

HOUSE BILL No. 5831

February 17, 2010, Introduced by Rep. Durhal and referred to the Committee on Appropriations.

A bill to amend 1956 PA 217, entitled
"Electrical administrative 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:

1 Sec. 3b. ~~(1)~~The department of **ENERGY, labor, AND ECONOMIC**
2 **GROWTH** shall issue an electrical contractor's license to a person
3 who does all of the following:

4 (a) Holds a master electrician's license or has ~~not less than~~
5 **AT LEAST** 1 master electrician residing in this state who is in his
6 or her full-time employ. That master electrician shall be actively
7 in charge of and responsible for code compliance of all
8 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.

~~(2) A person applying for an electrical contractors license under this act shall also pay the amount required to be paid under the construction lien act, Act No. 497 of the Public Acts of 1980, being sections 570.1101 to 570.1305 of the Michigan Compiled Laws, which amount shall be paid to the department of licensing and regulation for deposit into the homeowner construction lien recovery fund. A person shall not be required to pay more than \$50.00 in an assessment period under Act No. 497 of the Public Acts of 1980, regardless of the number of licenses applied for or held.~~

Sec. 8b. (1) The department of **ENERGY, labor, shall have AND ECONOMIC GROWTH HAS** the authority to investigate the activities of a person licensed or registered under this act ~~which~~ **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, ~~Act No. 306 of the Public Acts of 1969, being sections 1969 PA 306, MCL 24.201 to 24.328, of~~

1 ~~the Michigan Compiled Laws,~~ and shall report its findings to the
2 board.

3 (2) After a hearing under ~~Act No. 306 of the Public Acts of~~
4 ~~1969,~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL**
5 **24.201 TO 24.328,** the board shall proceed under section 8e against
6 a person if the board finds that 1 or more of the following grounds
7 for board action exist:

8 (a) Fraud or deceit in obtaining a license or registration
9 under this act.

10 (b) The willful violation of a code.

11 (c) False advertising.

12 (d) A violation of this act or rules promulgated under this
13 act except in the case of minor violations as described in section
14 8c.

15 ~~—— (3) Notwithstanding section 8e, the board, upon recommendation~~
16 ~~of the department of labor, shall suspend or revoke the license of~~
17 ~~a person whose failure to pay a lien claimant results in a payment~~
18 ~~being made from the homeowner construction lien recovery fund~~
19 ~~pursuant to the construction lien act, Act No. 497 of the Public~~
20 ~~Acts of 1980, being sections 570.1101 to 570.1305 of the Michigan~~
21 ~~Compiled Laws. The license shall not be renewed and a new license~~
22 ~~shall not be issued until that person has made full restitution to~~
23 ~~the fund, including the costs of litigation and interest at the~~
24 ~~rate set by section 6013 of the revised judicature act of 1961, Act~~
25 ~~No. 236 of the Public Acts of 1961, being section 600.6013 of the~~
26 ~~Michigan Compiled Laws.~~

27 (3) ~~(4)~~—The board, after a hearing, shall recommend to a

1 governmental subdivision licensing authority that it revoke or
2 suspend the license or registration issued by it to a person.

3 (4) ~~(5)~~Activity regulated under this act and requiring
4 licensure or registration shall not be performed by a person whose
5 license or registration has been suspended or revoked or whose
6 license or registration has expired.

7 Sec. 8e. (1) After finding the existence of a violation
8 described in section 8b and after an opportunity for a hearing, the
9 board, except as otherwise provided in section ~~8b(3)~~ or 8d, shall
10 impose 1 or more of the following sanctions for a violation:

11 (a) Suspension of the license or registration issued under
12 this act.

13 (b) Denial of the license or registration required under this
14 act.

15 (c) Revocation of the license or registration issued under
16 this act.

17 (d) Restitution.

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

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

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

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

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No. 5830(request no.
7 04360'09 *) of the 95th Legislature is enacted into law.