

# SENATE BILL No. 840

October 18, 2007, Introduced by Senators BASHAM and RICHARDVILLE and referred to the Committee on Commerce and Tourism.

A bill to regulate certain individuals engaged in residential carpentry; to provide for certain powers and duties of certain state departments and agencies; to impose fees and provide for remedies and penalties; and to promulgate rules.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "residential carpenter registration act".

3           Sec. 3. As used in this act:

4           (a) "Carpentry" means activity on a residential structure  
5 involving the erecting, installing, framing, altering, or repairing  
6 of structures and their structural parts including decks, walls,  
7 doors, windows, ceilings, roofs, drywall, countertops, cabinets,  
8 flooring, trim, and any components that make the framing of a

1 structure complete, including the prefabrications of any structure.  
2 For purposes of this subdivision, "wood construction" and "wooden  
3 structure" include construction methods utilizing substitute  
4 materials, including, but not limited to, metal stud and composite  
5 framing and finish materials that replace or are used in  
6 conjunction with traditional wood construction and the preparation  
7 and installation of concrete foundation forms or wood foundations  
8 that do not include trench footers. Carpentry does not include  
9 minor repair or the construction, maintenance, or repair of farm  
10 structures and their appurtenances, greenhouses, fences, or  
11 structures used for the production or care of farm plants and  
12 animals.

13 (b) "Department" means the department of labor and economic  
14 growth.

15 (c) "Farm structure" means a farm building and its  
16 appurtenances, a green house, a fence, or structure used for the  
17 production or care of farm plants and animals.

18 (d) "Residential carpenter" means an individual engaged in  
19 carpentry on a residential structure.

20 (e) "Residential structure" means 1- and 2-family residential  
21 dwellings, including detached 1- and 2-family dwellings and  
22 multiple single-family dwellings not more than 3 stories in height  
23 with a separate means of egress, and their accessory structures as  
24 further described in R 408.30401 of the Michigan administrative  
25 code.

26 Sec. 5. (1) An individual shall not engage in the business of,  
27 or act as, a residential carpenter unless registered by the

1 department under this act or unless exempt from registration under  
2 this act under subsection (2).

3 (2) Notwithstanding subsection (1), an individual who engages,  
4 in whole or in part, in the activities of a residential carpenter  
5 is exempt from registration under the following circumstances:

6 (a) The individual engages in or performs carpentry activities  
7 pursuant to a license or registration issued under another act  
8 where the carpentry activities are incidental to the scope of  
9 practice of that other act.

10 (b) The individual engages in non-owner-occupied carpentry in  
11 residential structures involving carpentry work not in excess of  
12 \$600.00.

13 (c) The individual engages in or performs carpentry activities  
14 for a charitable purpose.

15 (d) The individual is licensed or registered under the  
16 commercial carpentry licensure act and engages in or performs  
17 carpentry activities.

18 (3) A person shall not use the term "registered carpenter"  
19 unless registered under this act.

20 Sec. 7. (1) An individual seeking registration under this act  
21 to act as a registered carpenter shall apply to the department in a  
22 manner prescribed by the department and pay the 3-year registration  
23 fee of \$15.00, and otherwise demonstrate qualification under  
24 subsection (2). The department shall issue the registration for a  
25 term of 3 years.

26 (2) An individual employed by a residential builder or  
27 alteration and maintenance contractor as a residential carpenter

1 shall register with the department within 30 days of employment.  
2 The department shall register an individual who demonstrates to the  
3 department, on a form provided by the department, proof of  
4 employment and having reached 16 years of age. An applicant is not  
5 required to demonstrate any experience in carpentry, passage of any  
6 examination, or having attained any educational level.

7 (3) The department shall issue the registration for a term of  
8 3 years from the date of issuance.

9 (4) The department shall deposit any fees or other money it  
10 receives under this act into the state construction code fund  
11 created under section 22 of the Stille-DeRossett-Hale single state  
12 construction code act, 1972 PA 230, MCL 125.1522.

13 (5) A registrant shall report any change of address within 60  
14 days after that change. The failure of a registrant to notify the  
15 department of the change of address does not extend the expiration  
16 date of a registration.

17 Sec. 9. (1) The department shall issue a card designed for use  
18 as identification of the individual registered under this act. The  
19 card shall indicate the year of registration and shall be not  
20 larger than 3-1/2 inches by 2 inches in size.

21 (2) An individual registered under this act shall carry the  
22 identification card described in this section at all times while  
23 engaged in activity that is subject to registration under this act  
24 and shall also carry not less than 1 piece of identification  
25 containing the individual's picture. The individual, upon request  
26 of an inspector, enforcement agent, or department representative,  
27 shall produce the identification card described in this section as

1 well as the picture identification. An individual who fails to  
2 produce the card described in this section is not considered in  
3 violation of this section if he or she produces the card within 24  
4 hours after being requested by an authorized person and presents it  
5 to the local enforcing agency or department. Failure to produce any  
6 identification upon the request of an inspector, enforcement agent,  
7 or department representative shall be considered a violation of  
8 this act by the residential contractor supervising the jobsite.

9 (3) The department, on its website or under any other  
10 circumstance, shall only disclose the name, registration number,  
11 and date of registration of a registrant under this act.

12 Sec. 11. (1) The department may investigate the activities of  
13 a registrant related to the registrant's activities as a carpenter.  
14 The department may conduct an administrative hearing under the  
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
16 24.328, as part of the investigation.

17 (2) The department may issue an appropriate sanction described  
18 in subsection (3) for fraud and deceit in obtaining or maintaining  
19 a registration under this act or for a violation of this act or any  
20 rules promulgated under this act.

21 (3) The department may revoke or suspend the registration  
22 issued under this act for an egregious violation of this act, or  
23 rules adopted under this act, by the registrant, or may impose an  
24 administrative fine of at least \$50.00 but not to exceed \$200.00  
25 for any other violation.

26 Sec. 13. The department may promulgate rules under the  
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328, to enforce and administer this act.

2       Sec. 15. This act takes effect 12 months after the date it is

3 enacted into law.