



# SENATE BILL No. 365

February 9, 1993, Introduced by Senators CHERRY, O'BRIEN  
and HART and referred to the Committee on State Affairs  
and Military/Veteran Affairs.

A bill to regulate the sale of heating cables in this state;  
to prescribe the powers and duties of certain persons and state  
departments; and to prescribe remedies and penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "heating cable safety act".

3       Sec. 2. As used in this act:

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

5       (b) "Director" means the director of labor or his or her  
6 designee.

7       (c) "Heating cable" means cable designed to be secured to  
8 pipes and vessels to reduce their likelihood of freezing or to  
9 facilitate the flow of viscous liquids. Heating cable intended  
10 for industrial and commercial use is connected to the supply  
11 system by a permanent wiring method. Heating cable intended for

1 residential and mobile home use has an attachment plug for  
2 connection to a receptacle outlet. Heating cable is commonly  
3 known as heat tape.

4 (d) "Person" means an individual, partnership, corporation,  
5 association, or other legal entity.

6 Sec. 3. (1) A person shall not sell in this state a heating  
7 cable that has not been approved by the state construction code  
8 commission pursuant to section 21a of the state construction code  
9 act of 1972, Act No. 230 of the Public Acts of 1972, being  
10 section 125.1521a of the Michigan Compiled Laws.

11 (2) The department shall compile and revise as necessary a  
12 list of heating cables that have been approved by the state con-  
13 struction code commission and that may be sold in this state.

14 Sec. 4. (1) The director shall investigate complaints made  
15 to him or her concerning violations of this act and, upon his or  
16 her own initiative, shall conduct any investigation that he or  
17 she considers advisable to determine possible violations of this  
18 act.

19 (2) If the director finds or has probable cause to believe  
20 that a heating cable is being sold in violation of this act, he  
21 or she shall do both of the following:

22 (a) Order the person to cease the sale of that heating  
23 cable.

24 (b) Affix to the heating cable a tag or other appropriate  
25 marking, giving notice that the heating cable is or is suspected  
26 of being sold in violation of this act and warning all persons

1 that the heating cable is not to be sold or otherwise distributed  
2 in this state.

3 (3) The director may apply to any court of competent juris-  
4 diction for a temporary restraining order or a preliminary or  
5 permanent injunction restraining any person from selling a heat-  
6 ing cable in violation of this act.

7 (4) A person shall not obstruct or hinder the director in  
8 the performance of his or her duties under this section.

9 Sec. 5. Upon return of a heating cable that is not on the  
10 approved list of heating cables compiled by the department pursu-  
11 ant to section 3, the manufacturer of the heating cable shall  
12 refund to the retailer the amount paid by him or her for the  
13 heating cable.

14 Sec. 6. The department shall promulgate, as necessary,  
15 rules to implement this act pursuant to the administrative proce-  
16 dures act of 1969, Act No. 306 of the Public Acts of 1969, being  
17 sections 24.201 to 24.328 of the Michigan Compiled Laws.

18 Sec. 7. A person who violates this act or an order issued  
19 or a rule promulgated under this act is liable for a civil fine  
20 of not more than \$500.00. A fine due under this act shall be  
21 assessed by the electrical administrative board and shall be paid  
22 into the state construction code fund created by section 22 of  
23 the state construction code act of 1972, Act No. 230 of the  
24 Public Acts of 1972, being section 125.1522 of the Michigan  
25 Compiled Laws.

**1** Sec. 8. This act shall not take effect unless Senate Bill  
**2** No. 364 of  
**3** the 87th Legislature is enacted into law.