

HOUSE BILL No. 5903

June 9, 1992, Introduced by Reps. Mathieu and DeMars and referred to the Committee on State Affairs.

A bill to regulate hazardous painting; to provide for licensure; to provide certain duties for certain state officers and agencies; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A professional painter shall not engage in or
2 perform in hazardous painting unless he or she obtains a hazard-
3 ous painting license from the department.

4 (2) A person may not employ or contract with a professional
5 painter to perform hazardous painting for compensation unless the
6 professional painter holds a current valid hazardous painting
7 license issued by the department. As a condition of employment,
8 an employer may require a professional painter to provide a copy
9 of the license. It is a defense to a violation of this
10 subsection by an employer if the employer produces a copy of the

1 professional painter's license and the employer reasonably
2 believed the license was not falsified.

3 (3) A professional painter shall not provide a falsified
4 hazardous painting license to an employer or make a false state-
5 ment to an employer regarding the professional painter's
6 licensure.

7 Sec. 3. (1) An application for issuance of a hazardous
8 painting license shall be on a form prescribed by the
9 department. An application for initial issuance of a license
10 shall include proof that the applicant completed a basic hazard-
11 ous painting license program, approved by the department, not
12 more than 30 days before the application was received by the
13 department. An application for license renewal shall include
14 proof that the applicant completed a supplemental hazardous
15 painting license program, approved by the department, not more
16 than 30 days before the date the application was received by the
17 department.

18 (2) The department shall issue a hazardous painting license
19 to an applicant who has completed an application and submitted a
20 license fee. A license is valid for 3 years.

21 Sec. 5. The department shall establish the fee for a haz-
22 ardous painting license by rules promulgated pursuant to the
23 administrative procedures act of 1969, Act No. 306 of the Public
24 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
25 Compiled Laws. The fee must reflect the department's approximate
26 costs or projected costs for the hazardous painting license
27 program.

1 Sec. 7. (1) The department shall do all of the following:

2 (a) Establish by rule requirements for basic and supplemen-
3 tal hazardous painting license programs.

4 (b) Review and approve or disapprove programs proposed by
5 contractors, labor organizations, public and private schools,
6 vocational education institutions, and any other person proposing
7 such a program.

8 (c) Assist persons who propose programs to meet requirements
9 for approval.

10 (2) A basic hazardous painting license program shall include
11 instruction and written and practical testing in methods of ven-
12 tilation, respirator selection, chemical reaction to body tissue,
13 proper use of painting tools, knowledge of relevant health and
14 safety laws and regulations, including relevant portions of state
15 occupational safety and health standards adopted by the depart-
16 ment, and other subjects considered appropriate by the
17 department. A basic hazardous painting license program shall not
18 exceed 16 hours of instruction and testing. A supplemental haz-
19 ardous painting license program shall include instruction and
20 written and practical testing necessary to ensure that a person
21 who completes the program will be knowledgeable about new devel-
22 opments and changes related to hazardous painting that have
23 occurred since the person completed a basic hazardous painting
24 license program.

25 Sec. 9. The department shall do all of the following:

1 (a) Inspect job sites to assure that persons performing
2 hazardous painting are licensed as required by this act and are
3 performing the work safely.

4 (b) Take administrative action against a person who employs
5 or contracts with a professional painter in violation of this
6 act.

7 (c) Take administrative action against a professional
8 painter who violates this act.

9 Sec. 11. (1) The department may promulgate rules pursuant
10 to the administrative procedures act of 1969, Act No. 306 of the
11 Public Acts of 1969, being sections 24.201 to 24.328 of the
12 Michigan Compiled Laws, necessary for the implementation and
13 administration of this act.

14 (2) The department, after an opportunity for a hearing pur-
15 suant to Act No. 306 of the Public Acts of 1969, may impose an
16 administrative fine of not more than \$200.00 for a first viola-
17 tion, and not more than \$1,000.00 for a subsequent violation, of
18 this act or a rule promulgated under this act.

19 Sec. 13. As used in this act:

20 (a) "Department" means the department of labor.

21 (b) "Hazardous painting" means the application of a sub-
22 stance containing or combined with a toxic or hazardous substance
23 in vaporized, liquid, or particulate form to create a coating
24 that will adhere to a surface to protect or preserve the
25 surface. Hazardous painting does not include the application of
26 water-based paint that does not contain emulsion epoxies or
27 isocyanates.

1 (c) "Professional painter" means a painting contractor, an
2 employee of a painting contractor, or a person engaged in the
3 business of painting, but does not include a casual laborer, a
4 commercial artist, or a person who creates artworks.