

HOUSE BILL No. 5945

June 10, 1992, Introduced by Reps. Gire, Scott, Bartnik, DeBeaussaert, Porreca and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend section 8b of Act No. 217 of the Public Acts of 1956, entitled as amended

"Electrical administrative act,"

as amended by Act No. 246 of the Public Acts of 1990, being section 338.888b of the Michigan Compiled Laws; and to add section 8h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8b of Act No. 217 of the Public Acts of
2 1956, as amended by Act No. 246 of the Public Acts of 1990, being
3 section 338.888b of the Michigan Compiled Laws, is amended and
4 section 8h is added to read as follows:

5 Sec. 8b. (1) The department of labor shall have the author-
6 ity to investigate the activities of a person licensed or
7 registered under this act which are related to the person's
8 licensure or registration as an electrical contractor, master

1 electrician, electrical journeyman, or apprentice electrician,
2 which activities include, but are not limited to, the grounds
3 described in subsection (2)(a) through ~~(d)~~ (E). The department
4 of labor may hold hearings pursuant to the administrative proce-
5 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
6 sections 24.201 to 24.328 of the Michigan Compiled Laws, and
7 shall report its findings to the board.

8 (2) After a hearing under Act No. 306 of the Public Acts of
9 1969, the board shall proceed under section 8e against a person
10 if the board finds that 1 or more of the following grounds for
11 board action exist:

12 (a) Fraud or deceit in obtaining a license or registration
13 under this act.

14 (b) The willful violation of a code.

15 (c) False advertising.

16 (d) A violation of this act or rules promulgated under this
17 act except in the case of minor violations as described in
18 section 8c.

19 (E) A SUPPORT ARREARAGE AS FURTHER DESCRIBED IN SECTION 8H.

20 (3) Notwithstanding section 8e, the board, upon recommenda-
21 tion of the department of labor, shall suspend or revoke the
22 license of a person whose failure to pay a lien claimant results
23 in a payment being made from the homeowner construction lien
24 recovery fund pursuant to the construction lien act, Act No. 497
25 of the Public Acts of 1980, being sections 570.1101 to 570.1305
26 of the Michigan Compiled Laws. The license shall not be renewed
27 and a new license shall not be issued until that person has made

1 full restitution to the fund, including the costs of litigation
2 and interest at the rate set by section 6013 of the revised judi-
3 cature act of 1961, Act No. 236 of the Public Acts of 1961, being
4 section 600.6013 of the Michigan Compiled Laws.

5 (4) The board, after a hearing, shall recommend to a govern-
6 mental subdivision licensing authority that it revoke or suspend
7 the license or registration issued by it to a person.

8 (5) Activity regulated under this act shall not be performed
9 by a person whose license or registration has been suspended or
10 revoked or whose license or registration has expired.

11 SEC. 8H. (1) SUBJECT TO SUBSECTION (2), UPON RECEIPT OF A
12 NOTICE FROM THE OFFICE OF THE FRIEND OF THE COURT STATING THAT AN
13 INDIVIDUAL LICENSEE IS AT LEAST 6 MONTHS IN ARREARS OF SUPPORT,
14 THE BOARD SHALL SUSPEND THE LICENSE OR REGISTRATION OF AN INDI-
15 VIDUAL AFTER ALL OF THE FOLLOWING OCCUR:

16 (A) THE BOARD SENDS A NOTICE FOR A HEARING TO BE SCHEDULED
17 NOT LESS THAN 30 DAYS AFTER THE DATE THE NOTICE IS SENT TO THE
18 INDIVIDUAL'S ADDRESS AS INDICATED IN THE DEPARTMENT'S RECORDS.

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

21 (2) IF AT THE HEARING THE BOARD DETERMINES THAT EXTREME
22 HARDSHIP TO THE INDIVIDUAL OR PERSONS THE INDIVIDUAL SERVES WOULD
23 BE CREATED BY THE SUSPENSION, THE BOARD SHALL NOT SUSPEND THE
24 LICENSE OR REGISTRATION AND SHALL CONDITION THE HOLDING OF THE
25 LICENSE OR REGISTRATION UPON COMPLIANCE WITH THE SUPPORT ORDER.

26 (3) THE ONLY ISSUES TO BE CONSIDERED BY THE BOARD ARE
27 WHETHER THE INDIVIDUAL IS THE HOLDER OF A LICENSE OR REGISTRATION

1 AND WHETHER THE INDIVIDUAL HAS PRESENTED PROOF ACCEPTABLE TO THE
2 BOARD THAT ARREARAGE HAS BEEN PAID.