establishes, in a manner satisfactory to the board, that
7 he or she meets the experience requirement or an equivalent of that
8 experience requirement for the particular class of licensure by
9 submitting a notarized statement from current and past employers.

10 (b) For an applicant for a fire alarm specialty license,
11 establishes, in a manner satisfactory to the board, that he or she
12 meets the certification level under the standards of the National
13 Institute for Certification in Engineering Technology, or the
14 equivalent as determined by the board, at the level required for
15 the particular class of fire alarm specialty licensure.

16 Sec. 711. The department shall issue an electrical
17 contractor's license to a person that meets the requirements
18 described in article 2 and either of the following:

19 (a) Is an individual who holds a master electrician's license.

20 (b) Has at least 1 full-time employee who is a master
21 electrician, resides in this state, and is actively in charge of
22 and responsible for Michigan electrical code compliance of all
23 installations of electrical wiring and equipment.

24 Sec. 713. (1) The department shall issue a master
25 electrician's license to an individual who is at least 22 years
26 old, meets the requirements described in article 2, and meets
27 either of the following:

1 (a) Has at least 12,000 hours of experience that was obtained
2 over a period of 6 years or more, is related to electrical
3 construction, the maintenance of buildings, or electrical wiring or
4 equipment, and was performed under the supervision of a master
5 electrician.

6 (b) Has held an electrical journeyman's license for at least 2
7 years.

8 (2) If he or she fails to pass the master electrician
9 examination 2 times within a period of 2 years, an applicant is
10 ineligible to sit for another examination for at least 1 year from
11 the date of failure of the second examination. After that 1-year
12 period, he or she is again eligible to sit for a master electrician
13 examination if he or she presents to the board proof of the
14 successful completion of a course on Michigan electrical code,
15 electrical fundamentals, or electrical theory approved by the
16 board.

17 (3) A holder of a master electrician's license cannot be used
18 to meet the eligibility requirement described in section 711(a) or
19 (b) for more than 1 electrical contractor's license.

20 (4) As a condition of renewal of a master electrician's
21 license, the master electrician must demonstrate the successful
22 completion of a course, approved by the board, concerning any
23 update or change in the state construction code within 12 months
24 after the update or change in that code. This requirement applies
25 only during or after those years that the state construction code
26 is updated or changed.

27 Sec. 715. (1) The department shall issue an electrical

1 journeyman's license to any individual who is at least 20 years
2 old, meets the requirements described in article 2, and meets
3 either of the following:

4 (a) Has at least 8,000 hours of experience obtained over a
5 period of at least 4 years related to electrical construction or
6 maintenance of buildings or electrical wiring or equipment under
7 the direct supervision of an individual who is licensed under this
8 article.

9 (b) While on active duty in the armed forces, served as an
10 interior electrician or in an equivalent job classification; was
11 honorably discharged from that military service in the 1-year
12 period preceding the date the license application is filed; and
13 has, and provides with his or her application, an affidavit signed
14 by a commanding officer, supervisor, or military superior with
15 direct knowledge of the applicant's service that states that he or
16 she has, at least 8,000 hours of entry-level experience in and
17 basic knowledge of each of the following:

18 (i) General knowledge of the electrical trade, including
19 terminology and the ability to make practical calculations.

20 (ii) The determination of system and circuit grounding and
21 design and use requirements for grounding, including choosing
22 proper size grounding conductors.

23 (iii) Knowledge of circuit classifications and ratings and
24 design and use requirements for circuits, including branch circuit
25 loads.

26 (iv) The determination of ampacity, type of insulation, usage
27 requirements, methods of installation, protection, support, and

1 termination.

2 (v) Knowledge regarding the installation of motors and control
3 circuits.

4 (vi) The calculation of electrical loads and determination of
5 proper size, rating, and type of service and feeder conductors.

6 (vii) Knowledge regarding fuses, circuit breakers, and all
7 types of protective devices for conductors and equipment.

8 (viii) Knowledge of all types of raceways and their uses,
9 including determining proper size, conductor fill, support, and
10 methods of installation.

11 (ix) Knowledge of circuits and equipment characterized by
12 usage and electrical power limitations, including differentiating
13 them from electric light and power circuits.

14 (x) Knowledge of all types and applications of lighting
15 fixtures, ratings, requirements for occupancies, special
16 provisions, and clearances.

17 (2) If an applicant who otherwise meets the requirements of
18 subsection (1)(b) has not attained 8,000 hours of entry-level
19 experience or does not have basic knowledge in each of the areas
20 described in subsection (1)(b)(i) to (x), he or she may provide
21 with his or her application an affidavit signed by a commanding
22 officer, supervisor, or military superior with direct knowledge of
23 the applicant's service that states the amount of experience the
24 applicant has attained and of which of the areas described in
25 subsection (1)(b)(i) to (x) the applicant has basic knowledge, and
26 the department may in its discretion grant the applicant credit
27 toward the 8,000-hour experience requirement of subsection (1)(a)

1 based on the applicant's experience.

2 (3) If an applicant fails to pass the electrical journeyman
3 examination 2 times within a period of 2 years, the applicant is
4 ineligible to sit for another examination until a period of at
5 least 1 year after the date of failure of the second examination.
6 After that 1-year period, he or she is again eligible to sit for a
7 an electrical journeyman's license if he or she presents to the
8 board proof of the successful completion of a course on Michigan
9 electrical code, electrical fundamentals, or electrical theory
10 approved by the board.

11 (4) As a condition of renewal of an electrical journeyman's
12 license, the electrical journeyman must demonstrate the successful
13 completion of a course, approved by the board, concerning any
14 update or change in the state construction code within 12 months
15 after the update or change in that code. This requirement applies
16 only during or after those years that the state construction code
17 is updated or changed.

18 Sec. 717. (1) An individual who is employed as an apprentice
19 electrician shall register with the board on a form provided by the
20 board within 30 days after employment.

21 (2) The department shall issue a certificate of registration
22 to an individual who is seeking registration under this section if
23 it receives satisfactory proof of the individual's participation in
24 an apprenticeship training program that is approved by the board
25 under subsection (4).

26 (3) The ratio of electrical journeymen or master electricians
27 to registered apprentice electricians shall be on the basis of 1

1 electrical journeyman or master electrician to no more than 3
2 registered apprentice electricians. The department or an enforcing
3 agency shall enforce the ratio on a jobsite basis.

4 (4) For the purposes of this section, the board shall approve
5 any bona fide apprenticeship training program that complies with
6 subsection (3) and, excluding any requirements related to jobsite
7 ratios that are inconsistent with subsection (3), is equivalent to
8 or exceeds the requirements of those imposed by the Office of
9 Apprenticeship in the United States Department of Labor.

10 Sec. 719. Subject to section 731(3), the department shall
11 issue a fire alarm contractor's license to a person that meets the
12 requirements described in article 2 and meets either of the
13 following:

14 (a) Is an individual who holds a fire alarm specialty
15 technician's license.

16 (b) Has at least 1 full-time employee who is a fire alarm
17 specialty technician, resides in this state, and is actively in
18 charge of and responsible for Michigan electrical code compliance
19 of all installations of fire alarm system wiring and equipment.

20 Sec. 721. (1) Subject to section 731(3), the department shall
21 issue a fire alarm specialty technician's license to an individual
22 who is at least 20 years old, meets the requirements described in
23 article 2, and is certified by the National Institute for
24 Certification in Engineering Technology as an associate engineering
25 technician, level II, or holds an equivalent certification in the
26 field of fire alarm systems technology as determined by the board.

27 (2) As a condition of renewal of a fire alarm specialty

1 technician's license, the fire alarm specialty technician must
2 demonstrate the successful completion of a course, approved by the
3 board, concerning any update or change in the state construction
4 code relating to fire alarm systems within 12 months after the
5 update or change in that code. This requirement applies only during
6 or after those years that the state construction code is updated or
7 changed.

8 (3) A holder of a fire alarm specialty technician's license
9 cannot be used to meet the eligibility requirement described in
10 section 719(a) or (b) for more than 1 fire alarm contractor's
11 license.

12 Sec. 723. (1) An individual who is employed as a fire alarm
13 specialty apprentice technician must register with the board on a
14 form provided by the board within 30 days after the date he or she
15 is employed.

16 (2) The department shall issue a certificate of registration
17 to an individual seeking registration if it receives satisfactory
18 proof of the individual's participation in a bona fide
19 apprenticeship training program approved by the board.

20 (3) The ratio of fire alarm specialty technicians to
21 registered fire alarm specialty apprentice technicians shall be on
22 the basis of 1 fire alarm specialty technician to 2 registered fire
23 alarm specialty apprentice technicians. The department or an
24 enforcing agency shall enforce the ratio on a jobsite basis.

25 Sec. 725. A person that holds a valid electrical contractor's
26 license, master electrician's license, electrical journeyman's
27 license, or apprentice electrician's registration is not required

1 to hold any specialty licenses in order to perform specialty
2 installations.

3 Sec. 727. (1) Subject to section 731(5), the department shall
4 issue a sign specialty contractor's license to a person that does
5 all of the following:

6 (a) Meets the requirements described in article 2.

7 (b) Meets 1 of the following:

8 (i) Is an individual who holds a sign specialist's license.

9 (ii) Has at least 1 full-time employee who is a sign
10 specialist, resides in this state, and is actively in charge of and
11 responsible for Michigan electrical code compliance of all
12 installations, maintenance, connection, and repair of electric
13 signs and related wiring.

14 (c) Provides evidence of public liability insurance coverage.

15 (2) A licensed electrical contractor is not required to have a
16 sign specialty.

17 Sec. 729. (1) The department shall issue a sign specialist's
18 license to an individual who meets all of the following:

19 (a) Is at least 18 years old.

20 (b) Meets the requirements described in article 2.

21 (c) Has at least 4,000 hours of experience, obtained over a
22 period of at least 2 years, related to the manufacture,
23 installation, maintenance, connection, or repair of electric signs
24 and related wiring, as verified by a contractor that is licensed
25 under this article that is the current employer of the applicant.
26 The individual may obtain the hours of experience required under
27 this subdivision from multiple employers; and if the board

1 determines that he or she has completed education that is
2 equivalent to the work experience described in this subdivision,
3 the department shall credit the number of hours of equivalent
4 education that the individual completed, as determined by the
5 board, toward the hours of experience required under this
6 subdivision.

7 (d) Demonstrates the successful completion of a course
8 concerning the installation, maintenance, connection, or repair of
9 electric signs and related wiring as contained in the sign
10 electrician's workbook published by the American Technical
11 Publishers, Inc. or any other course designed to address the
12 installation, maintenance, connection, or repair of electric signs
13 and related wiring, as approved by the board.

14 (2) If an applicant fails to pass the sign specialist
15 examination 2 times within a period of 2 years, the applicant is
16 ineligible to sit for another examination until he or she presents
17 to the board proof of the successful completion of a course on the
18 Michigan electrical code and electrical fundamentals approved by
19 the board.

20 (3) As a condition of renewal of a sign specialist's license,
21 the sign specialist must demonstrate the successful completion of a
22 course, approved by the board, concerning any update or change in
23 applicable sections of the state construction code within 12 months
24 after the update or change in that code. This requirement applies
25 only during or after those years that the state construction code
26 is updated or changed.

27 (4) A licensed master electrician, journeyman electrician, or

1 apprentice electrician is not required to hold a sign specialist's
2 license to perform those work activities.

3 Sec. 731. (1) Except as otherwise provided in section 737, a
4 person shall not install any electrical wiring, devices,
5 appliances, or appurtenances for the generation, distribution, and
6 utilization of electrical energy, in or on any building, structure,
7 or property, without a license. In a municipality where inspection
8 service is provided, a person shall obtain a permit from the board
9 or municipality that has jurisdiction.

10 (2) If electrical wiring, devices, appliances, or
11 appurtenances described in subsection (1) are installed without
12 compensation by a person that is licensed under this article for or
13 on behalf of a charitable organization, the owner of the property
14 on which the work is performed may obtain the permit required under
15 subsection (1). However, the charitable organization exception
16 under this subsection applies only to the reconstruction,
17 renovation, or remodeling of 1- to 4-family dwellings.

18 (3) Except as otherwise provided in section 737, a person
19 shall not erect, install, alter, repair, service, or maintain fire
20 alarm system wiring, devices, appliances, or equipment in a
21 building or structure without a license.

22 (4) Except as otherwise provided in section 737, a person
23 shall not install, connect, repair, or maintain electric signs and
24 related wiring without a license.

25 (5) Notwithstanding any other provisions of this article and
26 after a proper application is submitted and the appropriate fees
27 paid, the board and department shall issue a license without

1 examination to an individual seeking sign specialty licensure if he
2 or she is licensed, registered, or otherwise regulated in another
3 state and the board determines that the standards in the other
4 state meet or exceed the standards imposed in this article.

5 Sec. 733. (1) Except as otherwise provided in this section,
6 this article does not apply in the jurisdiction of a municipality
7 that adopts or has adopted an ordinance that does all of the
8 following:

9 (a) Provides standards for the examination and licensing of
10 master electricians, electrical or specialty contractors,
11 electrical journeymen, sign specialists, and fire alarm specialty
12 technicians and the registration of apprentice electricians and
13 fire alarm specialty apprentice technicians that are at least as
14 stringent as those established in this article.

15 (b) Provides for enforcement that is substantially similar to
16 this article.

17 (c) Provides for civil and criminal penalties and a citation
18 system for minor violations substantially similar to article 5.

19 (d) Provides for the inspection of electrical wiring and
20 equipment.

21 (2) This article shall not be construed as limiting the power
22 of a municipality to enact an ordinance described in subsection
23 (1), to provide for the licensing of persons as electrical or
24 specialty contractors that have a place of business located in the
25 municipality, or to provide for the licensing of journeymen
26 electricians, sign specialists, or fire alarm specialty technicians
27 who reside in the municipality, except that the ordinance shall not

1 require any of the following:

2 (a) The procurement of a license or permit to execute the
3 classes of work specified in section 737(3)(c), (d), (e), and (f).

4 (b) The procurement of a permit by a provider to install,
5 maintain, replace, or service any electrical wiring, equipment, or
6 devices associated with a home monitoring system. As used in this
7 subdivision and subdivision (c):

8 (i) "Home monitoring system" means a device or an assembly of
9 equipment and devices that allows individuals to remotely monitor
10 their home through audio, video, or sensor detection systems and
11 that may allow them to remotely control the home's environment,
12 including, but not limited to, controlling temperature, humidity,
13 lighting, doors, or locks.

14 (ii) "Provider" means a system provider that is registered
15 under the security alarm systems act, 2012 PA 580, MCL 338.2181 to
16 338.2187, or a security alarm system contractor that is licensed
17 under the private security business and security alarm act, 1968 PA
18 330, MCL 338.1051 to 338.1092.

19 (c) The procurement of a license or permit by a provider to
20 install, maintain, replace, or service a security alarm system. As
21 used in this subdivision, "security alarm system" means that term
22 as defined in section 2 of the security alarm systems act, 2012 PA
23 580, MCL 338.2182, or section 2 of the private security business
24 and security alarm act, 1968 PA 330, MCL 338.1052.

25 (d) The procurement of public liability insurance in excess of
26 the coverage required under this article.

27 (3) A license or registration issued by the board under this

1 article and licenses issued by a municipality that has standards
2 for licensing at least as stringent as those established by the
3 board shall be recognized by all municipalities.

4 (4) A municipality that provides for electrical inspection by
5 local ordinance may require all electrical or specialty
6 contractors, sign specialists, fire alarm specialty technicians,
7 and classes of electricians doing work in the municipality to
8 register in accordance with its local ordinance.

9 (5) Municipal registration requirements shall be reciprocal
10 between the municipalities and between municipalities and the board
11 as to registration requirements and fees, except that licensed
12 electrical journeymen, sign specialists, and fire alarm specialty
13 technicians are not required to register to work in municipalities
14 under the jurisdiction of the board. A municipality shall
15 officially recognize a license or registration issued under this
16 article for purposes of its ordinance.

17 Sec. 735. A municipality that provides standards for
18 electrical wiring and for inspection and licensing under section
19 733 may require by ordinance that all electrical or specialty
20 contractors, master electricians, fire alarm specialty technicians,
21 sign specialists, and electrical journeymen that are within its
22 licensing jurisdiction must apply to and be licensed by the board
23 under this article.

24 Sec. 737. (1) Except as otherwise provided in this article or
25 in subsection (3), a person shall not engage in the business of
26 electrical contracting unless the person has received from the
27 board or from the appropriate municipality an electrical

1 contractor's license.

2 (2) Except as otherwise provided in this article or in
3 subsection (3), an individual, other than an individual who is
4 licensed under this article and employed by and working under the
5 direction of a holder of an electrical contractor's license, shall
6 not in any manner undertake to execute any electrical wiring.

7 (3) A licensee is not required to perform any of the following
8 classes of work:

9 (a) Minor repair work.

10 (b) The installation, alteration, repairing, rebuilding, or
11 remodeling of elevators, dumbwaiters, escalators, or man lifts
12 performed under a permit issued by an elevator inspection agency of
13 this state or a municipality of this state.

14 (c) The installation, alteration, or repair of electrical
15 equipment and its associated wiring installed on the premises of
16 consumers or subscribers by or for an electrical energy supply or
17 communication agency for use by that agency in the generation,
18 transmission, distribution, or metering of electrical energy or for
19 the operation of signals or transmission of intelligence.

20 (d) The installation, alteration, or repair of electrical
21 wiring for the generation and primary distribution of electric
22 current, or the secondary distribution system up to and including
23 the meters, if that work is an integral part of the system owned
24 and operated by an electric light and power utility in rendering
25 its duly authorized service.

26 (e) Any work involved in the manufacture of electric
27 equipment, including the testing and repairing of that manufactured

1 equipment.

2 (f) The installation, alteration, or repair of equipment and
3 its associated wiring for the generation or distribution of
4 electric energy for the operation of signals or transmission of
5 intelligence if that work is performed in connection with a
6 communication system owned or operated by a telephone or telegraph
7 company in rendering its authorized service as a telephone or
8 telegraph company.

9 (g) Any installation, alteration, or repair of electrical
10 equipment by a homeowner in a single family home and accompanying
11 outbuildings owned and occupied or to be occupied by the individual
12 who is performing the installation, alteration, or repair of
13 electrical equipment.

14 (h) Any work involved in the use, maintenance, operation,
15 dismantling, or reassembling of motion picture and theatrical
16 equipment used in any building with approved facilities for
17 entertainment or educational use and that has the necessary
18 permanent wiring and floor and wall receptacle outlets designed for
19 the proper and safe use of that theatrical equipment, but not
20 including any permanent wiring.

21 (i) Work performed by a person that is licensed as a
22 mechanical contractor in a classification described in section
23 807(2)(a), (b), (d), (e), and (f), a person that is licensed as a
24 plumbing contractor under article 11, and employees of those
25 persons, while performing maintenance, service, repair,
26 replacement, alteration, modification, reconstruction, or upgrading
27 of control wiring circuits and electrical component parts in

1 existing mechanical systems defined in the Michigan mechanical code
2 and the Michigan plumbing code, including, but not limited to,
3 energy management systems, relays and controls on boilers, water
4 heaters, furnaces, air conditioning compressors and condensers, fan
5 controls, thermostats and sensors, and all interconnecting wiring
6 associated with the mechanical systems in buildings that are on the
7 load side of the unit disconnect, that is located on or immediately
8 adjacent to the equipment, except for life safety systems wiring.

9 (j) Electrical wiring associated with the installation,
10 removal, alteration, or repair of a water well pump on a single
11 family dwelling to the first point of attachment in the house from
12 the well, by a pump installer registered under part 127 of the
13 public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

14 (k) The installation, maintenance, or servicing of security
15 alarm systems in a building or structure. As used in this
16 subdivision, "security alarm system" means that term as defined in
17 section 733(2)(c).

18 (l) The installation, maintenance, or servicing of listed
19 residential and commercial lawn irrigation equipment, except any
20 permanent wired connections exceeding 30 volts.

21 (m) The installation, maintenance, or servicing of listed
22 landscape lighting systems and equipment, except any permanent
23 wired connections exceeding 30 volts.

24 (n) The installation, alteration, maintenance, or repair of
25 electric signs and related wiring by an unlicensed individual under
26 the direct supervision of a licensed sign specialist except that
27 the ratio of unlicensed individuals engaged in this activity shall

1 not exceed 2 unlicensed individuals to 1 licensed sign specialist.
2 An enforcing agency shall enforce this ratio on a jobsite basis.

3 (o) The construction, installation, maintenance, repair, and
4 renovation of telecommunications equipment and related systems by a
5 person that is primarily engaged in the telecommunications and
6 related information systems industry. This exemption does not
7 include the construction, installation, maintenance, repair, or
8 renovation of a fire alarm system.

9 Sec. 739. (1) This article shall not be construed to relieve
10 from or lessen the responsibility or liability of any party owning,
11 operating, controlling, or installing any electric wiring, device,
12 appliance, or equipment for damages to persons or property caused
13 by any defect in that wiring, device, appliance, or equipment.

14 (2) The state of Michigan shall not be held as assuming any
15 responsibility or liability described in subsection (1) by reason
16 of an inspection or examination authorized under this article, the
17 issuance of a certificate of approval, or the issuance of a license
18 or certificate under this article.

19 ARTICLE 8

20 MECHANICAL CONTRACTORS

21 Sec. 801. As used in this article:

22 (a) "Air conditioning" means the process of treating air to
23 meet the requirements of a conditioned space by controlling, either
24 simultaneously or individually, the air's temperature, humidity,
25 cleanness, and distribution.

26 (b) "Board" means the board of mechanical rules described in
27 section 805.

1 (c) "Cooling" means air conditioning as defined in subdivision
2 (a).

3 (d) "Ductwork" means the air distribution arrangement for
4 supply, return, and exhaust in air conditioning systems and in
5 nonair conditioning systems, the materials and methods of which are
6 specified in the Michigan mechanical code, or an equivalent
7 nationally recognized model mechanical code. Ductwork includes
8 flues, vents, and chimneys.

9 (e) "Fire suppression system" means an integrated combination
10 of a fire alarm system and fire suppression equipment that as a
11 result of predetermined temperature, rate of temperature rise,
12 products of combustion, flame, or human intervention will discharge
13 a fire extinguishing substance over a fire area.

14 (f) "Heating", used alone, means the use of any fuel or
15 electricity to generate heat in an air conditioning system. When
16 used with a qualifying term such as "hydronic", the term heating
17 assumes the limited meaning expressed by that qualification.

18 (g) "Heating, ventilating, and air conditioning" or "HVAC"
19 means the application of equipment and systems to provide air
20 conditioning for occupants of buildings and structures. HVAC does
21 not include the installation of portable self-contained
22 refrigeration equipment and window-type air conditioners of not
23 more than 1-1/2 horsepower.

24 (h) "Hydronic heating and cooling" means the application of
25 equipment and systems which provide air conditioning by the
26 controlled forced circulation of fluids or vapors in pipes.

27 Sec. 803. As used in this article:

1 (a) "Limited heating service" means the servicing of gas-
2 designed sectional boilers that have inputs of not more than 1
3 million British thermal units, utilizing a combustion safeguard
4 designed to shut off the main gas supply 10 or more seconds after
5 pilot flame failure, and all other gas-fired or solid-fuel
6 equipment and systems limited to input ratings of less than 400,000
7 British thermal units per unit; or oil-fired equipment and systems
8 designed for the use of number 1 or number 2 fuel oil, that has a
9 maximum firing rate of less than 5 gallons per hour per unit; or
10 electrical furnaces and electric boilers that use the same
11 kilowatts that are equivalent to the fossil fuel British thermal
12 units generated.

13 (b) "Limited refrigeration and air conditioning service" means
14 the servicing of refrigeration equipment and systems and air
15 conditioning equipment and systems employing the refrigeration
16 cycle of unlimited capacity utilizing group 1 refrigerants as
17 listed in the Michigan mechanical code or an equivalent nationally
18 recognized model mechanical code.

19 (c) "Process piping" means any piping which is not part of a
20 system designed to provide air conditioning or of a refrigeration
21 system. Process piping includes, but is not limited to, pipes that
22 transfer chemicals and other fluids, gases, or vapors for systems
23 other than air conditioning systems as covered by the Michigan
24 mechanical code or an equivalent nationally recognized model
25 mechanical code.

26 (d) "Refrigeration" means the use of equipment and systems,
27 including, but not limited to, refrigeration piping, employing the

1 refrigeration cycle to generate low temperatures for other than air
2 conditioning equipment and systems. Refrigeration includes, but is
3 not limited to, equipment and systems such as supermarket
4 refrigeration, industrial refrigeration, the preservation of
5 biological materials, and food storage facilities. Refrigeration
6 does not include the installation of portable self-contained units
7 such as refrigerators, dehumidifiers, and other similar equipment
8 of not more than 1.5 horsepower or other equipment exempted from
9 the Michigan mechanical code.

10 (e) "Servicing" means the maintenance, repair, and servicing
11 of previously installed equipment and systems.

12 (f) "Specialty license" means a license issued under this
13 article that allows the licensee to perform work within limits
14 established by the board in 1 or more of the work classifications
15 described in section 807(2).

16 (g) "Unlimited heating service" means the servicing of heating
17 equipment and systems without restrictions concerning thermal
18 capacity or grade of fuel oil or type of fuel.

19 (h) "Unlimited refrigeration and air conditioning service"
20 means the servicing of refrigeration equipment and systems and air
21 conditioning equipment and systems employing the refrigeration
22 cycle unlimited as to thermal capacity or type of refrigerant.

23 Sec. 805. (1) The board of mechanical rules created in section
24 3 of former 1984 PA 192 shall continue in existence and is
25 designated as the board for purposes of this article.

26 (2) The board shall consist of the state fire marshal or the
27 state fire marshal's designee, who is a permanent member, and 14

1 residents of the state, appointed by the governor. All of the
2 following apply to the appointed members of the board:

3 (a) An appointed member shall be at least 18 years old.

4 (b) Except for the representative of the general public, an
5 appointed member shall be qualified in his or her respective field.

6 (c) The appointed members of the board shall include all of
7 the following:

8 (i) An individual representing the general public.

9 (ii) A member of organized labor who represents the mechanical
10 trades.

11 (iii) A professional mechanical engineer who is licensed under
12 article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to
13 339.2014, as a professional engineer.

14 (iv) A representative of an energy-producing public utility of
15 the state.

16 (v) A representative from each of the work classifications
17 described in section 807(2).

18 (vi) Two chief mechanical inspectors of governmental
19 subdivisions, 1 of whom enforces the building officials and code
20 administrators building code, and 1 of whom enforces the
21 international conference of building officials building code.

22 (3) At the first meeting of each year, the board shall elect
23 from its membership a vice-chairperson and secretary. The vice-
24 chairperson and secretary shall be elected from those members
25 appointed to the board by the governor, except that the board
26 members who are chief mechanical inspectors are not eligible for
27 election as vice-chairperson of the board. The governor shall

1 designate 1 member of the board to serve as chairperson at the
2 pleasure of the governor.

3 (4) Eight members of the board shall constitute a quorum for
4 the transaction of business. An approval, decision, or ruling of
5 the board does not become effective unless approved by 2/3 of the
6 board members attending a meeting.

7 (5) The board may recommend to the state construction code
8 commission the promulgation of rules the board considers necessary
9 for the safe design, construction, installation, alteration,
10 servicing, and inspection of systems used in compliance with the
11 Michigan mechanical code, and may recommend modifications,
12 additions, or deletions to this act to update and maintain this act
13 as an effective and enforceable instrument. The board may also
14 recommend to the state construction code commission, after testing
15 and evaluating a material, product, method of manufacture, or
16 method of construction or installation for acceptability under the
17 state construction code, that the commission issue a certificate of
18 acceptability for that material, product, or method.

19 Sec. 807. (1) An applicant is not eligible for a work
20 classification examination under this article unless the applicant
21 meets the requirements under article 2, is of good moral character,
22 and has a minimum of 3 years of experience, or an equivalent of
23 that experience, that is acceptable to the board, and shown to the
24 department, in 1 or more of the work classifications described in
25 subsection (2).

26 (2) A mechanical contractor's license that is issued under
27 this article is classified and limited as 1 or more of the

1 following:

2 (a) Hydronic heating and cooling and process piping.

3 (b) HVAC equipment.

4 (c) Ductwork.

5 (d) Refrigeration.

6 (e) Limited service, heating or refrigeration.

7 (f) Unlimited service, heating or refrigeration.

8 (g) Fire suppression.

9 (h) Specialty.

10 (3) For purposes of subsection (1), "experience" includes
11 experience acquired while serving in the armed forces by an
12 individual who was separated from that service, and who provides to
13 the department a form DD214, form DD215, or any other form that is
14 satisfactory to the department that demonstrates that he or she was
15 separated from that service, with an honorable character of service
16 or under honorable conditions (general) character of service.

17 (4) An individual described in subsection (3) shall submit
18 with his or her application for licensure an affidavit or letter
19 signed by a commanding officer, supervisor, or military superior
20 with direct knowledge of the applicant's service that describes his
21 or her experience as a mechanical contractor in 1 or more of the
22 classifications described in subsection (2).

23 Sec. 809. (1) Except as provided in subsection (3) or (4) and
24 section 819, an individual or other person shall not perform
25 installations, alterations, or servicing of work classifications
26 under section 807(2) that are regulated under the Stille-DeRossett-
27 Hale single state construction code act unless the person, if the

1 person is an individual, or an employee of the person has received
2 a mechanical contractor's license from the department that has not
3 been revoked or suspended, the license is classified and limited
4 under section 807, and the holder of the license has secured the
5 appropriate permit from the enforcing agency charged with the
6 responsibility of issuing permits.

7 (2) A person that performs installations, alterations, or
8 servicing of work classifications under section 807(2) shall
9 designate the holder of a mechanical contractor's license described
10 in subsection (1) as the contractor of record notify the department
11 in writing of the designation.

12 (3) If work that is within 1 of the classifications described
13 in section 807(2) is performed without compensation by a person
14 that is licensed under this article for or on behalf of a
15 charitable organization, the owner of the property on which the
16 work is performed may obtain the permit required under subsection
17 (1). However, this subsection applies only to the reconstruction,
18 renovation, or remodeling of 1- to 4-family dwellings.

19 (4) A person that is registered as a system provider under the
20 security alarm systems act, 2012 PA 580, MCL 338.2181 to 338.2187,
21 or licensed as a security alarm system contractor under the private
22 security business and security alarm act, 1968 PA 330, MCL 338.1051
23 to 338.1092, is not required to obtain a license from the
24 department under this article or obtain a license or permit from a
25 governmental subdivision or enforcing agency to perform work
26 described in subsection (1) in connection with the installation,
27 maintenance, replacement, or servicing of a thermostat for a

1 heating, ventilating, and air conditioning system or a hydronic
2 heating and cooling system.

3 (5) If a contractor of record regularly employs a qualified
4 maintenance crew to perform mechanical contracting work regulated
5 under this article in a facility, this article does not require
6 that the contractor of record perform work in that facility.

7 Sec. 811. A municipality shall not establish or maintain local
8 licensing requirements for the work classifications described in
9 section 807(2) or work described in section 809(4). A governmental
10 subdivision shall not prohibit a mechanical contractor that is
11 licensed under this article from engaging in the work
12 classification or classifications for which the mechanical
13 contractor has a license, or a person described in section 809(4)
14 from engaging in work for which that person is licensed or
15 registered, unless the mechanical contractor is in violation of
16 this act.

17 Sec. 813. (1) Each work classification examination fee for a
18 mechanical contractor's license is \$100.00 or less, as determined
19 by the department. Except as otherwise provided in subsection (2),
20 the initial and per-year fee for the issuance of a mechanical
21 contractor's license is \$100.00.

22 (2) An initial or renewal mechanical contractor's license
23 expires on August 31 every third year and is renewable by filing an
24 application and paying the license fee on or before October 31. If
25 an individual is applying for an initial mechanical contractor's
26 licensed or relicensure at a time other than between August 31 and
27 October 31 of the year in which the department issues renewal

1 licenses, the department shall compute and charge the license fee
2 on a yearly pro rata basis beginning in the year of the application
3 until the last year of the 3-year license cycle. A license that is
4 not renewed is void for the purpose of obtaining a permit, and the
5 contractor is eligible for relicensure only by applying for
6 reinstatement and paying the license fee. The department shall not
7 compute and charge a license fee for a renewal license on a pro
8 rata basis. An individual who renews his or her license within 3
9 years after the license is voided under this section is not subject
10 to reexamination for the license.

11 Sec. 815. (1) If an individual who is an employee of a person,
12 or who is an officer of a person that is not an individual, and who
13 is authorized to perform installations, alterations, or servicing
14 in any of the work classifications described in section 807(2), is
15 designated as the contractor of record for that person under
16 section 809 and ceases to be an employee or officer of that person,
17 the person has 90 days after the date the contractor of record
18 ceases to be an employee or officer in which to designate an
19 employee or officer who is a holder of a mechanical contractor's
20 license as the new contractor of record. The person shall notify
21 the department in writing of the designation.

22 (2) If an individual is licensed to perform installations,
23 alterations, or servicing in 1 or more of the work classifications
24 described in section 807(2) and is also the contractor of record,
25 and that individual ceases to do business as a mechanical
26 contractor and sells his or her business interest to another
27 person, the buyer has 90 days to designate an employee or officer

1 who is the holder of a mechanical contractor's license as the
2 contractor of record. The buyer shall notify the department in
3 writing of the designation.

4 Sec. 817. A mechanical contractor that is licensed under this
5 article and performs work in a municipality shall register his or
6 her license with the enforcing agency that issues permits and
7 provides inspection services of mechanical contractor's work for
8 that municipality. A registration under this section is valid until
9 the expiration date of the mechanical contractor's license. A
10 municipality shall grant registration to a mechanical contractor
11 under this section if the mechanical contractor is licensed under
12 this act and pays a fee established by the municipality in an
13 amount that does not exceed \$15.00.

14 Sec. 819. An individual who is the owner of a single family
15 dwelling that is, or on completion will become, his or her place of
16 residence may personally install a heating or refrigerating system
17 in the dwelling if the individual in his or her application for a
18 permit affirms that he or she is or will become the owner and
19 occupant of the dwelling in which the installation is done is
20 completed and that the applicant will install the equipment in the
21 dwelling for which the permit is requested. The applicant shall
22 apply for and secure the required permits from the enforcing agency
23 of the municipality and shall obtain the required inspection after
24 the installation is completed and the equipment is placed in
25 operation.

26 ARTICLE 9

27 BOILER INSPECTORS, INSTALLERS, REPAIRERS, AND OPERATORS AND

STATIONARY ENGINEERS

Sec. 901. As used in this article:

(a) "Antique steam boiler" means a boiler that is no longer used in production applications and is used to demonstrate the historical significance of steam boilers in American history.

(b) "Approved apprenticeship program" means a training program for boiler operators or stationary engineers that is certified by or meets the standards of the Office of Apprenticeship in the United States Department of Labor and is approved by the board.

(c) "Associated auxiliaries" means equipment that is required in the operation of a boiler that includes, but is not limited to, pumps, regulators, feedwater heaters, superheaters, de-superheaters, economizers, air preheaters, draft fans, combustion and pollution control equipment, and prime movers.

(d) "Board" means the board of boiler rules described in section 905.

(e) "Boiler" means a closed vessel in which water is heated, steam is generated, or steam is superheated, or a combination of those actions occurs, under pressure or vacuum by the application of heat from combustible fuels, electricity, or nuclear energy.

Boiler does not include facilities of an integral part of a continuous processing unit but does include a fired unit for heating or vaporizing liquids other than water, if the unit is separate from a processing system and is complete within itself.

(f) "Boiler for agricultural purposes" means a portable boiler used in a field or similar open area for the sole purpose of operating farm equipment or farm machinery.

1 (g) "Boiler operator" or "stationary engineer" means an
2 individual who is engaged in the operation of boilers and
3 associated auxiliaries.

4 (h) "Certificate inspection" means an inspection that is
5 conducted for purposes of preparing a report described in section
6 945. The certificate inspection shall be an internal inspection if
7 construction allows; otherwise the certificate inspection shall be
8 as complete an inspection as possible.

9 (i) "External inspection" means an inspection that does not
10 involve examination of the internal surfaces of the pressure parts
11 of the boiler.

12 (j) "Heating surface" means the heating surface determined by
13 the boiler manufacturer and recorded in the manufacturer's data
14 report or by rules established by the board for a boiler if the
15 manufacturer's data report is not available or the boiler is not
16 stamped with its heating surface.

17 (k) "High pressure, high temperature water boiler" means a
18 water heating boiler operating at pressure that exceeds 160
19 p.s.i.g. or temperatures that exceed 250 degrees Fahrenheit.

20 Sec. 903. (1) As used in this article:

21 (a) "Low pressure boiler" means a steam boiler operated at
22 pressures that do not exceed 15 p.s.i.g., or a hot water heating
23 boiler operated at pressures that do not exceed 160 p.s.i.g. or
24 temperatures that do not exceed 250 degrees Fahrenheit.

25 (b) "P.s.i.g." means pounds per square inch gauge.

26 (c) "Power boiler" means a closed vessel in which steam or
27 other vapor is generated at a pressure of more than 15 p.s.i.g. by

1 the direct application of heat.

2 (d) "Process boiler" means a boiler that is operated at a
3 pressure or temperature from which more than 10% of the boiler's
4 capacity is used for direct steam humidification or direct process
5 work.

6 (e) "Qualified technical education program" means an
7 educational program that is approved by the board and that has a
8 minimum of 350 contact hours in classroom hands-on training, field
9 training, or supervised plant visits for high pressure boiler
10 operators. The board may establish lesser standards for an
11 educational program for low pressure operator training or other
12 entry-level training positions only.

13 (f) "Qualified training program" means any of the following:

14 (i) An in-house training program approved by the board and
15 offered to boiler operators and stationary engineers by an
16 employer.

17 (ii) An in-house training program implemented or developed by
18 a utility and offered to boiler operators and stationary engineers
19 by an employer as a result of negotiations between an employer and
20 its employees.

21 (iii) A boiler training program offered by a branch of the
22 armed forces.

23 (g) "Secondhand boiler" means a boiler that has changed
24 ownership and location after initial use.

25 (2) As used in this article and for purposes of any rules
26 promulgated under this article, in connection with any requirements
27 for a license to inspect, install, or repair boilers or for

1 registration as a boiler operator or stationary engineer in 1 or
2 more of the classifications described in section 933, "experience"
3 includes any relevant experience acquired while serving in the
4 armed forces by an individual who was separated from that service
5 if all of the following are met:

6 (a) The applicant provides to the department a form DD214, a
7 form DD215, or any other form that is satisfactory to the
8 department that demonstrates that he or she was separated from that
9 service, with an honorable character of service or under honorable
10 conditions (general) character of service.

11 (b) The applicant submits with his or her application for
12 licensure or registration an affidavit or letter signed by a
13 commanding officer, supervisor, or military superior with direct
14 knowledge of the applicant's service that describes his or her
15 experience designing, constructing, manufacturing, installing,
16 inspecting, operating, repairing, or maintaining boilers and
17 associated auxiliaries while serving in the armed forces.

18 Sec. 905. (1) The board of boiler rules created in section 3
19 of former 1965 PA 290 shall continue in existence and is designated
20 as the board for purposes of this article.

21 (2) The board shall consist of the director or the director's
22 designee, who is a permanent member, and 13 individuals appointed
23 by the governor. All of the following apply to the appointed
24 members of the board:

25 (a) Except for the representative of the general public, an
26 appointed member must have substantial experience in the design,
27 erection, fabrication, installation, operation, repair, or

1 inspection of boilers.

2 (b) The appointed members of the board shall include all of
3 the following:

4 (i) One member who represents the general public.

5 (ii) Two members who represent owners and users of boilers in
6 this state.

7 (iii) One member who represents owners and users of power
8 boilers that operate at 1,000 p.s.i.g. or more.

9 (iv) Two members who represent organized labor in this state
10 that engage in the erection, fabrication, installation, operation,
11 or repair of boilers.

12 (v) One representative who represents water tube boiler
13 manufacturers that do business in this state.

14 (vi) One member who represents fire tube boiler manufacturers
15 that do business in this state.

16 (vii) One member who represents a boiler insurance company
17 that is licensed to do business in this state.

18 (viii) One member who represents the mechanical contractors in
19 this state that have experience in the installation, piping, or
20 operation of boilers.

21 (ix) One member who represents boiler repair contractors in
22 this state that are engaged in the business of repairing boilers by
23 welding and riveting.

24 (x) One member who represents consulting engineers in this
25 state who have boiler experience.

26 (xi) One member who represents antique steam boiler owners and
27 operators.

1 (3) Seven members of the board constitute a quorum for the
2 transaction of business. An approval, decision, or ruling of the
3 board is not effective unless supported by a majority of the
4 members present.

5 Sec. 907. (1) The department, in consultation with the board,
6 shall promulgate rules for the safe construction, installation,
7 inspection, alteration, servicing, operation, and repair of boilers
8 in this state. For purposes of this subsection, the department by
9 rule may adopt an existing published codification or national
10 standards and any amendments and interpretations of the
11 codification or standards.

12 (2) A departure from the requirements of this section is
13 permitted in an unusual situation involving a boiler of special
14 design or construction if the board is satisfied that a proposed
15 facility will provide a degree of safety commensurate with the
16 intent of this article.

17 (3) If the department receives an application and the
18 appropriate fee, the board may without examination register an
19 applicant for the use of a title described in section 931 if the
20 applicant is a boiler operator or stationary engineer who is
21 licensed or registered as a boiler operator or stationary engineer
22 in another state or country or in a municipality whose requirements
23 for licensure or registration are, at a minimum, substantially
24 equivalent to the requirements of this state for registration, as
25 determined by the board, and that other state or country or that
26 municipality extends the same privileges through reciprocity to a
27 boiler operator or stationary engineer who is registered in this

1 state.

2 Sec. 909. The state boiler inspection fund created under
3 former 1965 PA 290 shall continue as a restricted fund in the state
4 treasury. Beginning on the effective date of this act, all of the
5 following apply to the state boiler inspection fund:

6 (a) The state treasurer is the custodian of the fund, may
7 invest the surplus of the fund, and shall credit earnings from
8 those investments to the fund.

9 (b) The state treasurer shall notify the director and the
10 legislature of interest credited and the balance of the fund as of
11 September 30 of each year.

12 (c) The director shall supervise and administer the fund and
13 is the administrator of the fund for auditing purposes.

14 (d) Fees received by the department and money collected under
15 this article shall be deposited in the state boiler inspection fund
16 and shall be appropriated by the legislature for the operations of
17 the boiler division and indirect overhead expenses in the
18 department.

19 (e) Money in the fund at the end of each fiscal year shall
20 remain in the fund and shall not lapse to the general fund.

21 Sec. 911. A boiler that does not conform to the rules and
22 regulations formulated by the board that governs new construction
23 and installation shall not be installed and operated in this state
24 after July 1, 1966, unless the boiler is of special design or
25 construction, is not covered by the rules and regulations, and is
26 not in any way inconsistent with those rules and regulations, in
27 which case the board in its discretion may grant a special

1 installation and operation permit for that boiler.

2 Sec. 913. (1) The maximum allowable pressure of a boiler that
3 carries the American Society of Mechanical Engineers' code symbol
4 shall be determined by the applicable sections of the code under
5 which it was constructed and stamped.

6 (2) The maximum allowable pressure of a boiler that does not
7 carry the American Society of Mechanical Engineers' code symbol may
8 be computed in accordance with the inspection code of the National
9 Board of Boiler and Pressure Vessel Inspectors.

10 (3) This article shall not be construed in a manner that
11 prevents the use, sale, or reinstallation of an existing boiler, if
12 the boiler is made to conform to the rules and regulations of the
13 board that governs existing installations and is found on
14 inspection to be in a safe condition.

15 Sec. 915. This article does not apply to any of the following:

16 (a) Boilers under federal control.

17 (b) Boilers used in the power plants of self-propelled
18 vehicles designed primarily for the transportation of individuals
19 or property on a highway, except vehicles used exclusively on
20 stationary rails or tracks.

21 (c) Boilers used solely for agricultural purposes.

22 (d) Steam or vapor boilers that carry a pressure of not more
23 than 15 p.s.i.g. and are located in a private residence or in an
24 apartment building with a capacity of fewer than 6 families.

25 (e) Hot water boilers operated at a pressure that does not
26 exceed 160 p.s.i.g. or a temperature that does not exceed 250
27 degrees Fahrenheit and are located in a private residence or in an

1 apartment building with a capacity of fewer than 6 families.

2 (f) Miniature steam or marine engines used as a hobby.

3 (g) Boilers used on farms for mint processing purposes.

4 (h) Subject to section 919, miniature hobby locomotives that
5 operate on narrow gauge tracks that are less than 24 inches in
6 width.

7 Sec. 917. An antique steam boiler shall comply with the rules
8 promulgated by the board and shall be inspected once every 3 years.
9 An owner of an antique steam boiler may request an inspection more
10 often than every 3 years. An antique steam boiler used for
11 commercial purposes shall be inspected annually. The department
12 shall issue a certificate of inspection if the antique steam boiler
13 is in compliance with the applicable rules.

14 Sec. 919. (1) The department shall inspect annually a
15 miniature hobby locomotive that is operating in a public display or
16 use. The inspection shall be conducted by a deputy inspector or
17 special inspector or by a miniature hobby locomotive club in the
18 manner described in subsection (3). The inspector shall file a copy
19 of the inspection report with the chief inspector and provide a
20 copy of the inspection report to the owner of the miniature hobby
21 locomotive.

22 (2) The fee for an inspection under subsection (1) that is
23 conducted by a deputy or special inspector is \$15.00. If the owner
24 demonstrates that the miniature hobby locomotive boiler complies
25 with the applicable rules governing miniature hobby locomotives,
26 the department shall issue a certificate of inspection to that
27 owner for the locomotive.

1 (3) A miniature hobby locomotive club may apply to the board
2 for approval to inspect and certify boilers used in miniature hobby
3 locomotives and the board shall grant that approval if the board
4 determines that the club complies with and applies the inspection
5 and certification standards established in the rules. After
6 approval and authorization by the board, the miniature hobby
7 locomotive club may inspect boilers and certify to the board that a
8 miniature hobby locomotive complies with the standards contained in
9 the rules.

10 (4) As used in this section, "public display or use" means
11 display to or use by the general public and not by the owner or the
12 owner's family.

13 Sec. 921. (1) Subject to civil service rules, the director
14 shall appoint a chief inspector for purposes of subsection (2). The
15 department may only appoint an individual who meets all of the
16 following as the chief inspector:

17 (a) Is a resident of this state.

18 (b) Has at least 10 years of experience in the inspection,
19 construction, maintenance, repair, or operation of high pressure
20 boilers as a mechanical engineer, steam operating engineer,
21 boilermaker, or boiler inspector.

22 (c) Has passed the chief inspector examination under section
23 927 or meets either of the following:

24 (i) Holds a license or a certificate of competency as an
25 inspector of boilers for a state that has a standard of examination
26 substantially equal to the standard of this state, as determined by
27 the board.

1 (ii) Holds a license as an inspector of boilers issued by the
2 National Board of Boiler and Pressure Vessel Inspectors.

3 (2) If authorized by the director, the chief inspector
4 appointed under subsection (1) may do any of the following:

5 (a) Cause the prosecution of all violators of this article.

6 (b) Issue, revoke for cause, or suspend inspection
7 certificates under section 945.

8 (c) Enforce the laws of the state that govern the use of
9 boilers to which this article applies.

10 (d) Keep a complete record of the type, dimensions, maximum
11 allowable pressure, age, location, and date of the last recorded
12 inspection of all boilers to which this article applies.

13 Sec. 923. Subject to civil service rules, the director shall
14 employ deputy inspectors who are responsible to the chief
15 inspector. The department may only appoint an individual who meets
16 all of the following as a deputy inspector:

17 (a) At the time of appointment, has at least 5 years of
18 experience in the inspection, construction, maintenance, repair, or
19 operation of high pressure boilers as a mechanical engineer, steam
20 operating engineer, boilermaker, or boiler inspector.

21 (b) Has passed the deputy inspector examination under section
22 927 or meets either of the following:

23 (i) Holds a license or a certificate of competency as an
24 inspector of boilers for a state that has a standard of examination
25 substantially equal to the standard of this state, as determined by
26 the board.

27 (ii) Holds a license as an inspector of boilers issued by the

1 National Board of Boiler and Pressure Vessel Inspectors.

2 Sec. 925. (1) The director shall issue a license as a special
3 inspector under this section to an individual who meets the
4 requirements of subsection (2) if the director receives a request
5 from any of the following:

6 (a) A person that is authorized to insure against loss from
7 explosion of boilers in this state.

8 (b) A city that has an authorized boiler inspection
9 department.

10 (c) A person that operates boilers in this state, for which
11 the owner or user maintains a regularly established inspection
12 service that is under the supervision of 1 or more registered
13 professional engineers who are regularly employed by the owner or
14 user.

15 (2) The department shall not issue a license as a special
16 inspector to an individual under subsection (1) unless he or she
17 meets all of the following:

18 (a) Has passed the special inspector examination under section
19 927 or meets either of the following:

20 (i) Holds a license or a certificate of competency as an
21 inspector of boilers for a state that has a standard of examination
22 substantially equal to the standard of this state, as determined by
23 the board.

24 (ii) Holds a license as an inspector of boilers issued by the
25 National Board of Boiler and Pressure Vessel Inspectors.

26 (b) Is employed full-time by the insurer, city, or person
27 described in subsection (1)(a) to (c) and his or her duties include

1 making inspections of boilers that are, as applicable, insured by
2 the insurer; used in the city and subject to inspection by the
3 boiler inspection department; or used, or to be used, by the person
4 that operates boilers in this state and not for resale.

5 (c) Any other applicable requirements of this section.

6 (3) A person or city described in subsection (1) shall apply
7 for a license as a special inspector of boilers by filing, at least
8 30 days before the date of the special inspector examination under
9 section 927, an application with the department and including with
10 the application the appropriate fee established by the department.
11 Payment of the fee entitles the individual who will hold the
12 special inspector license to take the special inspector examination
13 under section 927, twice if necessary, and if successful in passing
14 either examination, to issuance of a license. An additional fee
15 must accompany each subsequent application. A license issued to a
16 special inspector may be renewed annually by submitting a renewal
17 application and the applicable fee.

18 (4) A special inspector shall not receive a salary or any
19 expenses from this state. The continuance of a special inspector's
20 license is conditioned on the inspector continuing in the employ of
21 an insurer, city, or person described in subsection (1)(a) to (c)
22 and on the inspector maintaining the standards imposed under this
23 article.

24 (5) A special inspector shall inspect all boilers insured,
25 operated, or under the jurisdiction of his or her employer and,
26 when inspected, the owner and user of a boiler is exempt from the
27 payment to the department of the inspection fee established by the

1 department under article 4.

2 Sec. 927. (1) All of the following apply to an examination for
3 chief, deputy, or special inspectors, boiler operators, and
4 stationary engineers:

5 (a) The examination shall be a written examination.

6 (b) The board shall administer the examination and ensure that
7 at least 2 members of the board are present at all times during the
8 examination.

9 (c) The examination shall only include questions that will aid
10 in determining the fitness and competency of the applicant for the
11 intended service, and may be the questions prepared by the National
12 Board of Boiler and Pressure Vessel Inspectors.

13 (d) The board may adopt any examination it determines
14 appropriate and may delegate any administrative functions relating
15 to the conduct of the examination.

16 (2) If an individual fails to pass the examination described
17 in this section, he or she may appeal to the board for another
18 examination and the board shall give that examination within 90
19 days.

20 (3) The record of an individual's examination under this
21 article is only accessible to the individual and his or her
22 employer.

23 Sec. 929. (1) An individual in the employ of a licensee is not
24 required to obtain a license.

25 (2) A person that is licensed under article 8 in the
26 classification of hydronic heating and cooling and process piping
27 may install, repair, alter, and remove a residential boiler that is

1 installed in a residence and exempt from this article under section
2 915 without obtaining a license.

3 Sec. 931. (1) An individual may operate a boiler and
4 associated auxiliaries without obtaining a registration under this
5 article.

6 (2) An individual or his or her employer shall not use the
7 terms "registered boiler operator", "certified boiler operator",
8 "registered stationary engineer", "certified stationary engineer",
9 "low pressure registered boiler operator", "low pressure certified
10 boiler operator", "high pressure registered boiler operator", "high
11 pressure certified boiler operator", "third-class registered
12 stationary engineer", "third-class certified stationary engineer",
13 "second-class registered stationary engineer", "second-class
14 certified stationary engineer", "first-class registered stationary
15 engineer", "first-class certified stationary engineer", or any
16 other name, style, or description that indicates that the
17 individual is registered unless the individual holds a registration
18 under this article.

19 (3) An individual who participates in an approved
20 apprenticeship program, a qualified technical training program, or
21 a qualified training program may use the title "apprentice
22 certified boiler operator" or "apprentice certified stationary
23 engineer".

24 (4) An individual who is registered under this article shall
25 only use 1 of the titles described in subsection (2) or the
26 abbreviation "R.B.O.", "C.B.O.", "R.S.E.", or "C.S.E.".

27 (5) An individual who is applying for a registration under

1 this article must be at least 18 years old and meet the
2 requirements under article 2.

3 Sec. 933. For purposes of this article, boiler operator and
4 stationary engineer registrations are classified as follows:

5 (a) Low pressure boiler operators, who operate low pressure
6 boiler plants that have an aggregate of not more than 4,000 square
7 feet of boiler heating surface.

8 (b) High pressure boiler operators, who operate boiler plants
9 that have an aggregate of not more than 4,000 square feet of boiler
10 heating surface or not more than 10 steam engine-turbine
11 horsepower.

12 (c) Third-class stationary engineers, who operate boiler
13 plants that have an aggregate of not more than 7,500 square feet of
14 boiler heating surface or not more than 100 steam engine-turbine
15 horsepower.

16 (d) Second-class stationary engineers, who operate boiler
17 plants that have an aggregate of not more than 20,000 square feet
18 of boiler heating surface or not more than 200 steam engine-turbine
19 horsepower.

20 (e) First-class stationary engineers, who operate boiler
21 plants that have an aggregate of 20,000 square feet or more of
22 boiler heating surface or 200 steam engine-turbine horsepower or
23 more.

24 Sec. 935. (1) The department by rule shall designate the
25 course content for qualified technical education programs for the
26 various categories and classifications of registration of boiler
27 operators and stationary engineers under this article.

(2) The rules described in subsection (1) shall provide that the course content of qualified technical education programs for entry-level registrants include at least all of the following subject matter areas:

(a) Basic functions, construction, and operation of all types of boilers.

(b) The function of boiler appliances, accessories, and associated auxiliaries.

(c) Materials used in boilers and the effect of temperature extremes on those materials.

(d) The fuels used in boilers and fundamentals of combustion.

(e) Basic electricity.

(f) Plant operation and boiler maintenance.

(g) Instrumentation and controls.

(h) Fundamental mathematics and principles of the metric system.

(i) General safety procedures.

(j) Recognition of dangerous operation conditions.

(3) The department shall provide that the course content for categories and classifications of registrants under this article, other than entry-level registrants, includes subject matter similar to those described in subsection (2) in the degree of depth and difficulty appropriate for the category and class.

Sec. 937. (1) The director shall not issue a registration for a title described in section 931(2) unless the applicant meets the requirements under this section that are applicable to the classification of registration for which the applicant is seeking

1 registration, as described in this section.

2 (2) An applicant for a low pressure boiler operator
3 registration shall have at least 1 year of experience operating or
4 maintaining low or high pressure boilers, steam prime movers, or
5 associated auxiliaries.

6 (3) An applicant for a high pressure boiler operator
7 registration shall have 1 or more of the following:

8 (a) At least 2 years of experience in the operation of a high
9 pressure boiler.

10 (b) A low pressure boiler operator's registration and at least
11 1 year of experience in the operation of a low pressure boiler.

12 (c) At least 1 year of either a qualified training program, a
13 qualified technical education program, or an approved
14 apprenticeship program.

15 (4) An applicant for a third-class stationary engineer
16 registration shall meet 1 or more of the following requirements:

17 (a) Is registered as a high pressure boiler operator and has
18 at least 1 year of experience in the operation of a high pressure
19 boiler.

20 (b) Is registered as a low pressure boiler operator, has at
21 least 1 year of experience in the operation of a low pressure
22 boiler, and has at least 1 year of maintenance experience on high
23 pressure boilers and associated auxiliaries.

24 (c) Is registered as a high pressure boiler operator and has
25 at least 1 year of boiler maintenance experience or at least 1 year
26 as an apprentice in an approved training program in a high pressure
27 boiler plant that has an aggregate heating surface of more than

1 4,000 square feet.

2 (d) Has at least 3 years of experience in the operation of
3 boilers in a high pressure boiler plant that have an aggregate
4 heating surface of more than 4,000 square feet.

5 (e) Has at least 1 year of experience in the operation of
6 boilers in a high pressure boiler plant that have an aggregate
7 heating surface of more than 4,000 square feet along with
8 sufficient experience operating steam prime movers in excess of 10
9 horsepower for a combined total of at least 3 years of experience.

10 (f) Has an associate degree in energy technology or a related
11 field, as determined by the board, with a power engineering option
12 from a 2-year college whose program is approved by the board and
13 employment or cooperative education experience of at least 360
14 hours as a power engineer, boiler operator, or stationary engineer
15 in a steam electric generation plant or a high pressure steam
16 heating or process plant.

17 (5) An applicant for a second-class stationary engineer
18 registration shall meet 1 or more of the following requirements:

19 (a) Is registered as a third-class stationary engineer and has
20 at least 1 year of experience as a third-class stationary engineer.

21 (b) Has a bachelor's degree in engineering, engineering
22 technology, heating/power technology, or energy technology from a
23 college or university whose program is approved by the board and
24 employment experience as an engineer in the engineering or research
25 division of a steam electric power generating plant for at least 1
26 year.

27 (c) Has at least 4 years of experience in the operation of

1 boilers in a high pressure boiler plant that have an aggregate
2 heating surface of more than 7,500 square feet.

3 (d) Has at least 1 year of experience in the operation of
4 boilers in a high pressure boiler plant that have an aggregate
5 heating surface of more than 7,500 square feet along with
6 sufficient experience operating steam prime movers in excess of 100
7 horsepower for a combined total of at least 4 years of experience.

8 (e) Has at least 1 year of experience in the operation of
9 boilers in a high pressure boiler plant that have an aggregate
10 heating surface of more than 7,500 square feet along with
11 sufficient experience operating boilers in a high pressure boiler
12 plant that have an aggregate heating surface of more than 4,000
13 square feet for a combined total of at least 4 years of experience.

14 (6) An applicant for a first-class stationary engineer
15 registration shall meet 1 or more of the following requirements:

16 (a) Is registered as a second-class stationary engineer and
17 has at least 2 years of experience as a second-class stationary
18 engineer.

19 (b) Has at least 6 years of experience in the operation of
20 boilers in a high pressure boiler plant that have an aggregate
21 heating surface of more than 20,000 square feet.

22 (c) Has at least 2 years of experience in the operation of
23 boilers in a high pressure boiler plant that have an aggregate
24 heating surface of more than 20,000 square feet along with
25 sufficient experience operating steam prime movers in excess of 200
26 horsepower for a combined total of at least 6 years of experience.

27 (d) Has at least 2 years of experience in the operation of

1 boilers in a high pressure boiler plant that have an aggregate
2 heating surface of more than 20,000 square feet along with
3 sufficient experience in the operation of boilers in a high
4 pressure boiler plant that have an aggregate heating surface of
5 more than 7,500 square feet of heating surface for a combined total
6 of at least 6 years of experience.

7 (e) Completes a 4-year approved apprenticeship program or a 4-
8 year qualified training program.

9 (f) Completes a 4-year program with a bachelor's degree from a
10 college or university in engineering, engineering technology,
11 heating/power technology, or energy technology whose program is
12 approved by the board and which includes a hands-on power option
13 from a 2-year community college program or the equivalent, as
14 determined by the board, and not less than 1 year of employment,
15 internship, or cooperative education experience in a steam electric
16 generation plant or high pressure steam heating process plant.

17 Sec. 938. If a license or registration issued under this
18 article is lost or destroyed, the department shall issue a new
19 license or registration, without examination, if a fee of \$5.00 is
20 paid and an application for a new license or registration is
21 submitted, accompanied by a written statement made by the licensee
22 or registrant that the license or registration was lost or
23 destroyed.

24 Sec. 939. A person shall not install or alter a boiler without
25 first obtaining a permit to install or alter the boiler from the
26 boiler division of the department. All of the following apply for
27 purposes of the permit requirement under this section:

1 (a) A person is not eligible for a permit if the person is not
2 licensed under this article.

3 (b) An individual shall not perform work for which a permit is
4 required unless he or she is licensed under this article, or he or
5 she performs the work under the immediate supervision of an
6 individual who is licensed under this article.

7 (c) A person shall obtain a permit by submitting an
8 application to the department and including with the application a
9 permit fee in an amount established by the department under article
10 4. A permit fee is not required for a boiler that is exempt from
11 inspection under section 915.

12 Sec. 941. A person shall not repair a boiler without first
13 obtaining a permit to repair the boiler from the boiler division of
14 the department, unless the repair has been authorized by a licensed
15 inspector pending issuance of the permit, or the repair is
16 emergency maintenance performed by qualified welders regularly
17 employed by a person that utilizes properly qualified welding
18 procedures to weld on boilers owned and operated by the person. All
19 of the following apply for purposes of the permit to repair
20 requirement under this section:

21 (a) A person is not eligible for a permit if the person is not
22 licensed to repair boilers under this article.

23 (b) An individual shall not perform work for which a permit is
24 required unless he or she is licensed to repair boilers under this
25 article, or he or she performs the work under the immediate
26 supervision of an individual who is licensed to repair boilers
27 under this article.

1 (c) A person shall obtain a permit by submitting an
2 application to the department and including with the application a
3 permit fee in an amount established by the department under article
4 4. However, a person is not required to pay a permit fee if the
5 person utilizes properly qualified welding procedures and regularly
6 employs qualified welders, registered with the boiler division of
7 the department, to weld on boilers owned and operated by the
8 person.

9 Sec. 943. A boiler used or proposed for use in this state
10 shall be thoroughly inspected as to the boiler's construction,
11 installation, and condition. All of the following apply for
12 purposes of this inspection requirement:

13 (a) A power boiler, process boiler, or high pressure high
14 temperature water boiler shall receive a certificate inspection
15 annually and shall be externally inspected annually, while under
16 pressure, within 6 months from the date of the certificate
17 inspection.

18 (b) A low pressure steam or vapor heating boiler, hot water
19 heating boiler, or hot water supply boiler shall receive a
20 certificate inspection biennially.

21 (c) A grace period of 2 months beyond the periods described in
22 subdivisions (a) and (b) may elapse between certificate inspections
23 and the board may permit longer periods between certificate
24 inspections.

25 (d) The chief inspector, a deputy inspector, or a special
26 inspector shall perform the inspection of a boiler.

27 (e) If a hydrostatic test is considered necessary by the

1 inspector, the owner or user of the boiler shall perform that test.

2 (f) A boiler, other than a cast iron sectional boiler, that is
3 to be installed in this state shall be inspected during
4 construction, as required by the applicable rules of the board, by
5 an inspector who is licensed to inspect boilers in this state. If
6 the boiler was constructed outside of the state, the boiler shall
7 have been inspected by an inspector who holds a license as an
8 inspector of boilers for a state that has a standard of examination
9 substantially equal to that of this state or a license issued by
10 the National Board of Boiler and Pressure Vessel Inspectors.

11 Sec. 945. (1) Within 30 days following a boiler certificate
12 inspection required under this article, the chief inspector, a
13 deputy inspector, or the person that employs a special inspector
14 who performed the inspection shall file a report of the inspection
15 with the chief inspector, on a form approved by the board. A form
16 may be 1 of the forms recommended by the National Board of Boiler
17 and Pressure Vessel Inspectors. A report of an external inspection
18 is not required unless the external inspection discloses that a
19 boiler is in a dangerous condition.

20 (2) If a report filed under subsection (1) indicates that a
21 boiler complies with the rules of the board, the owner or user of
22 the boiler shall pay a fee, in an amount established by the
23 department under article 4, directly to the department and the
24 department shall issue to that owner or user an inspection
25 certificate that states the date of inspection and specifies the
26 maximum pressure under which the owner or user may operate the
27 boiler. An inspection certificate is valid for not more than 12

1 months for a power boiler, except that the certificate is valid
2 during a grace period under section 943. An inspection certificate
3 is valid for not more than 24 months for a low pressure steam or
4 vapor heating boiler, hot water heating boiler, or hot water supply
5 boiler, except that the certificate is valid during a grace period
6 under section 943. An owner or user of a boiler shall post an
7 inspection certificate under glass in the room in which the boiler
8 is located. If the boiler is not located within the building, the
9 owner or user shall post the certificate in a location that is
10 convenient to the boiler that was inspected or in a place that is
11 accessible to interested parties.

12 (3) An inspection certificate issued for an insured boiler by
13 a special inspector is not valid after the boiler for which the
14 certificate was issued ceases to be insured by a company authorized
15 by this state to carry the insurance, if the insurance was
16 terminated because of an unsafe condition or a violation of a rule
17 of the board.

18 (4) The chief inspector may suspend an inspection certificate
19 if, in his or her opinion, the boiler for which the certificate was
20 issued cannot be operated without harm to the public safety, or if
21 the boiler is found not to comply with the rules promulgated under
22 this article. A suspension of an inspection certificate shall
23 continue in effect until the boiler conforms to the rules of the
24 board and the inspection certificate is reinstated.

25 Sec. 947. (1) This article does not apply to or in any city
26 that has a population of 600,000 or more according to the most
27 recent decennial census.

1 (2) This article shall not be construed to require a license
2 or permit to repair a boiler located in a public utility or
3 industrial plant that repairs and maintains its own boilers in
4 accordance with accepted procedures and practices; or to require a
5 license to replace a boiler located in a public utility or
6 industrial plant described in this subsection with a similar unit.

7 ARTICLE 10

8 BUILDING OFFICIALS AND INSPECTORS

9 Sec. 1001. As used in this article:

10 (a) "Adopted", in reference to a rule or ordinance, means
11 properly passed.

12 (b) "Advisory board" means each of the following:

13 (i) The building officials advisory board described in section
14 1005.

15 (ii) The barrier free design board created in section 5 of
16 1966 PA 1, MCL 125.1355.

17 (iii) The electrical administrative board described in section
18 705.

19 (iv) The board of mechanical rules described in section 805.

20 (v) The state plumbing board described in section 1105.

21 (c) "Approved" means reviewed and found acceptable by the
22 commission.

23 (d) "Building official" means a construction code enforcement
24 person working as an inspector, or plan reviewer, or actively
25 engaged in the administration and enforcement of adopted building,
26 electrical, mechanical, or plumbing codes, or any combination of
27 these codes.

1 (e) "Commission" means the state construction code commission
2 created in section 3a of the Stille-DeRossett-Hale single state
3 construction code act, 1972 PA 230, MCL 125.1503a.

4 (f) "Education or training program" means formal or informal
5 courses, seminars, correspondence programs, and other teaching aids
6 approved by the commission for building officials, plan reviewers,
7 and inspectors.

8 (g) "Fire protection system" means that term as defined in the
9 Michigan building code.

10 (h) "Fire protection system inspector" means an individual who
11 meets the qualifications established under this article and is
12 responsible for the inspection of fire protection systems in
13 accordance with the design and installation standards referenced by
14 the Michigan building code.

15 (i) "Fire protection system plan reviewer" means an individual
16 who meets the qualifications established under this article and is
17 responsible for the review of fire protection system plans in
18 accordance with the design and installation standards referenced by
19 the Michigan building code.

20 Sec. 1003. As used in this article:

21 (a) "Inspector" means the individual who is responsible for
22 the administration and enforcement of the construction of
23 buildings, structures, or appurtenances under the state
24 construction code.

25 (b) "Plan reviewer" means an individual who is engaged in the
26 practice of examining construction documents for the purpose of
27 determining compliance with applicable codes.

1 (c) "Practical construction experience" means experience in
2 construction related trades or code administration and enforcement
3 that the commission finds acceptable.

4 (d) "Provisional registration" means a building official, plan
5 reviewer, or inspector who is registered subject to his or her
6 completion of the amount of training, education, and experience
7 required by the commission and the appropriate advisory board and
8 described in section 1007(2).

9 (e) "Registered" means a building official, plan reviewer,
10 inspector, fire protection system inspector, or fire protection
11 system plan reviewer who is registered under this article.

12 Sec. 1005. (1) The state construction code commission created
13 in section 3a of the Stille-DeRossett-Hale single state
14 construction code act, 1972 PA 230, MCL 125.1503a, is designated as
15 the board for purposes of this article.

16 (2) The building officials advisory board created in section 3
17 of former 1986 PA 54 shall continue in existence and shall continue
18 to assist the commission in establishing standards and criteria for
19 the training and qualifications of building officials. The building
20 officials advisory board shall consist of 9 members, appointed by
21 the commission as follows:

22 (a) Subject to subsection (3), a building official who
23 enforces the building officials and code administrators basic
24 building code.

25 (b) Subject to subsection (3), a building official who
26 enforces the uniform building code.

27 (c) Subject to subsection (3), a building official who

1 enforces the Michigan building code.

2 (d) Two members of the general public, 1 of whom is an
3 individual with 1 or more disabilities.

4 (e) A registered architect or engineer.

5 (f) A building contractor.

6 (g) A building trades journey worker from a recognized
7 apprentice course.

8 (h) A representative of small business.

9 (3) Of the 3 building officials appointed under subsection
10 (2)(a), (b), and (c), 1 shall represent a county, 1 shall represent
11 a city, and 1 shall represent a township or village.

12 (4) A member of the building officials advisory board shall
13 serve a term of 3 years. A member serving on the building officials
14 advisory board on the day immediately preceding the effective date
15 of this act under former 1986 PA 54 shall continue to serve until
16 the expiration of his or her term under former 1986 PA 54.

17 Sec. 1007. (1) The commission shall promote effective and
18 uniform enforcement of construction codes in the state by improving
19 the competence of building officials, plan reviewers, and
20 inspectors.

21 (2) The advisory boards shall participate in and work with the
22 commission to establish both of the following:

23 (a) Minimum training and experience standards, qualifications,
24 and classifications of responsibility applicable to individuals who
25 are engaged in the enforcement of codes and plan reviews.

26 (b) Minimum criteria for the approval of educational or
27 training programs and tests.

(3) The commission may review and approve prepared educational and training programs, tests, and instructors. The examination and evaluation of training and educational programs, instructors, and tests shall include, but not be limited to:

(a) Construction code administration.

(b) Specialty aspects of code program parts, including all of the following:

(i) Prohibited appliances.

(ii) Premanufactured units.

(iii) Approval of materials, products, and methods.

(iv) Barrier free design.

(v) Energy conservation.

(c) Inspection techniques.

(d) Communication skills.

(e) Human and public relations.

(f) Report writing.

(g) Plans and specifications reading.

(h) Pertinent laws, ordinances, rules, and policies.

(i) Construction practices.

(4) If the commission finds that proposed educational or training courses or programs are acceptable under minimum requirements established under this section, the commission shall give approval to the courses or programs for a limited period of time and with any appropriate qualifications established by the commission.

(5) An advisory board shall recommend to the commission criteria for approval that relate to the advisory board's function

1 and are required under subsection (2). The commission shall give
2 consideration to any submission by an advisory board, but the
3 commission has final responsibility and authority for the approval
4 of training standards and programs.

5 Sec. 1009. (1) An individual shall apply for registration as a
6 building official, plan reviewer, or inspector to the appropriate
7 advisory board and to the commission. The applicant shall include
8 the application fee established by the department under article 4.

9 (2) The commission may issue an initial registration for a
10 period of more or less than 3 years for the purpose of allowing
11 subsequent registration renewal to coincide with the code change
12 cycle.

13 Sec. 1011. A registered building official, plan reviewer, or
14 inspector shall renew his or her registration by September 17 of
15 every third year. Reregistration or renewal of an initial
16 registration or provisional registration shall be based on a
17 determination by the appropriate advisory board of all of the
18 following:

19 (a) The applicant's familiarity with any changes to the codes
20 that the applicant seeks to be registered to enforce.

21 (b) The applicant's familiarity with other pertinent laws.

22 (c) Evidence satisfactory to the appropriate board that the
23 applicant has attended local in-service training and education
24 programs on an ongoing basis.

25 Sec. 1013. This article does not supersede the requirements
26 applicable to inspectors included in article 7 or 11.

27 Sec. 1015. After written notice and an opportunity for a

1 hearing, the commission may revoke or suspend the registration of
2 any building official, plan reviewer, inspector, fire protection
3 system inspector, or fire protection system plan reviewer if there
4 is sufficient evidence showing that the registered individual has
5 violated this article or rules promulgated under this article in
6 the performance of his or her duties. In any proceeding under this
7 section, an enforcing agency that employs the individual may appear
8 as a party in interest. The commission shall conduct a hearing held
9 under this section in the manner provided in the administrative
10 procedures act of 1969.

11 Sec. 1017. (1) Performing instructional duties for educational
12 purposes and providing contractual inspection and consulting
13 services in construction code enforcement are not considered a
14 conflict of interest.

15 (2) An inspector is not permitted to inspect his or her own
16 work in a governmental subdivision.

17 (3) A governmental subdivision may establish additional
18 requirements and restrictions in the selection and hiring of
19 construction code enforcement officials, inspectors, and plan
20 reviewers.

21 (4) This article shall not be construed to limit or restrict
22 the type of internal administrative organization an enforcing
23 agency may choose, or to limit or otherwise affect the authority of
24 the enforcing agency to dismiss or suspend a building official,
25 inspector, or plan reviewer at its discretion.

26 Sec. 1019. (1) If it receives a fee in an amount determined by
27 the department under article 4, the commission, without requiring

1 an examination, shall register or reregister, as a building
2 official, inspector, plan reviewer, fire protection system
3 inspector, or fire protection system plan reviewer, an applicant
4 who is licensed or certified under the laws of another state.
5 However, the commission shall register or reregister the applicant
6 only if the commission determines that the licensing or
7 certification requirements of the other state are equivalent to the
8 requirements of this state for the purpose of establishing
9 reciprocity privileges for building officials, inspectors, plan
10 reviewers, fire protection system inspectors, and fire protection
11 system plan reviewers.

12 (2) If it receives a fee in an amount determined by the
13 department under article 4, the commission, without requiring an
14 examination, shall register or reregister as a building official,
15 inspector, or plan reviewer an applicant who is licensed or
16 certified by a national organization as a building official,
17 inspector, or plan reviewer. However, the commission shall register
18 or reregister the applicant only if the commission determines that
19 the licensing or certification requirements of the national
20 organization are equivalent to the requirements of this state for
21 the purpose of establishing reciprocity privileges for building
22 officials, inspectors, and plan reviewers.

23 (3) If it receives a fee in an amount determined by the
24 department under article 4, the commission, without requiring an
25 examination, shall register or reregister as a fire protection
26 system inspector an applicant who meets all the following
27 requirements:

1 (a) Is certified by the National Fire Protection Association
2 or the International Code Council as a fire inspector I and fire
3 inspector II.

4 (b) Attests to the department in his or her application that
5 he or she understands the Michigan building code.

6 (4) If it receives a fee in an amount determined by the
7 department under article 4, the commission, without requiring an
8 examination, shall register or reregister as a fire protection
9 system plan reviewer an applicant who meets all the following
10 requirements:

11 (a) Is certified by the National Fire Protection Association
12 or the International Code Council as a fire inspector I and a plans
13 reviewer.

14 (b) Attests to the department in his or her application that
15 he or she understands the Michigan building code.

16 Sec. 1021. (1) Subject to subsection (2), an individual shall
17 not be appointed or employed as a building official, inspector, or
18 plan reviewer by an enforcing agency, unless the individual is
19 registered under this article and the rules promulgated under this
20 article.

21 (2) An individual who becomes employed by a governmental
22 subdivision as a building official, plan reviewer, or inspector, if
23 not already registered, shall within 30 days of employment apply to
24 the commission for provisional registration. On payment of the fee
25 established by the department under article 4, the commission shall
26 provisionally register the individual.

27 (3) If the commission determines that an applicant for

1 registration does not qualify for registration, the commission
2 shall notify the applicant of that fact in writing. The applicant
3 may appeal an adverse decision under the administrative procedures
4 act of 1969.

5 (4) Notwithstanding any other provision of this article,
6 employment by an enforcing agency is not a requirement for
7 registration or provisional registration as a building official,
8 plan reviewer, or inspector under this article.

9 Sec. 1022. In addition to the requirements of section 1021, a
10 governmental subdivision shall only appoint as an electrical
11 inspector an individual who is licensed as an electrical journeyman
12 or master electrician under article 7.

13 Sec. 1023. (1) The commission shall charge fees for
14 registration of building officials, inspectors, and plan reviewers
15 and for the examination and evaluation of training and educational
16 programs and courses.

17 (2) An applicant for registration shall pay a registration fee
18 in the amount of \$25.00 to the commission for each year the
19 registration covers.

20 (3) A fee established by the department for the examination
21 and evaluation of training and educational programs and courses
22 shall bear a reasonable relation to the cost for those conducting
23 those training and educational programs and courses.

24 (4) The commission shall deposit any fees received under this
25 section in the state construction code fund created in section 22
26 of the Stille-DeRossett-Hale single state construction code act,
27 MCL 125.1522.

ARTICLE 11

PLUMBERS AND PLUMBING CONTRACTORS

Sec. 1101. As used in this article:

(a) "Apprentice plumber" means an individual who is registered under this article as an apprentice.

(b) "Board" means the state plumbing board described in section 1105.

(c) "Building sewer" means that part of the drainage system that extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(d) "Domestic water treatment and filtering equipment" means residential water treatment and filtering equipment used in 1-family and 2-family dwellings.

(e) "Journey plumber" means an individual, other than a plumbing contractor or master plumber, who is qualified to engage in the practical installation of plumbing and who is licensed as a journey plumber.

Sec. 1103. As used in this article:

(a) "Master plumber" means an individual who possesses the necessary skills and qualifications to plan and supervise the installation of plumbing and who is licensed as a master plumber.

(b) "Minor repair" means a repair that involves only the clearance of stoppages, repair, or replacement of a faucet or valve or reinstallation of that same plumbing fixture and does not involve making any modifications to the plumbing system, or residential domestic water treatment and filtering equipment. Minor

1 repair does not include any of the following:

2 (i) The repair or replacement of a backflow preventer and air
3 admittance valves.

4 (ii) A repair or replacement that is only a part of a larger
5 or major renovation or repair.

6 (c) "Plumbing" means the practice, materials, and fixtures, in
7 or adjacent to a building, structure, or premises, used in the
8 installation, maintenance, extension, or alteration of all piping,
9 fixtures, plumbing appliances, or plumbing appurtenances, as
10 defined in the state construction code, in connection with the
11 sanitary drainage or storm drainage facilities, plumbing venting
12 systems, medical gas systems, backflow preventers, and public or
13 private water supply systems.

14 (d) "Plumbing contractor" means a licensed master plumber or a
15 person who employs a licensed master plumber full-time to directly
16 supervise the installation of plumbing as his or her representative
17 engaged in the business of plumbing for a fixed sum, price, fee
18 percentage, valuable consideration, or other compensation and who
19 is licensed as a plumbing contractor.

20 (e) "Restitution" means the requirement that a person that is
21 found to be in violation of this article, a rule promulgated under
22 this article, or an order issued under this article has caused
23 monetary damage to another and that the violator is required to
24 compensate the injured party in an amount equal to the amount of
25 the monetary damage caused.

26 (f) "Water service pipe" means the pipe from the water main or
27 other source of potable water supply to the water distributing

1 system of the building served.

2 Sec. 1105. (1) The state plumbing board created in section 13
3 of former 2002 PA 733 shall continue in existence and is designated
4 as the board for purposes of this article.

5 (2) The board is composed of the following members:

6 (a) The director or his or her authorized representative, the
7 director of the department of environmental quality or his or her
8 authorized representative, and a member or employee of the drinking
9 water and radiologic protection division of the department of
10 environmental quality, selected by the director of the department
11 of environmental quality. Board members described in this
12 subdivision shall serve as voting ex officio members.

13 (b) Five members who are appointed by the governor for 3-year
14 terms and who are United States citizens and residents of the
15 state, as follows:

16 (i) Two members who are licensed plumbing contractors who hold
17 a master's license and have 10 years of experience as plumbing
18 contractors.

19 (ii) One member who is a licensed master plumber who secures
20 permits and has 10 years of experience as a master plumber.

21 (iii) One member who is a licensed journey plumber and has 10
22 years of experience as a journey plumber.

23 (iv) One member who represents the general public.

24 (3) The board shall recommend to the state construction code
25 commission the promulgation of rules the board considers necessary
26 for the safe design, construction, installation, alteration, and
27 inspection of plumbing. The board may also recommend to the state

1 construction code commission, after testing and evaluation, that
2 the commission issue a certificate of acceptability under the state
3 construction code for a material, product, method of manufacturing,
4 or method of construction or installation of plumbing equipment.

5 Sec. 1107. (1) A person shall not engage in or work at the
6 business of a plumbing contractor, master plumber, journey plumber,
7 or apprentice plumber unless that person is licensed or registered
8 under this article. Except as provided in subsections (2) and (3),
9 only a licensed master or journey plumber shall perform plumbing. A
10 licensed master plumber shall be in charge and responsible for
11 proper installation and conformance with the state construction
12 code. Plumbing shall not be performed unless the plumbing
13 contractor who is responsible has obtained a permit from the state
14 or a governmental subdivision authorized to issue permits.

15 (2) A license under this article is not required to perform
16 any of the following work:

17 (a) Minor repair work.

18 (b) The installation of a building sewer or water service
19 pipe, if a permit is secured from the responsible enforcing agency
20 and inspections are performed. The installations shall comply with
21 the applicable parts of the state construction code.

22 (c) The installation of domestic water treatment and filtering
23 equipment that requires modification to an existing cold water
24 distribution supply and associated waste piping in buildings if a
25 permit is secured, required inspections performed, and the
26 installation complies with the applicable parts of the state
27 construction code. If the enforcing agency determines a violation

1 exists, the responsible installer must correct it.

2 (d) The installation by a homeowner of his or her own
3 plumbing, building sewer, or private sewer in his or her single-
4 family dwelling if a permit is secured.

5 (e) The installation of medical gas piping, if the
6 installation is performed under the supervision of a licensed
7 plumbing contractor.

8 (3) This article does not prevent a person from performing any
9 activities within the scope of licensure or registration under any
10 other licensure or registration act or applicable codes for that
11 licensed or registered professional adopted pursuant to law.

12 Sec. 1109. An individual who is applying for a plumbing
13 contractor, master, or journey license is eligible for examination
14 if he or she complies with article 4 and establishes to the
15 satisfaction of the board that he or she meets any applicable
16 experience requirement or an equivalent of that experience
17 requirement for the particular class of licensure, by use of a
18 notarized statement from current and past employers and master
19 plumbers.

20 Sec. 1111. (1) To qualify for a plumbing contractor license,
21 the applicant must either hold a master plumber license or employ
22 the holder of a master plumber license as his or her
23 representative.

24 (2) Only an individual who is a sole proprietor, a partner in
25 a partnership, an officer of a corporation, or a member of a
26 limited liability company may apply for licensure as a plumbing
27 contractor.

1 (3) The department shall issue a plumbing contractor's license
2 to an individual who does all of the following:

3 (a) Files a completed application on a form provided by the
4 department that includes the following information:

5 (i) A statement listing the complete address of each place
6 where the applicant has resided and has been engaged in business
7 during the last 5 years including the length of time at each
8 residence and types of businesses engaged in or employments.

9 (ii) The name of the individual who is applying for the
10 license, the name of the business, and the location of the place
11 for which the license is desired.

12 (iii) The name of the business owner, president of the
13 corporation, or a member or manager of the limited liability
14 company and the name of the individual who is applying, if
15 different from the name of the business owner, president, or member
16 or manager and his or her title.

17 (iv) The name, residence address, and license number of the
18 licensed master plumber who represents the person.

19 (b) Pays the applicable examination fee established under
20 section 207 and passes an examination provided for by the board and
21 the department.

22 (c) Pays the license fee described in article 4.

23 (4) A licensed plumbing contractor may operate 1 or more
24 branch offices in this state under the same business if a licensed
25 master plumber is in charge and has the responsibility of
26 supervision at each branch.

27 (5) If a license is issued to a plumbing contractor

1 represented by a master plumber, the plumbing contractor and the
2 master plumber are jointly and severally responsible for exercising
3 the supervision or control of the plumbing operations necessary to
4 secure full compliance with this article, the rules promulgated
5 under this article, and all other laws and rules related to the
6 installation of plumbing.

7 (6) Both a person, unless the person is a plumbing contractor,
8 and the master plumber are jointly and severally responsible for
9 exercising the supervision or control of the plumbing operations
10 necessary to secure full compliance with this article, the rules
11 promulgated under this article, and all other laws and rules
12 related to the installation of plumbing.

13 (7) If a plumbing contractor is represented by a licensed
14 master plumber who ceases to represent the plumbing contractor, the
15 plumbing contractor has 30 days after the date the master plumber
16 no longer represents the plumbing contractor in which to designate
17 another licensed master plumber as the representative of the
18 plumbing contractor. The plumbing contractor shall notify the
19 department in writing of the change.

20 (8) A licensed plumbing contractor shall display in a
21 conspicuous place at the entrance of the place of business a sign
22 that states the name of the business and the name of the licensed
23 master plumber and license number in letters that are at least 3
24 inches high.

25 Sec. 1113. (1) The department shall issue a master plumber's
26 license to an individual who is at least 18 years old and who does
27 all of the following:

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1 (a) Files a completed application on a form provided by the
2 department.

3 (b) Pays the applicable examination fee established under
4 section 207 and passes an examination provided for by the board and
5 the department.

6 (c) Pays the ~~[license fee described in article 4 initial or~~
~~renewal license fee required under section 1121.]~~

7 (d) Holds a journey plumber license issued under this article
8 or former 2002 PA 733 and has gained 4,000 hours of experience in
9 work as a journey plumber over a period of not less than 2 years
10 immediately preceding the date of his or her application.

11 (2) As a condition of renewal of a master plumber's license,
12 the master plumber must demonstrate the successful completion of a
13 course, approved by the board, concerning any update or change in
14 the state construction code within 12 months after the update or
15 change in that code. This requirement applies only during or after
16 those years that the state construction code is updated or changed.

17 (3) A licensed master plumber shall represent only 1 plumbing
18 contractor at any given time.

19 (4) A master plumber who is also a plumbing contractor is only
20 responsible for payment of the plumbing contractor ~~[license fee, initial~~
~~or renewal license fee and is not responsible for also paying the master~~
~~plumber initial or renewal license fee under section 1121(7).]~~

21 (5) If a master plumber who represents a plumbing contractor
22 ceases to represent the plumbing contractor, the master plumber
23 shall notify the department in writing within 30 days after the
24 date his or her representation of the contractor ceases.

25 Sec. 1115. (1) The department shall issue a journey plumber's
26 license to an individual who is at least 18 years of age and who
27 does all of the following:

1 (a) Files a completed application on a form provided by the
2 department.

3 (b) Pays the applicable examination fee established under
4 section 207 and passes an examination provided for by the board and
5 the department.

6 (c) Pays the license fee described in article 4.

7 (d) Meets either of the following:

8 (i) Has at least 6,000 hours of experience gained over a
9 period of at least 3 years as an apprentice plumber in the
10 practical installation of plumbing under the supervision of a
11 master plumber.

12 (ii) While serving in the armed forces, served as a plumber or
13 in an equivalent job classification; was honorably discharged from
14 that military service in the 1-year period preceding the date the
15 license application is filed; and has, and provides with his or her
16 application an affidavit signed by a commanding officer,
17 supervisor, or military superior with direct knowledge of the
18 applicant's service that states that he or she has, at least 6,000
19 hours of entry-level experience in and basic knowledge of each of
20 the following:

21 (A) The terminology of the plumbing trade and the ability to
22 make practical calculations.

23 (B) Knowledge related to drainage systems.

24 (C) Knowledge related to plumbing fixtures.

25 (D) Knowledge related to water and backflow protection.

26 (E) Knowledge related to storm and special wastewater
27 disposal.

1 (F) Knowledge related to testing and inspections of plumbing.

2 (G) Knowledge related to venting.

3 (2) If an applicant who otherwise meets the requirements of
4 subsection (1) (d) (ii) has not attained 6,000 hours of entry-level
5 experience or does not have basic knowledge in each of the areas
6 described in subsection (1) (d) (ii) (A) to (G), he or she may provide
7 with his or her application an affidavit signed by a commanding
8 officer, supervisor, or military superior with direct knowledge of
9 the applicant's service that states the amount of experience the
10 applicant has attained and of which of the areas described in
11 subsection (1) (d) (ii) (A) to (G) the applicant has basic knowledge,
12 and the department may in its discretion grant the applicant credit
13 toward the 6,000-hour experience requirement of subsection
14 (1) (d) (i) based on the applicant's experience.

15 (3) As a condition of renewal of a journey plumber's license,
16 the journey plumber must demonstrate the successful completion of a
17 course, approved by the board, concerning any update or change in
18 the state construction code within 12 months after the update or
19 change in that code. This requirement applies only during or after
20 those years that the state construction code is updated or changed.

21 Sec. 1117. (1) An individual who is employed as an apprentice
22 plumber shall register with the department on a form provided by
23 the department within 30 days after employment.

24 (2) An apprentice registration is invalid after 5 years from
25 the date of initial registration unless the registered apprentice
26 applies for and takes the examination for journey license. The
27 registration of an apprentice who has applied for a journey license

1 remains valid after the 5-year period until either a license is
2 issued or the apprentice fails to take the examination.

3 (3) On request by the apprentice to the board, the board may
4 grant an extension of an apprentice registration for a period of
5 time as determined appropriate by the board.

6 (4) An apprentice plumber shall, as his or her principal
7 occupation, be engaged in learning and assisting in the
8 installation of plumbing under the direct on-site jobsite
9 supervision of a journey or master plumber.

10 Sec. 1119. (1) An individual who is licensed as a master
11 plumber may request that the master plumber license be retained by
12 the department as an inactive license for a period that does not
13 exceed 3 years.

14 (2) The department shall issue an inactive master plumber
15 license as an active license if requested by the licensee, the
16 licensee pays the relicensure fee described in article 4 at the
17 time of the request, the licensee holds a journey plumber license,
18 and the licensee has renewed his or her journey plumber license
19 each year since the license has been inactive.

20 (3) An individual shall not simultaneously hold an active
21 master plumber license and journey plumber license. An individual
22 who holds an active master plumber license may work as a journey
23 plumber.

24 Sec. 1121. (1) A license or apprentice registration issued
25 under this article must be renewed not more than 60 days after the
26 renewal date. It is the responsibility of a licensee or registrant
27 to renew a license or registration. The department shall send a

1 renewal application to the last known address of a licensee or
2 registrant on file with the department. Every holder of a license
3 or registration issued under this article shall promptly notify the
4 department of a change in his or her business or residence address.
5 The failure of a licensee or registrant to notify the department of
6 a change of address does not extend the expiration date of a
7 license or registration. The department may issue licenses for up
8 to 3 years in duration.

9 (2) The annual fees for initial licensure, apprentice plumber
10 registration, or renewal of a license and registration issued under
11 this article are as follows:

12 (a) Journey plumber..... \$ 40.00.

13 (b) Apprentice plumber..... \$ 15.00.

14 (3) The holder of a license or apprentice registration that is
15 not renewed within 60 days of expiration may be relicensed only by
16 applying to the board for relicensure and paying the annual renewal
17 fee and the following relicensure fee:

18 (a) Journey plumber..... \$ 50.00.

19 (b) Apprentice plumber..... \$ 20.00.

20 (4) An individual who is requesting renewal of a license under
21 subsection (3) within 3 years after the license is expired is not
22 subject to reexamination for the license but is required to pay the
23 relicensure fee and the annual renewal fee for each year the
24 license was not renewed. An individual who fails to renew a license
25 for more than 3 consecutive years is required to meet the

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1 experience and other requirements and take an examination for the
 2 class of license requested.

3 (5) Examination fees under this article are as follows:

4 (a) Plumbing contractor..... \$ 100.00.

5 (b) Master plumber..... \$ 100.00.

6 (c) Journey plumber..... \$ 100.00.

7 (6) The department shall issue an initial master plumber or
 8 plumbing contractor license for a period of up to 3 years. A master
 9 plumber or plumbing contractor license is renewable for periods of
 10 3 years. If an individual is applying for an initial license or
 11 relicensure at a time other than between April 30 and June 30 of
 12 the year in which the department issues renewal licenses, the
 13 department shall compute and charge the license fee on a yearly
 14 prorated basis beginning the year of application until the last
 15 year of the 3-year license period.

16 (7) ~~[The]~~ [Subject to section 1113(4), the] initial and renewal
 fees for a master plumber or
 17 plumbing contractor license issued under this article are as
 18 follows:

19 (a) Plumbing contractor..... \$ 300.00.

20 (b) Master plumber..... \$ 300.00.

21 (8) The holder of a plumbing contractor or master plumber
 22 license that is not renewed within 60 days of expiration may be
 23 relicensed only by applying to the board and paying the renewal fee
 24 and a \$100.00 relicensure fee.

25 Sec. 1123. An individual who is licensed under this article

1 and employed or acting as a plumbing inspector shall not engage in,
2 or be directly or indirectly connected with, the plumbing business,
3 including, but not limited to, the furnishing of labor, materials,
4 or appliances for the construction, alteration, or maintenance of a
5 building or the preparation of plans or specifications for the
6 construction, alteration, or maintenance of a building, and shall
7 not engage in any work that conflicts with his or her official
8 duties.

9 Sec. 1125. (1) A governmental subdivision may not exempt
10 itself from the licensing requirements of this article and may not
11 engage in or require local licensing.

12 (2) Except as otherwise provided in subsections (3) and (6)
13 and section 1107, the state or a governmental subdivision shall
14 issue a plumbing permit only to a licensed plumbing contractor. The
15 state or a governmental subdivision shall require the plumbing
16 contractor to record his or her current plumbing contractor license
17 number on the permit application. A licensed plumbing contractor
18 shall designate 1 or more licensed master plumbers who are employed
19 full-time who directly supervise the installation of plumbing to
20 obtain permits using the license number of the plumbing contractor.
21 The master plumber's license number must also be recorded on the
22 permit application.

23 (3) In those instances where business or industrial procedure
24 requires the regular employment of a full-time licensed master
25 plumber, a licensed master plumber is authorized to secure permits
26 for installations of plumbing on the premises owned or occupied and
27 used by the business provided the licensed master plumber

1 physically supervises the plumbing work and represents only the
2 business or industrial employer. The employer and the licensed
3 master plumber shall sign an annual affidavit, furnished by the
4 department, and the affidavit shall be provided to and kept on file
5 by the department. The department shall determine the filing fee
6 for an affidavit. A new affidavit must be filed before permits will
7 be issued if the licensed master plumber's employment is
8 terminated. The affidavit shall contain the following:

9 (a) The name and business address of the person employing the
10 licensed master plumber.

11 (b) The name, address, and license number of the licensed
12 master plumber.

13 (c) A statement to the effect that the employer and licensed
14 master plumber will comply with the provisions of the act
15 regulating installation of plumbing in this state.

16 (4) A plumbing contractor who is licensed under this article
17 who performs work in a governmental subdivision shall register his
18 or her license with the enforcing agency that issues permits and
19 provides inspection services if required by the enforcing agency.
20 The registration is valid until the expiration date of the plumbing
21 contractor license. Each governmental subdivision in this state
22 must grant registration to a plumbing contractor who is licensed
23 under this article if a fee, in an amount determined by the
24 governmental subdivision and that does not exceed \$15.00, is paid
25 to the governmental subdivision.

26 (5) Master plumbers, journey plumbers, and apprentice plumbers
27 shall carry their licenses and a form of identification that

1 includes his or her photograph. If requested by an enforcing
2 agency, a licensee or apprentice registrant shall present his or
3 her license or registration and a form of identification that
4 includes his or her photograph.

5 (6) If the plumbing, reconstruction, alteration, or repair of
6 pipes, tanks, or fixtures is performed without compensation by an
7 individual who is licensed under this article for or on behalf of a
8 charitable organization, the owner of the property on which the
9 work is performed may obtain the permit required under subsection
10 (2). This subsection applies only to the reconstruction,
11 renovation, or remodeling of a 1-family to 4-family dwelling.

12 Sec. 1127. The board shall review the license of an individual
13 if it receives notice from the department that the individual has
14 violated the asbestos abatement contractors licensing act, 1986 PA
15 135, MCL 338.3101 to 338.3319, and may suspend or revoke that
16 license for a knowing violation of that act.

17 Sec. 1129. Any provision of this article that is inconsistent
18 or in conflict with the Stille-DeRossett-Hale single state
19 construction code act is superseded by that act to the extent of
20 the inconsistency.

21 Sec. 1131. If a license or registration issued under this
22 article is lost or destroyed, the department shall issue a new
23 license or registration, without examination, if a fee of \$30.00 is
24 paid and an application for a new license or registration is
25 submitted, accompanied by a written statement made by the licensee
26 or registrant that the license or registration was lost or
27 destroyed.

1 Sec. 1133. This article shall not be construed to relieve from
2 or lessen the responsibility or liability of any person owning,
3 operating, controlling, or installing plumbing for damages to
4 individuals or property caused by any defect in the plumbing, and
5 this state shall not be held as assuming that responsibility or
6 liability by reason of the inspection or examination of that
7 plumbing, the issuance of a certificate of approval, or the grant
8 of a license or certificate under this article.

9 Enacting section 1. The following acts and parts of acts are
10 repealed:

11 (a) The electrical administrative act, 1956 PA 217, MCL
12 338.881 to 338.892.

13 (b) The Forbes mechanical contractors act, 1984 PA 192, MCL
14 338.971 to 338.988.

15 (c) The building officials and inspectors registration act,
16 1986 PA 54, MCL 338.2301 to 338.2313.

17 (d) The state plumbing act, 2002 PA 733, MCL 338.3511 to
18 338.3569.

19 (e) The boiler act of 1965, 1965 PA 290, MCL 408.751 to
20 408.776.

21 Enacting section 2. This act takes effect 90 days after the
22 date it is enacted into law.