

Act No. 261
Public Acts of 2004
Approved by the Governor
July 22, 2004
Filed with the Secretary of State
July 23, 2004
EFFECTIVE DATE: July 23, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Bernero and Sikkema

ENROLLED SENATE BILL No. 1223

AN ACT to amend 1986 PA 135, entitled "An act to provide for the licensing and regulation of asbestos abatement contractors; to create the asbestos abatement contractors licensing board; to prescribe certain powers and duties of the department of consumer and industry services; to establish the powers and duties of the asbestos abatement contractors licensing board; to create an asbestos abatement fund and to provide for expenditures from the fund; to provide for the promulgation of rules; to provide for certain fees; and to provide for penalties and civil fines," by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

The People of the State of Michigan enact:

Sec. 209. (1) To apply for or renew a license, an asbestos abatement contractor shall do all of the following:

(a) Submit a completed application to the department on forms provided by the department. The asbestos abatement contractor shall state on the application whether or not the asbestos abatement contractor has liability insurance.

(b) Pay the fee required by subsection (2).

(c) Submit proof of Michigan workers' disability compensation insurance.

(d) Submit proof that all employees and agents of an asbestos abatement contractor who are responsible for, or are involved in, an asbestos abatement project have received training and become accredited as asbestos abatement workers or asbestos abatement contractors and supervisors as required under the asbestos workers accreditation act, 1988 PA 440, MCL 338.3401 to 338.3418.

(2) Subject to section 211, a license or renewal fee shall be paid as follows:

Number of employees to be engaged in asbestos abatement projects	License fee	License renewal fee
4 or less	\$200.00	\$100.00
5 or more	\$400.00	\$300.00

Sec. 211. (1) Within 15 working days after receiving a license application, the department shall acknowledge receipt of the application and notify the applicant in writing, or make the information electronically available, of any deficiency in the application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. Within 60 calendar days after receiving a completed application, including all additional information requested by the department, the department shall issue a license or deny the license application. The 60-day time period is tolled upon notification by the department of a deficiency until the date the requested

information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license. The license shall contain a statement in bold print that the issuance of a license does not imply asbestos indemnification coverage.

(2) The department shall deny a license application if the department determines that the applicant has not demonstrated the ability to comply with either of the following:

(a) The applicable requirements and procedures established by the department and the board under this act.

(b) Other state and federal law pertaining to the health and safety aspects of asbestos demolition, renovation, and encapsulation.

(3) Beginning the effective date of the amendatory act that added this subsection and notwithstanding any other provision of this act, if the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(4) Beginning October 1, 2005, the director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with asbestos and regulatory issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the time period described in this section.

(b) The number of applications denied.

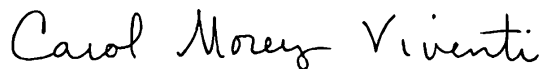
(c) The number of applicants not issued a license within the 60-day time period and the amount of money returned to licensees under subsection (3).

(5) If the department denies a license, the department shall return to the applicant the application fee, less \$25.00 subject to subsection (3).

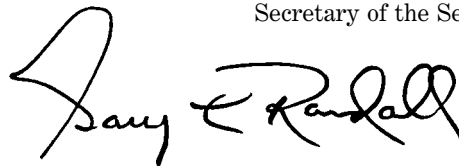
(6) Proceedings for the denial of a license under this act shall be in accordance with the administrative procedures act of 1969.

(7) As used in this section and section 209, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor