

HOUSE BILL No. 5886

June 1, 1992, Introduced by Reps. Gire, Baade, Bennane, Berman, Varga, Bartnik, DeMars, Barns, Scott, Anthony, Harder, Olshove, Yokich and Bodem and referred to the Committee on Social Services and Youth.

A bill to amend section 305 of Act No. 135 of the Public Acts of 1986, entitled as amended

"Asbestos abatement contractors licensing act,"

being section 338.3305 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 305 of Act No. 135 of the Public Acts of
2 1986, being section 338.3305 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 305. (1) The department, in its own discretion, or
5 upon a recommendation by the board, or upon the written complaint
6 of an aggrieved party or of a state agency or political subdivi-
7 sion, may investigate the acts of an asbestos abatement
8 contractor. ~~under this act.~~

9 (2) The department may deny, suspend, or revoke a license
10 issued under this act if an asbestos abatement contractor is

1 found to be not in compliance with this act or the rules
2 promulgated under this act.

3 (3) In addition TO THE GROUNDS STATED IN SUBSECTION (2), the
4 department may deny, suspend, or revoke a license for any of the
5 following:

6 (a) Willful or negligent acts which cause any person to be
7 exposed to asbestos in violation of this act, the rules promul-
8 gated under this act, or other state or federal law pertaining to
9 the public health and safety aspects of asbestos demolition, ren-
10 ovation, and encapsulation.

11 (b) Falsification of records.

12 (c) Continued failure to obtain or renew a license.

13 (d) Deliberate misrepresentation of acts in applying for a
14 license.

15 (e) Permitting any person who has not received the proper
16 training and certification under state or federal law to come in
17 contact with asbestos or be responsible for an asbestos abatement
18 project.

19 (4) SUBJECT TO SUBSECTION (5), UPON RECEIPT OF A NOTICE FROM
20 THE OFFICE OF THE FRIEND OF THE COURT STATING THAT AN INDIVIDUAL
21 LICENSEE IS AT LEAST 3 MONTHS IN ARREARS OF SUPPORT, THE BOARD
22 SHALL SUSPEND THE LICENSE OF AN INDIVIDUAL AFTER ALL OF THE FOL-
23 LOWING OCCUR:

24 (A) THE DEPARTMENT SENDS A NOTICE FOR A HEARING TO BE SCHED-
25 ULED NOT LESS THAN 30 DAYS AFTER THE DATE THE NOTICE IS SENT TO
26 THE INDIVIDUAL'S ADDRESS AS INDICATED IN THE DEPARTMENT'S
27 RECORDS.

1 (B) THE LICENSEE FAILS TO PRESENT PROOF ACCEPTABLE TO THE
2 BOARD THAT THE ARREARAGE HAS BEEN PAID.

3 (5) IF AT THE HEARING THE BOARD DETERMINES THAT EXTREME
4 HARDSHIP TO THE INDIVIDUAL OR PERSONS THE INDIVIDUAL SERVES WOULD
5 BE CREATED BY THE SUSPENSION, THE BOARD SHALL NOT SUSPEND THE
6 LICENSE AND SHALL CONDITION THE HOLDING OF THE LICENSE UPON COM-
7 PLIANCE WITH THE SUPPORT ORDER.

8 (6) THE ONLY ISSUES TO BE CONSIDERED BY THE BOARD ARE
9 WHETHER THE INDIVIDUAL IS THE HOLDER OF A LICENSE AND WHETHER THE
10 INDIVIDUAL HAS PRESENTED PROOF ACCEPTABLE TO THE BOARD THAT
11 ARREARAGE HAS BEEN PAID.