

Act No. 148
Public Acts of 2010
Approved by the Governor
August 23, 2010
Filed with the Secretary of State
August 23, 2010
EFFECTIVE DATE: August 23, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Durhal

ENROLLED HOUSE BILL No. 5831

AN ACT to amend 1956 PA 217, entitled "An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act," by amending sections 3b, 8b, and 8e (MCL 338.883b, 338.888b, and 338.888e), sections 3b and 8e as added by 1990 PA 246 and section 8b as amended by 1992 PA 130.

The People of the State of Michigan enact:

Sec. 3b. The department of energy, labor, and economic growth shall issue an electrical contractor's license to a person who does all of the following:

- (a) Holds a master electrician's license or has at least 1 master electrician residing in this state who is in his or her full-time employ. That master electrician shall be actively in charge of and responsible for code compliance of all installations of electrical wiring and equipment.
- (b) Files a completed application on a form provided by the department of energy, labor, and economic growth.
- (c) Pays the examination fee and passes an examination provided for by the board and the department of energy, labor, and economic growth.
- (d) Pays the license fee prescribed in section 3.

Sec. 8b. (1) The department of energy, labor, and economic growth has the authority to investigate the activities of a person licensed or registered under this act that are related to the person's licensure or registration as an electrical or specialty contractor, master electrician, sign specialist, fire alarm specialty technician, electrical journeyman, fire alarm specialty apprentice technician, or apprentice electrician, which activities include, but are not limited to, the grounds described in subsection (2)(a) through (d). The department of energy, labor, and economic growth may hold hearings pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and shall report its findings to the board.

(2) After a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the board shall proceed under section 8e against a person if the board finds that 1 or more of the following grounds for board action exist:

- (a) Fraud or deceit in obtaining a license or registration under this act.
- (b) The willful violation of a code.
- (c) False advertising.

(d) A violation of this act or rules promulgated under this act except in the case of minor violations as described in section 8c.

(3) The board, after a hearing, shall recommend to a governmental subdivision licensing authority that it revoke or suspend the license or registration issued by it to a person.

(4) Activity regulated under this act and requiring licensure or registration shall not be performed by a person whose license or registration has been suspended or revoked or whose license or registration has expired.

Sec. 8e. (1) After finding the existence of a violation described in section 8b and after an opportunity for a hearing, the board, except as otherwise provided in section 8d, shall impose 1 or more of the following sanctions for a violation:

- (a) Suspension of the license or registration issued under this act.
- (b) Denial of the license or registration required under this act.
- (c) Revocation of the license or registration issued under this act.
- (d) Restitution.

(2) After finding the existence of 2 violations of this act within a period of 2 years, the board may double the fine imposed under this act.

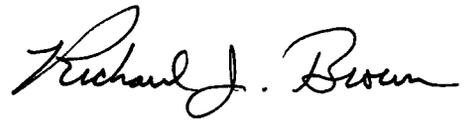
(3) After finding the existence of 3 violations of this act within a period of 3 years, the board shall revoke the person's license or registration and permanently deny the person's reapplication for a license or registration of the class revoked.

(4) For purposes of this section, 1 or more violations occurring or reported on the same date on the same jobsite shall be considered 1 violation.

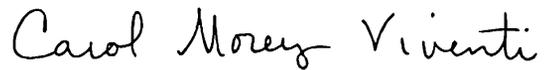
(5) If restitution is required to be made by a licensee or registrant under this section, the board may suspend the license or registration of the person required to make the restitution until restitution is made.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5830 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 5830, referred to in enacting section 1, was filed with the Secretary of State August 23, 2010, and became 2010 PA 147, Imd. Eff. Aug. 23, 2010.