

Act No. 269
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 Reps. Amos, Richardville, Shackleton, Stahl, Palsrok, Voorhees, LaJoy, Meyer, Garfield, Nitz, DeRoche, Milosch, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehhardt, Gaffney, Newell, Caswell, Taub, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen

ENROLLED HOUSE BILL No. 5890

AN ACT 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:

Sec. 15. (1) A person, firm, or corporation shall not install or alter an elevator without first having obtained a permit from the department. A permit shall be issued only to a person, firm, or corporation licensed by the director as an elevator contractor. Elevator hoistway enclosures shall meet the requirements of the standard. A permit to install a stair climber type of incline lift in other than a private residence shall not be issued unless special permission is granted by the director. Detailed plans and specifications of all elevator equipment and the elevator hoistway enclosure, in triplicate, shall be submitted by the licensee to the department and shall be approved by the department before the permit is issued. Permit applications shall be made on forms furnished by the department. The applicable fee shall be paid before issuance of the permit. For emergency alterations, the permit shall be obtained within 72 hours from the time of alteration.

(2) In a municipality maintaining its own approved elevator inspection department, installation or alteration plans and specifications shall be submitted to that department for its approval and, if approved, a permit for the installation or alteration of that elevator shall be issued by the municipality.

(3) Beginning the effective date of the amendatory act that added this subsection, the department shall issue an initial or renewal elevator contractor license or installation or alteration permit not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day 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 or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license or permit.

(4) If the department fails to issue or deny a license or permit within the time required by subsection (3), the department shall return the license or permit fee and shall reduce the license or permit fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license or permit 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 or permit fee was refunded or discounted under this subsection.

(5) 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 occupational 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 90-day time period described in subsection (3).

(b) The number of applications denied.

(c) The number of applicants not issued a license or permit within the 90-day time period and the amount of money returned to licensees or permittees under subsection (4).

(6) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing or permit 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.

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

(a) Commission.

(b) Certificate of competency examination.

(c) Elevator contractor license.

(d) Contractor examination.

(e) Permit, each elevator or device.

(f) Certificate of operation.

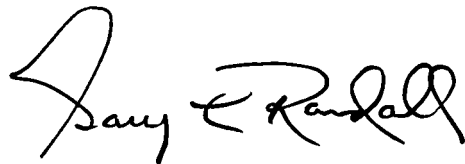
(g) Appeal for hearing before board.

(h) Inspection by general inspector.

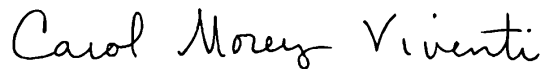
(i) Special.

(2) Fees shall be paid to the director. Fees received by the director shall be transmitted to the state treasurer for deposit in the general fund. These funds shall be disbursed only as appropriated by the legislature.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor