

Act No. 150
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. 5833

AN ACT to amend 2002 PA 733, entitled "An act to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 21, 43, and 47 (MCL 338.3531, 338.3553, and 338.3557).

The People of the State of Michigan enact:

Sec. 21. (1) To qualify for a plumbing contractor license, the applicant must either hold a master plumber license or employ the holder of a master plumber license as his or her representative. Only an owner of a sole proprietorship or partnership, or an officer of a corporation or limited liability company, may apply for licensure as a plumbing contractor.

(2) The department shall issue a plumbing contractor's license to a person who does all of the following:

(a) Files a completed application on a form provided by the department that includes the following information:

(i) A statement listing the complete address of each place where the applicant has resided and has been engaged in business during the last 5 years including the length of residences and types of businesses engaged in or employments.

(ii) The name of the applicant, the name of the business, and the location of the place for which the license is desired.

(iii) The name of the business owner or president of the corporation and the name of the applicant, if different from the name of the business owner or president, and his or her title.

(iv) The name, residence address, and license number of the licensed master plumber who represents the person.

(b) Pays the examination fee prescribed in section 31 and passes an examination provided for by the board and the department.

(c) Pays the license fee prescribed in section 31.

(3) A licensed plumbing contractor may operate 1 or more branch offices in this state bearing the same firm name if a licensed master plumber is in charge and has the responsibility of supervision at each branch.

(4) If a license is issued to a plumbing contractor represented by a master plumber, the plumbing contractor and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this act, the rules promulgated under this act, and all other laws and rules related to the installation of plumbing.

(5) Both a person other than a plumbing contractor and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this act, the rules promulgated under this act, and all other laws and rules related to the installation of plumbing.

(6) If a plumbing contractor is represented by a licensed master plumber who ceases to represent the plumbing contractor, the plumbing contractor has 30 days thereafter in which to designate another licensed master plumber as the representative of the plumbing contractor. The plumbing contractor shall notify the department in writing of the change.

(7) A licensed plumbing contractor shall display in a conspicuous place at the entrance of the place of business a sign bearing the company name and the name of the licensed master plumber and license number in letters not less than 3 inches high.

Sec. 43. (1) The department may investigate the activities of a person licensed or registered under this act that are related to the person's licensure or registration as a plumbing contractor, master plumber, journey plumber, or apprentice plumber for activities that include, but are not limited to, the grounds described in subsection (2)(a) through (f). The department 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 an administrative hearing, the board shall proceed under section 47 against a person if the board finds that 1 or more of the following grounds for board action exist:

(a) The practice of fraud or deceit in obtaining a license or registration under this act.

(b) The practice of fraud or deceit in the performance of work for which a license or registration is required under this act.

(c) An act of gross negligence.

(d) False advertising.

(e) An act that demonstrates incompetence.

(f) A violation of this act or a rule promulgated under this act.

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

Sec. 47. (1) After finding the existence of a violation described in section 43 and after an opportunity for a hearing, the board, except as otherwise provided in section 45, shall impose 1 or more of the following sanctions for a violation:

(a) Suspension of the license or registration.

(b) Denial of the license or registration.

(c) Denial of renewal of a license or registration.

(d) Censure.

(e) Probation.

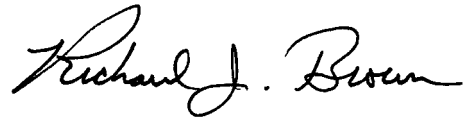
(f) Revocation of the license or registration.

(g) Restitution.


(2) If restitution is required to be made under this section, the license or registration of the person required to make restitution may be suspended 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.