



HOUSE BILL No. 4216

February 11, 1993, Introduced by Reps. DeLange, Goschka, Stille and Dalman and referred to the Committee on Labor.

A bill to amend sections 1, 3, 5, 6, 6a, and 8b of Act No. 217 of the Public Acts of 1956, entitled as amended "Electrical administrative act," as amended by Act No. 130 of the Public Acts of 1992, being sections 338.881, 338.883, 338.885, 338.886, 338.886a, and 338.888b of the Michigan Compiled Laws; and to add section 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, 5, 6, 6a, and 8b of Act No. 217
2 of the Public Acts of 1956, as amended by Act No. 130 of the
3 Public Acts of 1992, being sections 338.881, 338.883, 338.885,
4 338.886, 338.886a, and 338.888b of the Michigan Compiled Laws,
5 are amended and section 34 is added to read as follows:

6 Sec. 1. (1) For purposes of this act, the words defined in
7 this section, section 1a, and section 1b have the meanings
8 ascribed to them in those sections.

1 (2) "Electrical wiring" means all wiring, generating
2 equipment, fixtures, appliances, and appurtenances in connection
3 with the generation, distribution, and utilization of electrical
4 energy, within or on a building, residence, structure, or proper-
5 ties, and including service entrance wiring as defined by the
6 code.

7 (3) "Electrical contractor" means a person, firm, or corpo-
8 ration engaged in the business of erecting, installing, altering,
9 repairing, servicing, or maintaining electrical wiring, devices,
10 appliances, or equipment.

11 (4) "Master electrician" means a person having the necessary
12 qualifications, training, experience, and technical knowledge to
13 supervise the installation of electrical wiring and equipment in
14 accordance with the standard rules and regulations governing that
15 work.

16 (5) "Electrical journeyman" means a person other than an
17 electrical contractor who, as his or her principal occupation, is
18 engaged in the practical installation or alteration of electric
19 wiring. An electrical contractor or master electrician may also
20 be an electrical journeyman.

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

1 (7) "Jobsite" means the immediate work area within the
2 property lines of a single construction project, alteration
3 project, or maintenance project where electrical construction or
4 alteration of electrical wiring is in progress.

5 (8) "Municipality" means a city, village, or township.

6 (9) "Minor repair work" means electrical wiring not in
7 excess of a valuation of \$100.00.

8 (10) "State construction code act of 1972" means Act No. 230
9 of the Public Acts of 1972, being sections 125.1501 to 125.1531
10 of the Michigan Compiled Laws.

11 (11) "Code" means the state construction code provided for
12 in section 4 of the state construction code act of 1972, or a
13 part of that code which is of limited application, and includes a
14 modification of or amendment to the code, or a nationally recog-
15 nized model electrical code adopted by a governmental subdivision
16 pursuant to section 8 of that act.

17 (12) "Enforcing agency" means the enforcing agency responsi-
18 ble for the administration and enforcement of the electrical code
19 pursuant to section 8 or 9 of the state construction code act of
20 1972.

21 (13) "Board" means the electrical administrative board cre-
22 ated pursuant to section 2.

23 (14) "INDUSTRIAL CONTROLS" MEANS WIRING, DEVICES, AND EQUIP-
24 MENT ASSOCIATED WITH INDUSTRIAL CONTROL SYSTEMS ON THE LOAD-SIDE
25 TERMINALS OF A DISCONNECTING MEANS. INDUSTRIAL CONTROLS DO NOT
26 INCLUDE THE INSTALLATION, MAINTENANCE, OR REPAIR OF THE
27 DISCONNECTING MEANS.

1 (15) "INDUSTRIAL CONTROLS TECHNICIAN" MEANS A PERSON ENGAGED
 2 IN INSTALLING, MAINTAINING, CONNECTING, OR REPAIRING OF INDUS-
 3 TRIAL CONTROLS.

4 Sec. 3. (1) The board shall grant annual licenses and cer-
 5 tificates to qualified applicants, make orders and promulgate
 6 rules necessary for the enforcement and carrying out of this act,
 7 and enforce and carry out this act. The rules shall be promul-
 8 gated pursuant to the administrative procedures act of 1969, Act
 9 No. 306 of the Public Acts of 1969, as amended, being sections
 10 24.201 to 24.328 of the Michigan Compiled Laws.

11 (2) The examination fee for licensure of the following shall
 12 be \$25.00:

- 13 (a) Master electrician.
- 14 (b) Electrical contractor.
- 15 (c) Electrical journeyman.
- 16 (d) Fire alarm contractor.
- 17 (e) Fire alarm specialty technician.
- 18 (f) Sign specialty contractor.
- 19 (g) Sign specialist.
- 20 (H) INDUSTRIAL CONTROLS TECHNICIAN.

21 (3) The fee for initial licensure, apprentice electrician
 22 registration, or renewal of a license relating to electricians is
 23 as follows:

- 24 (a) Electrical contractor.....\$75.00
- 25 (b) Master electrician..... 25.00

(c) Electrical journeyman..... 20.00

(d) Apprentice electrician..... 5.00

(4) The fee for initial fire alarm specialty licensure, fire alarm specialty apprentice technician registration, or renewal of a fire alarm specialty license is as follows:

(a) Fire alarm contractor.....\$75.00

(b) Fire alarm specialty technician..... 25.00

(c) Fire alarm specialty apprentice technician..... 5.00

(5) The fee for initial sign specialty licensure or renewal of a sign specialty license is as follows:

(a) Sign specialty contractor.....\$40.00

(b) Sign specialist..... 20.00

(6) THE FEE FOR INITIAL INDUSTRIAL CONTROLS TECHNICIAN

LICENSURE OR RENEWAL OF INDUSTRIAL CONTROLS TECHNICIAN LICENSURE

IS \$75.00.

(7) ~~(6)~~ A license issued under this act shall expire on December 31 of each year and is renewable not more than 60 days after that date upon application and payment of the appropriate fee as described in subsection (3), (4), ~~or~~ (5), OR (6).

(8) ~~(7)~~ An apprentice electrician or specialty apprentice technician registration will expire on August 31 of each year and shall be renewable within 30 days after that date upon payment of a \$10.00 renewal fee. An applicant shall submit proof of a sponsoring employer for initial or renewal registration.

(9) ~~(8)~~ After March 1 of each year, a license not renewed shall be considered void and may be reinstated only upon

1 application for reinstatement and payment of the appropriate
2 license fee for the appropriate class.

3 (10) ~~-(9)-~~ The board shall provide for an examination to be
4 given to an applicant seeking licensure under this act for a spe-
5 cific class of license. The board and department of labor,
6 acting jointly, may develop an examination or contract for the
7 use of an examination developed by another governmental subdivi-
8 sion or any other entity including, but not limited to, the
9 national assessment institute, which the department of labor and
10 the board, acting jointly, review and determine is designed to
11 test the qualifications and competency of applicants seeking
12 licensure under this act.

13 (11) ~~-(10)-~~ The examination for electrical journeymen and
14 master electricians shall include, but not be limited to, ques-
15 tions designed to test an individual's knowledge of this act, any
16 rules promulgated under this act, the state construction code act
17 of 1972, and any code adopted pursuant to section 4 of that act
18 and any code adopted pursuant to section 8 of that act as well as
19 the theory relative to those codes. In the case of the examina-
20 tion for an electrical contractor's license, the examination
21 shall include, but not be limited to, questions designed to test
22 an individual's knowledge of this act, any rules promulgated
23 under this act, the state construction code act of 1972, and the
24 administration and enforcement procedures of any code adopted
25 pursuant to section 8 or 9 of that act.

26 (12) ~~-(11)-~~ The board shall provide for an examination to be
27 given to an applicant seeking fire alarm specialty licensure

1 under this act. The examinations for fire alarm specialty
2 licensure shall include questions designed to test an
3 individual's knowledge of this act, any rules promulgated under
4 this act, and the state construction code act of 1972, as relat-
5 ing to fire alarm systems. The board and department of labor,
6 acting jointly, may require, as a condition for licensure, certi-
7 fication of the applicant in the field of fire alarm systems
8 technology by the national institution for certification in engi-
9 neering technology or equivalent as determined by the board.

10 (13) ~~(+2)~~ The board shall provide for an examination to be
11 given to an applicant seeking sign specialty licensure under this
12 act. The examinations for sign specialty licensure shall
13 include, but not be limited to, questions designed to test an
14 individual's knowledge of this act and any rules promulgated
15 under this act relating to electric signs and applicable sections
16 of the code.

17 (14) THE BOARD SHALL PROVIDE FOR AN EXAMINATION TO BE GIVEN
18 TO AN APPLICANT SEEKING LICENSURE UNDER THIS ACT AS AN INDUSTRIAL
19 CONTROLS TECHNICIAN. THE EXAMINATION SHALL INCLUDE QUESTIONS
20 DESIGNED TO TEST AN INDIVIDUAL'S KNOWLEDGE OF THIS ACT, ANY RULES
21 PROMULGATED UNDER THIS ACT RELATING TO INDUSTRIAL CONTROLS, AND
22 THE STATE CONSTRUCTION CODE ACT OF 1972 AS RELATING TO INDUSTRIAL
23 CONTROLS. THE BOARD AND DEPARTMENT MAY ADOPT IN WHOLE OR IN PART
24 ANY EXAMINATION OR STANDARDS DEVELOPED BY THE INTERNATIONAL SOCI-
25 ETY OF CERTIFIED ELECTRONICS TECHNICIANS OR OTHER ORGANIZATION AS
26 DETERMINED APPROPRIATE BY THE BOARD.

1 (15) ~~(13)~~ Examinations shall be offered at locations
2 throughout the state as determined by the board. The department
3 of labor in consultation with the board may designate a person to
4 give the examination at any location. Copies of examinations
5 developed by a governmental subdivision shall be presented for
6 board approval and shall remain the property of the governmental
7 subdivision and shall be returned to that governmental subdivi-
8 sion without having been copied or reproduced in any manner.

9 (16) ~~(14)~~ Not later than January 1, 1991, the department
10 of labor shall report to the appropriate house and senate commit-
11 tees on the increase in the number of inspectors employed as a
12 result of the 1989 amendatory act that increased the fees con-
13 tained in this section.

14 (17) ~~(15)~~ The department of labor shall annually submit to
15 the members of the legislature a comprehensive report detailing
16 the expenditure of the additional money resulting from the 1989
17 amendatory act that increased the fees contained in this
18 section.

19 (18) ~~(16)~~ There is created a joint legislative committee
20 whose purpose is to examine the scope of this act and any code
21 involving electrical applications including, but not limited to,
22 low voltage applications. The committee shall consist of the
23 chairs of the labor committee and the state affairs committee in
24 the House of Representatives and the chairs of the committees
25 dealing with the issues of labor and state affairs in the
26 Senate. The committee shall publish a written report and present
27 it to the legislature not later than June 1, 1991.

1 SEC. 34. (1) SUBJECT TO SECTION 5(9), THE DEPARTMENT OF
2 LABOR SHALL ISSUE AN INDUSTRIAL CONTROLS TECHNICIAN LICENSE TO A
3 PERSON NOT LESS THAN 18 YEARS OF AGE WHO DOES ALL OF THE
4 FOLLOWING:

5 (A) FILES A COMPLETED APPLICATION FORM PROVIDED BY THE
6 DEPARTMENT OF LABOR.

7 (B) PAYS THE LICENSE FEE PRESCRIBED IN SECTION 3.

8 (C) HAS NOT LESS THAN 2 YEARS OF EDUCATION IN ELECTRONICS
9 TECHNOLOGY AND 4,000 HOURS OF PRACTICAL EXPERIENCE, OBTAINED OVER
10 A PERIOD OF NOT LESS THAN 2 YEARS, RELATED TO THE INSTALLATION,
11 MAINTENANCE, CONNECTION, OR REPAIR OF INDUSTRIAL CONTROLS, OR AN
12 EQUIVALENT COMBINATION OF TRAINING AND EXPERIENCE AS DETERMINED
13 BY THE BOARD. EDUCATIONAL REQUIREMENTS SHALL BE VERIFIED BY EDU-
14 CATIONAL CERTIFICATES. WORK EXPERIENCE SHALL BE VERIFIED BY LET-
15 TERS SUBMITTED BY 1 OR MORE EMPLOYERS OF THE APPLICANT DESCRIBING
16 THE WORK EXPERIENCE.

17 (D) SUCCESSFUL COMPLETION OF A SUITABLE EXAMINATION APPROVED
18 BY THE BOARD. UNLESS AND UNTIL THE BOARD DEVELOPS OR ADOPTS AN
19 EXAMINATION, THE BOARD MAY ACCEPT THE RESULTS OF AN EXAMINATION
20 ADMINISTERED BY A PRIVATE CERTIFICATION ENTITY IF THE BOARD
21 DETERMINES THAT THE EXAMINATION ADEQUATELY TESTS THE KNOWLEDGE OF
22 THE APPLICANT FOR LICENSURE UNDER THIS ACT.

23 (2) AS A CONDITION OF RENEWAL LICENSURE AS AN INDUSTRIAL
24 CONTROLS TECHNICIAN, THE INDUSTRIAL CONTROLS TECHNICIAN SHALL
25 DEMONSTRATE THE SUCCESSFUL COMPLETION OF A COURSE, APPROVED BY
26 THE BOARD, CONCERNING ANY UPDATE OR CHANGE IN THE APPLICABLE
27 SECTIONS OF THE CODE WITHIN 12 MONTHS AFTER THE UPDATE OR CHANGE

1 IN THAT CODE. THIS REQUIREMENT APPLIES ONLY DURING OR AFTER
2 THOSE YEARS THAT THE CODE IS UPDATED OR CHANGED.

3 Sec. 5. (1) Except as otherwise provided in this section
4 and in section 7, a person, firm, or corporation shall not
5 install any electric wiring, devices, appliances, or appurte-
6 nances for the generation, distribution, and utilization of elec-
7 trical energy, within or on any building, structures or proper-
8 ties, without being licensed. In a municipality where inspection
9 service is provided a permit shall be obtained from the board or
10 municipality having jurisdiction.

11 (2) Except as otherwise provided in subsection (3) and
12 section 7, a person, firm, or corporation shall not erect,
13 install, alter, repair, service, or maintain fire alarm system
14 wiring, devices, appliances, or equipment within a building or
15 structure without being licensed under this act.

16 (3) Beginning ~~the effective date of the 1992 amendatory act~~
17 ~~that added this subsection~~ JUNE 30, 1992 and for a period of 3
18 years from that date, the department of labor shall issue a
19 license to a person qualified for fire alarm specialty licensure
20 except for the requirement of certification by the national
21 institute for certification in engineering technology or the
22 equivalent as determined by the board. Under these circum-
23 stances, the applicant shall furnish a notarized statement from
24 current and past employers documenting past work experience.
25 Work experience of not less than 4,000 hours obtained over a
26 period of not less than 2 years shall qualify the person for fire
27 alarm specialty licensure under this subsection.

1 (4) Except as otherwise provided in subsection (7) and
2 section 7, a person, firm, or corporation shall not install, con-
3 nect, repair, or maintain electric signs and related wiring with-
4 out being licensed under this act.

5 (5) Beginning ~~the effective date of the 1992 amendatory act~~
6 ~~that added this subsection~~ JUNE 30, 1992 and for a period of 360
7 days from that date, the department of labor shall issue a
8 license to a person applying for licensure as a sign specialty
9 contractor who has not less than 2 years' experience, presented
10 by affidavit, as a sign contractor and who is qualified under
11 section 3j except for the examination requirement.

12 (6) Beginning ~~the effective date of the 1992 amendatory act~~
13 ~~that added this subsection~~ JUNE 30, 1992 and for a period of 360
14 days from that date, the department of labor shall issue a
15 license to a person applying for licensure as a sign specialist
16 who is qualified under section 3k except for the examination
17 requirement. Under these circumstances, the applicant shall fur-
18 nish a notarized statement from current and past employers docu-
19 menting past work experience. Work experience of not less than
20 4,000 hours obtained over a period of not less than 2 years shall
21 qualify the person for sign specialty licensure under this
22 subsection.

23 (7) Beginning ~~the effective date of the 1992 amendatory act~~
24 ~~that added this subsection~~ JUNE 30, 1992 and until the expira-
25 tion of 180 days after the department of labor and board adminis-
26 ter and make available the examination described in section 3, a
27 person not eligible for a license under subsection (5) or (6) may

1 engage in the installation, alteration, or repair of electric
2 signs and related wiring.

3 (8) Notwithstanding any other provisions of this act and
4 upon proper application and payment of the appropriate fees, the
5 board and department of labor shall issue a license without exam-
6 ination to a person desiring sign specialty licensure who is
7 licensed, registered, or otherwise regulated in another state if
8 the board determines that the standards in the other state meet
9 or exceed the standards imposed in this act.

10 (9) BEGINNING THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT
11 THAT ADDED THIS SUBSECTION AND FOR A PERIOD OF 360 DAYS FROM THAT
12 DATE, THE DEPARTMENT OF LABOR SHALL ISSUE A LICENSE TO A PERSON
13 APPLYING FOR LICENSURE AS AN INDUSTRIAL CONTROLS TECHNICIAN WHO
14 IS QUALIFIED UNDER SECTION 3/ EXCEPT FOR THE EXAMINATION
15 REQUIREMENT. UNDER THESE CIRCUMSTANCES, THE APPLICANT SHALL FUR-
16 NISH A NOTARIZED STATEMENT FROM CURRENT AND PAST EMPLOYERS DOCU-
17 MENTING 4,000 HOURS PAST WORK EXPERIENCE, AND SHALL PRESENT PROOF
18 OF SUCCESSFUL COMPLETION OF 2 YEARS' TECHNICAL EDUCATION IN THE
19 ELECTRONICS TECHNOLOGY FIELD, OR THE EQUIVALENT AS DETERMINED BY
20 THE BOARD.

21 Sec. 6. (1) This act, except as otherwise provided for in
22 this section, shall not apply within the jurisdiction of a city,
23 village, or township which has adopted or hereafter adopts an
24 ordinance providing standards for the examination and licensing
25 of master electricians, electrical or specialty contractors,
26 electrical journeymen, sign specialists, INDUSTRIAL CONTROLS
27 TECHNICIANS, and fire alarm specialty technicians and the

1 registration of apprentice electricians and fire alarm specialty
2 apprentice technicians which are not less than those prescribed
3 by this act; providing for enforcement that is substantially sim-
4 ilar to this act; providing for civil and criminal penalties and
5 a citation system for minor violations substantially similar to
6 section 8c; providing for the issuance of an identification card
7 that substantially complies with the requirements imposed in
8 section 8c; and providing for the inspection of electrical wiring
9 and equipment.

10 (2) This act shall not be construed as limiting the power of
11 a municipality to enact such an ordinance, to provide for the
12 licensing of persons, firms, or corporations as electrical or
13 specialty contractors who have a place of business located in the
14 municipality, or to provide for the licensing of journeymen elec-
15 tricians, sign specialists, INDUSTRIAL CONTROLS TECHNICIANS, or
16 fire alarm specialty technicians who reside in the municipality
17 except that the ordinance shall not require either of the
18 following:

19 (a) The procurement of a license or permit to execute the
20 classes of work specified in section 7(c), (d), (e), and (f).

21 (b) The procurement of public liability insurance in excess
22 of the coverage required by this act.

23 (3) Licenses or registrations issued by the board under this
24 act and licenses issued by a municipality having standards for
25 licensing not less than those established by the board shall be
26 recognized by all municipalities.

1 (4) A municipality providing for electrical inspection by
2 local ordinance may require all electrical or specialty
3 contractors, sign specialists, INDUSTRIAL CONTROLS TECHNICIANS,
4 fire alarm specialty technicians, and classes of electricians
5 doing work in the municipality to register in accordance with its
6 local ordinance.

7 (5) Municipal registration requirements shall be reciprocal
8 between the municipalities and between municipalities and the
9 board as to registration requirements and fees, except that
10 licensed electrical journeymen, sign specialists, INDUSTRIAL CON-
11 TROLS TECHNICIANS, and fire alarm specialty technicians shall not
12 be required to register to work in municipalities under the
13 jurisdiction of the board. All licenses and registrations issued
14 under this act shall be officially recognized by any
15 municipality.

16 Sec. 6a. A municipality providing standards for electric
17 wiring and making provisions for inspection and licensing in
18 accordance with this act may require by ordinance that all elec-
19 trical or specialty contractors, master electricians, fire alarm
20 specialty technicians, sign specialists, INDUSTRIAL CONTROLS
21 TECHNICIANS, and electrical journeymen coming within its licens-
22 ing jurisdiction shall apply to and be licensed by the board in
23 accordance with the rules and regulations of the board.

24 Sec. 8b. (1) The department of labor shall have the author-
25 ity to investigate the activities of a person licensed or regis-
26 tered under this act which are related to the person's licensure
27 or registration as an electrical or specialty contractor, master

1 electrician, sign specialist, fire alarm specialty technician,
2 electrical journeyman, fire alarm specialty apprentice techni-
3 cian, INDUSTRIAL CONTROLS TECHNICIANS, or apprentice electrician,
4 which activities include, but are not limited to, the grounds
5 described in subsection (2)(a) through (d). The department of
6 labor may hold hearings pursuant to the administrative procedures
7 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
8 tions 24.201 to 24.328 of the Michigan Compiled Laws, and shall
9 report its findings to the board.

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

14 (a) Fraud or deceit in obtaining a license or registration
15 under this act.

16 (b) The willful violation of a code.

17 (c) False advertising.

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

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

1 and a new license shall not be issued until that person has made
2 full restitution to the fund, including the costs of litigation
3 and interest at the rate set by section 6013 of the revised judi-
4 cature act of 1961, Act No. 236 of the Public Acts of 1961, being
5 section 600.6013 of the Michigan Compiled Laws.

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

9 (5) Activity regulated under this act and requiring licen-
10 sure or registration shall not be performed by a person whose
11 license or registration has been suspended or revoked or whose
12 license or registration has expired.