

HOUSE BILL No. 5890

May 12, 2004, Introduced by Reps. Amos, Richardville, Shackleton, Stahl, Palsrok, Voorhees, LaJoy, Meyer, Garfield, Nitz, DeRoche, Milosch, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Taub, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen and referred to the Committee on Commerce.

A bill to amend 1967 PA 227, entitled

"An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts,"

by amending sections 15 and 16 (MCL 408.815 and 408.816).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) A person, firm, or corporation shall not
2 install or alter an elevator without first having obtained a
3 permit ~~therefor~~ from the department. A permit shall be issued
4 only to a person, firm, or corporation licensed by the director
5 as an elevator contractor. Elevator hoistway enclosures shall
6 meet the requirements of the standard. A permit to install a
7 stair climber type of incline lift in other than a private
8 residence shall not be issued unless special permission is

1 granted by the director. Detailed plans and specifications of
2 all elevator equipment and the elevator hoistway enclosure, in
3 triplicate, shall be submitted by the licensee to the department
4 and shall be approved by the department before the permit is
5 issued. Permit applications shall be made on forms furnished by
6 the department. The applicable fee shall be paid ~~prior to~~
7 **before** issuance of the permit. ~~In case of~~ **For** emergency
8 alterations, the permit shall be obtained within 72 hours from
9 the time of alteration.

10 (2) In a municipality maintaining its own approved elevator
11 inspection department, ~~such~~ **installation or alteration** plans
12 and specifications shall be submitted to ~~such~~ **that** department
13 for its approval and, if approved, a permit for the installation
14 or alteration of ~~such~~ **that** elevator shall be issued by the
15 municipality.

16 (3) Beginning the effective date of the amendatory act that
17 added this subsection, the department shall issue an initial or
18 renewal elevator contractor license or installation or alteration
19 permit not later than 6 months after the applicant files a
20 completed application. If the application is considered
21 incomplete by the department, the department shall notify the
22 applicant in writing within 10 days after receipt of the
23 incomplete application, describing the deficiency and requesting
24 the additional information. The 6-month period is tolled upon
25 notification by the department of a deficiency until the date the
26 requested information is received by the department.

27 (4) If the department fails to issue or deny a license or

1 permit within the time required by subsection (3), the department
2 shall return the license or permit fee and shall reduce the
3 license or permit fee for the applicant's next renewal
4 application, if any, by 15%. The department shall not
5 discriminate against an applicant in the processing of the
6 application based upon the fact that the application fee was
7 refunded or discounted under this subsection.

8 (5) Beginning January 31, 2005, the director of the
9 department shall submit a report by January 31 of each year to
10 the standing committees and appropriations subcommittees of the
11 senate and house of representatives concerned with occupational
12 issues. The director shall include all of the following
13 information in the report concerning the state fiscal year that
14 ended the preceding September 30:

15 (a) The number of initial and renewal applications the
16 department received and completed within the 6-month time period
17 described in subsection (3).

18 (b) The number of applications requiring a request for
19 additional information.

20 (c) The average time for an applicant to respond to a
21 request for additional information.

22 (d) The number of applications rejected in general
23 categories.

24 (e) The amount of money returned to licensees or permittees
25 under subsection (4).

26 (f) The number of applications not issued within the 6-month
27 period.

1 (g) The average processing time for initial and renewal
2 applications granted after the 6-month period.

3 Sec. 16. (1) Fees for the following matters shall be
4 determined by the board **subject to section 15**:

5 (a) Commission.

6 (b) Certificate of competency examination.

7 (c) Elevator contractor license.

8 (d) Contractor examination.

9 (e) Permit, each elevator or device.

10 (f) Certificate of operation.

11 (g) Appeal for hearing before board.

12 (h) Inspection by general inspector.

13 (i) Special.

14 (2) Fees shall be paid ~~by cash, money order or certified~~
15 ~~check~~ to the director. ~~Money orders or checks shall be made~~
16 ~~payable to "Treasurer--State of Michigan".~~ Fees received by the
17 director shall be transmitted to the state treasurer for deposit
18 in the general fund. These funds shall be disbursed only as
19 appropriated by the legislature.