

HOUSE BILL No. 6094

June 5, 2018, Introduced by Rep. Brann and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending sections 105 and 109 (MCL 339.5105 and 339.5109) and by
adding article 12; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 105. As used in this act:

2 (a) "Enforcing agency" means that term as defined in section
3 2a of the Stille-DeRossett-Hale single state construction code act,
4 MCL 125.1502a.

5 (b) "Formal complaint" means a document that states the
6 charges of each alleged violation and is prepared by the department
7 or the department of attorney general after a complaint is received
8 by the department.

9 (c) "Former act" means former 1956 PA 217; former 1984 PA 192;

former 1986 PA 54; former 2002 PA 733; ~~or~~ former 1965 PA 290; ~~7~~
FORMER 1976 PA 333; OR FORMER 1967 PA 227, as applicable.

(d) "General public" means each individual who resides in this state and is 18 years of age or older, other than an individual or the spouse of an individual who is licensed or registered in the occupation or who has a material financial interest in the occupation that is regulated by the specific article in which the term is used.

(e) "Good moral character" means good moral character as defined in ~~section 1 of~~ **AND DETERMINED UNDER** 1974 PA 381, MCL 338.41 **TO 338.47**.

(f) "Governmental subdivision" means a governmental subdivision as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, MCL 125.1502a.

(g) "Incompetence" means a departure from, or a failure to conform to, minimal standards of acceptable practice for an occupation.

(h) "Knowledge and skill" means information, education, practical experience, and the facility to apply that information, education, and practical experience.

(i) "License" includes the whole or part of a governmental permit, certificate, approval, registration, charter, or similar form of permission required under a specific article of this act.

(j) "Licensee" means a person that is issued a license under this act.

(k) "Limitation" means a condition, stricture, constraint, restriction, or probation attached to a license that relates to the

1 scope of practice of that occupation by the licensee. The term
2 includes, but is not limited to, any of the following:

3 (i) A requirement that the licensee perform only specified
4 functions of the licensee's occupation.

5 (ii) A requirement that the licensee perform the licensee's
6 occupation only for a specified period of time.

7 (iii) A requirement that the licensee perform the licensee's
8 occupation only within a specified geographical area.

9 (iv) A requirement that restitution be made or certain work be
10 performed before a license is issued or renewed or the licensee is
11 relicensed.

12 (v) A requirement that a person file a financial statement
13 certified by an individual who is licensed as a certified public
14 accountant under article 7 of the occupational code, 1980 PA 299,
15 MCL 339.720 to 339.736, with the department at regular intervals.

16 (vi) A requirement that reasonably assures a licensee's
17 competence to perform the licensee's occupation.

18 (vii) A requirement that all contracts of a licensee are
19 reviewed by an attorney.

20 (viii) A requirement that a licensee have on file with the
21 department a bond issued by a surety insurer that is approved by
22 the department or cash in an amount determined by the department.

23 (ix) A requirement that a licensee deposit money received in
24 an escrow account from which money may be disbursed only under
25 certain conditions as determined by the licensee and another party.

26 (x) A requirement that a licensee file reports with the
27 department at intervals determined by the department.

1 Sec. 109. (1) ~~A-EXCEPT AS PROVIDED IN SECTION 1207, A~~ person
2 that holds a license, registration, or certification issued under a
3 former act ~~on the day immediately preceding the effective date of~~
4 ~~this act-APRIL 3, 2017~~ is considered licensed, registered, or
5 certified under this act until that license, registration, or
6 certification expires, and the person may renew that license,
7 registration, or certification in the manner described in this act.

8 (2) ~~A-EXCEPT AS PROVIDED IN SECTION 1207, A~~ board created in a
9 former act shall continue as a board under this act, subject to the
10 provisions of this act. ~~The-EXCEPT AS PROVIDED IN SECTION 1207, THE~~
11 members of a board created under a former act serve as the initial
12 members of the equivalent board under this act until their
13 successors are appointed under this act or until the expiration of
14 their respective terms, whichever occurs first.

15 (3) ~~Rules-EXCEPT AS PROVIDED IN SECTION 1207, RULES~~
16 promulgated by the department or by a board under a former act and
17 in effect ~~on the day immediately preceding the effective date of~~
18 ~~this act-APRIL 3, 2017~~ continue in effect to the extent that they
19 do not conflict with this act. The rules shall be enforced by and
20 may be amended or rescinded by the department or a board under this
21 act.

22 (4) Any proceedings pending before the electrical
23 administrative board under the authority of former 1956 PA 217, the
24 board of mechanical rules under the authority of former 1984 PA
25 192, the board of boiler rules under the authority of former 1965
26 PA 290, the building officials advisory board under the authority
27 of former 1986 PA 54, or the state plumbing board under the

1 authority of former 2002 PA 733 shall be continued and be conducted
2 and determined in accordance with that former act.

3 (5) A reference in any other law of this state to a former act
4 is considered a reference to this act.

5 ARTICLE 12

6 ELEVATOR LICENSES, PERMITS, AND INSPECTIONS

7 SEC. 1201. AS USED IN THIS ARTICLE:

8 (A) "BOARD" MEANS THE ELEVATOR SAFETY BOARD CREATED UNDER
9 SECTION 1205.

10 (B) "CERTIFICATE OF OPERATION" MEANS A CERTIFICATE OF
11 OPERATION THAT IS ISSUED BY THE DEPARTMENT UNDER SECTION 1221.

12 (C) "ELEVATOR" MEANS THE MACHINERY, CONSTRUCTION, APPARATUS,
13 AND EQUIPMENT OF AN INCLINE LIFT, ESCALATOR, MOVING WALK, OR DEVICE
14 THAT SERVES 2 OR MORE LANDINGS AND IS USED IN RAISING AND LOWERING
15 A GUIDED CAR, CAGE, OR PLATFORM. THE TERM INCLUDES A PASSENGER
16 ELEVATOR, FREIGHT ELEVATOR, GRAVITY ELEVATOR, WORKMEN'S ELEVATOR,
17 MANLIFT, OR OTHER LIFTING OR LOWERING APPARATUS THAT IS GUIDED. THE
18 TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

19 (i) AN ELEVATING DEVICE THAT IS SUBJECT TO THE AUTHORITY OF
20 THE INSPECTORS OF MINES UNDER 1911 PA 163, MCL 425.101 TO 425.113.

21 (ii) A FEEDING MACHINE OR BELTED BUCKET, SCOOP, ROLLER, OR ANY
22 SIMILAR TYPE OF FREIGHT CONVEYOR.

23 (iii) A LUBRICATION HOIST OR OTHER SIMILAR MECHANISM.

24 (iv) A PILING OR STACKING MACHINE THAT IS USED WITHIN 1 STORY
25 AND DOES NOT PENETRATE A FLOOR.

26 (v) AN ELEVATOR, DUMBWAITER, OR INCLINE LIFT THAT IS LOCATED
27 IN A PRIVATE, SINGLE-FAMILY DWELLING.

1 (vi) AN OUTSIDE MATERIAL HOIST THAT IS USED FOR RAISING OR
2 LOWERING CONSTRUCTION MATERIALS WHILE A BUILDING OR STRUCTURE IS
3 UNDER CONSTRUCTION AND IS SUBJECT TO THE MICHIGAN OCCUPATIONAL
4 SAFETY AND HEALTH ACT, 1974 PA 154, MCL 408.1001 TO 408.1094, AND
5 THE RULES PROMULGATED UNDER THAT ACT.

6 (D) "ELEVATOR CONTRACTOR" MEANS AN INDIVIDUAL WHO IS ENGAGED
7 IN THE BUSINESS OF CONSTRUCTING, INSTALLING, MAINTAINING,
8 REPAIRING, OR ALTERING ELEVATORS, INCLUDING THE INSTALLING OR
9 MAINTAINING OF ELECTRIC WIRING, FIXTURES, APPARATUS, AND APPLIANCES
10 IN CONNECTION WITH THE OPERATION OR CONTROL OF ELEVATORS.

11 (E) "ELEVATOR CONTRACTOR LICENSE" MEANS A LICENSE THAT IS
12 GRANTED BY THE DIRECTOR THAT AUTHORIZES THE LICENSEE TO ENGAGE IN
13 THE BUSINESS OF AN ELEVATOR CONTRACTOR AT A SINGLE LOCATION IN THIS
14 STATE.

15 (F) "ELEVATOR INSPECTOR" MEANS AN INDIVIDUAL WHO IS LICENSED
16 UNDER SECTION 1209 TO PERFORM, OR TO PROVIDE SUPERVISION IN THE
17 PERFORMANCE OF, THE WORK OF INSTALLATION, ALTERATION, MAINTENANCE,
18 REPAIR, SERVICING, ADJUSTING, INSPECTING, OR TESTING OF ELEVATORS.

19 (G) "ELEVATOR JOURNEYMAN" MEANS AN INDIVIDUAL WHO IS QUALIFIED
20 AND LICENSED UNDER THIS ARTICLE TO PERFORM, OR TO PROVIDE
21 SUPERVISION IN THE PERFORMANCE OF, THE WORK OF INSTALLATION,
22 ALTERATION, MAINTENANCE, REPAIR, SERVICING, ADJUSTING, INSPECTING,
23 OR TESTING OF ELEVATORS.

24 (H) "INCLINE LIFT" MEANS AN ELEVATOR THAT IS DESIGNED AND
25 OPERATED FOR THE CONVEYANCE OF INDIVIDUALS OR MATERIAL FROM 1 LEVEL
26 TO ANOTHER. THE TERM DOES NOT INCLUDE THE ENCLOSURE OR BUILDING IN
27 WHICH THE INCLINE LIFT IS LOCATED, OR A SKI LIFT THAT IS DEFINED IN

1 AND SUBJECT TO THE SKI AREA SAFETY ACT OF 1962, 1962 PA 199, MCL
2 408.321 TO 408.344.

3 (I) "MAJOR ALTERATION" MEANS ANY WORK OTHER THAN AN EXACT
4 REPLACEMENT OF AN ELEVATOR PART OR COMPONENT, ANY CHANGE TO THE
5 ELEVATOR CAB, HOISTWAY, MECHANICAL ROOM, ELEVATOR ROOM, OR ELEVATOR
6 PIT, OR ANY OTHER ALTERATION DEFINED AS A MAJOR ALTERATION IN A
7 STANDARD APPROVED BY THE DEPARTMENT.

8 (J) "REPAIRS" MEANS ONLY THE WORK THAT IS NECESSARY TO
9 MAINTAIN PRESENT EQUIPMENT IN A SAFE AND SERVICEABLE CONDITION; AND
10 TO ADJUST OR REPLACE DEFECTIVE, BROKEN, OR WORN PARTS WITH PARTS
11 THAT ARE MADE OF EQUIVALENT MATERIAL, STRENGTH, AND DESIGN, AND
12 THAT PERFORM THE SAME FUNCTION AS THE REPLACED PART.

13 SEC. 1203. THIS ARTICLE DOES NOT APPLY IN THE JURISDICTION OF
14 A CITY THAT HAS A POPULATION OF 500,000 OR MORE ACCORDING TO THE
15 MOST RECENT DECENNIAL CENSUS AND HAS ADOPTED AN ORDINANCE THAT
16 INCLUDES REQUIREMENTS THAT ARE COMPARABLE TO THIS ARTICLE AND THE
17 RULES PROMULGATED UNDER THIS ARTICLE.

18 SEC. 1205. (1) THE ELEVATOR SAFETY BOARD IS CREATED IN THE
19 DEPARTMENT. THE BOARD SHALL CONSIST OF THE DIRECTOR, WHO IS A
20 NONVOTING, EX OFFICIO MEMBER OF THE BOARD AND IS NOT A MEMBER FOR
21 PURPOSES OF SECTION 5 OF ARTICLE V OF THE STATE CONSTITUTION OF
22 1963 OR FOR DETERMINING A QUORUM, AND 9 VOTING MEMBERS AS FOLLOWS:

23 (A) ONE MEMBER WHO IS A HOLDER OF A CERTIFICATE OF OPERATION
24 FOR AN ELEVATOR.

25 (B) ONE MEMBER WHO REPRESENTS INSURANCE COMPANIES THAT ARE
26 AUTHORIZED TO INSURE ELEVATORS IN THIS STATE.

27 (C) ONE MEMBER WHO IS A LICENSED ELEVATOR CONTRACTOR AND

1 MEMBER OF A UNION.

2 (D) ONE MEMBER WHO IS A LICENSED ELEVATOR CONTRACTOR AND NOT A
3 MEMBER OF A UNION.

4 (E) ONE MEMBER WHO REPRESENTS A CITY, VILLAGE, TOWNSHIP, OR
5 COUNTY IN THIS STATE THAT HAS A POPULATION OF AT LEAST 500,000
6 ACCORDING TO THE MOST RECENT DECENNIAL CENSUS.

7 (F) ONE MEMBER WHO IS A LICENSED ARCHITECT OR CONSULTING
8 ENGINEER.

9 (G) ONE MEMBER WHO REPRESENTS THE MANUFACTURERS OF ELEVATORS
10 USED IN THIS STATE.

11 (H) TWO MEMBERS WHO REPRESENT THE GENERAL PUBLIC.

12 (2) IN ADDITION TO ITS DUTIES UNDER ARTICLE 3, THE BOARD SHALL
13 REVIEW ANY SUBSTANTIVE REVISIONS MADE BY THE AMERICAN SOCIETY OF
14 MECHANICAL ENGINEERS TO THE SAFETY CODE FOR ELEVATORS AND
15 ESCALATORS, ASME A17.1/CSA B44, WITHIN 6 MONTHS OF THE PUBLICATION
16 OF THOSE REVISIONS, AND MAKE RECOMMENDATIONS TO THE DIRECTOR FOR
17 ANY AMENDMENTS TO THE MICHIGAN ELEVATOR RULES, R 408.7001 TO R
18 408.8695 OF THE MICHIGAN ADMINISTRATIVE CODE, OR RECOMMENDATIONS TO
19 THE STATE CONSTRUCTION CODE COMMISSION FOR ANY AMENDMENTS TO THE
20 STATE CONSTRUCTION CODE, THAT THE BOARD CONSIDERS APPROPRIATE TO
21 REFLECT THOSE REVISIONS. THE BOARD SHALL HOLD AT LEAST 1 PUBLIC
22 HEARING AND SOLICIT AND CONSIDER INPUT FROM STAKEHOLDERS BEFORE
23 MAKING ANY RECOMMENDATIONS TO THE DIRECTOR UNDER THIS SUBSECTION.

24 SEC. 1207. (1) AN INDIVIDUAL WHO HOLDS A LICENSE ON THE DAY
25 IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS ARTICLE THAT WAS
26 ISSUED UNDER FORMER 1967 PA 227 OR FORMER 1976 PA 333 IS CONSIDERED
27 THE HOLDER OF A LICENSE UNDER THIS ARTICLE UNTIL THAT LICENSE

1 EXPIRES. AN INDIVIDUAL WHO HOLDS A LICENSE DESCRIBED IN THIS
2 SUBSECTION MAY RENEW THAT LICENSE IN THE MANNER DESCRIBED IN THIS
3 ACT.

4 (2) AN INDIVIDUAL WHO HOLDS AN INSPECTOR'S CERTIFICATE OF
5 COMPETENCY ON THE DAY IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF
6 THIS ARTICLE THAT WAS ISSUED UNDER FORMER 1967 PA 227 IS CONSIDERED
7 THE HOLDER OF A LICENSE AS AN ELEVATOR INSPECTOR UNDER THIS ARTICLE
8 UNTIL THE EXPIRATION DATE OF THAT CERTIFICATE. AN INDIVIDUAL WHO
9 HOLDS A CERTIFICATE OF COMPETENCY DESCRIBED IN THIS SUBSECTION MAY
10 OBTAIN A LICENSE AS AN ELEVATOR INSPECTOR IN THE MANNER DESCRIBED
11 IN THIS ACT FOR RENEWAL OF AN ELEVATOR INSPECTOR LICENSE.

12 (3) A CERTIFICATE OF OPERATION FOR AN ELEVATOR ISSUED UNDER
13 FORMER 1967 PA 227 AND IN EFFECT ON THE DAY IMMEDIATELY PRECEDING
14 THE EFFECTIVE DATE OF THIS ARTICLE IS CONSIDERED A CERTIFICATE OF
15 OPERATION ISSUED UNDER THIS ARTICLE UNTIL THAT CERTIFICATE OF
16 OPERATION EXPIRES. A PERSON MAY RENEW A CERTIFICATE OF OPERATION
17 DESCRIBED IN THIS SUBSECTION IN THE MANNER DESCRIBED IN THIS
18 ARTICLE.

19 (4) THE ELEVATOR SAFETY BOARD CREATED IN FORMER 1967 PA 227 IS
20 ABOLISHED. HOWEVER, THE MEMBERS OF THE ELEVATOR SAFETY BOARD
21 CREATED IN FORMER 1967 PA 227 SHALL SERVE AS THE INITIAL MEMBERS OF
22 THE ELEVATOR SAFETY BOARD UNDER THIS ARTICLE UNTIL THE MEMBERS OF
23 THE ELEVATOR SAFETY BOARD ARE APPOINTED UNDER THIS ARTICLE OR UNTIL
24 THE EXPIRATION OF THEIR RESPECTIVE TERMS, WHICHEVER OCCURS FIRST.

25 (5) RULES THAT WERE PROMULGATED BY THE DEPARTMENT OR BY THE
26 ELEVATOR SAFETY BOARD UNDER FORMER 1967 PA 227 OR FORMER 1976 PA
27 333 AND WERE IN EFFECT ON THE DAY IMMEDIATELY PRECEDING THE

1 EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE IN EFFECT TO THE
2 EXTENT THAT THEY DO NOT CONFLICT WITH THIS ARTICLE. THE RULES SHALL
3 BE ENFORCED BY AND MAY BE AMENDED OR RESCINDED BY THE DEPARTMENT OR
4 THE BOARD.

5 SEC. 1209. (1) AN INDIVIDUAL MUST MEET ALL OF THE FOLLOWING
6 REQUIREMENTS TO OBTAIN A LICENSE AS AN ELEVATOR JOURNEYMAN:

7 (A) BE AT LEAST 18 YEARS OF AGE.

8 (B) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

9 (C) HAVE PASSED THE EXAMINATION REQUIRED BY THE DEPARTMENT TO
10 TEST THE APPLICANT'S QUALIFICATIONS TO PERFORM, OR TO PROVIDE
11 SUPERVISION IN THE PERFORMANCE OF, THE WORK OF INSTALLATION,
12 ALTERATION, MAINTENANCE, REPAIR, SERVICING, ADJUSTING, INSPECTING,
13 OR TESTING OF ELEVATORS.

14 (D) PROVIDE EVIDENCE OF AT LEAST 3 YEARS OF CONTINUOUS
15 EMPLOYMENT AS AN ELEVATOR CONSTRUCTOR, SERVICEMAN, MAINTENANCE MAN,
16 OR REPAIRMAN. THIS EXPERIENCE MUST CONSIST OF WORK PERFORMED THAT
17 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE AND RULES
18 PROMULGATED UNDER THIS ARTICLE.

19 (2) AN INDIVIDUAL MUST MEET ALL OF THE FOLLOWING REQUIREMENTS
20 TO OBTAIN A LICENSE AS AN ELEVATOR CONTRACTOR:

21 (A) BE AT LEAST 18 YEARS OF AGE.

22 (B) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

23 (C) HAVE PASSED THE EXAMINATION REQUIRED BY THE DEPARTMENT TO
24 TEST THE APPLICANT'S QUALIFICATIONS TO ENGAGE IN CONSTRUCTING,
25 INSTALLING, MAINTAINING, REPAIRING, OR ALTERING ELEVATORS,
26 INCLUDING THE INSTALLING OR MAINTAINING OF ELECTRIC WIRING,
27 FIXTURES, APPARATUS, AND APPLIANCES IN CONNECTION WITH THE

1 OPERATION OR CONTROL OF ELEVATORS, OR PROVIDE EQUIVALENT PROOF OF
2 QUALIFICATION ACCEPTABLE TO THE DEPARTMENT.

3 (D) PROVIDE EVIDENCE OF AT LEAST 7 YEARS OF EXPERIENCE AS AN
4 ELEVATOR JOURNEYMAN, OR EQUIVALENT EXPERIENCE ACCEPTABLE TO THE
5 DEPARTMENT.

6 (3) AN INDIVIDUAL MUST MEET ALL OF THE FOLLOWING REQUIREMENTS
7 TO OBTAIN A LICENSE AS AN ELEVATOR INSPECTOR:

8 (A) HAVE PASSED THE EXAMINATION REQUIRED BY THE DEPARTMENT TO
9 TEST THE APPLICANT'S QUALIFICATIONS TO INSPECT ELEVATORS.

10 (B) PROVIDE EVIDENCE OF AT LEAST 3 YEARS OF EXPERIENCE AS AN
11 ELEVATOR CONSTRUCTOR, SERVICEMAN, MAINTENANCE MAN, OR REPAIRMAN.

12 (C) PROVIDE AT LEAST 1 REFERENCE FROM A PREVIOUS EMPLOYER THAT
13 CERTIFIES TO THE APPLICANT'S EXPERIENCE.

14 (4) THE DEPARTMENT MAY CONSIDER A DEGREE IN ELECTRICAL OR
15 MECHANICAL ENGINEERING FROM AN ACCREDITED COLLEGE OR UNIVERSITY AS
16 THE EQUIVALENT OF 1 YEAR OF EXPERIENCE FOR PURPOSES OF SUBSECTION
17 (1), (2), OR (3).

18 (5) ONLY AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE IS
19 ALLOWED TO WORK IN THE INSTALLATION, ALTERATION, MAINTENANCE,
20 REPAIR, SERVICING, INSPECTING, ADJUSTING, OR TESTING OF ELEVATORS.
21 THE INDIVIDUAL MUST PERFORM THAT WORK UNDER THE IMMEDIATE
22 SUPERVISION OF A LICENSED ELEVATOR CONTRACTOR.

23 SEC. 1211. (1) AN INDIVIDUAL WHO IS NOT A RESIDENT OF THIS
24 STATE AND WHO MEETS THE REQUIREMENTS OF THIS ARTICLE MAY APPLY TO
25 OBTAIN A LICENSE UNDER THIS ARTICLE. ALL OF THE FOLLOWING APPLY TO
26 A NONRESIDENT INDIVIDUAL OR FOREIGN ENTITY THAT APPLIES FOR
27 LICENSURE UNDER THIS ARTICLE:

1 (A) THE DIRECTOR MAY INTERVIEW THE APPLICANT TO DETERMINE
2 ELIGIBILITY FOR LICENSURE.

3 (B) THE APPLICANT SHALL FILE AN IRREVOCABLE CONSENT TO SERVICE
4 OF PROCESS WITH THE DEPARTMENT, ON A FORM PRESCRIBED BY THE
5 DEPARTMENT, APPOINTING THE DEPARTMENT AS ITS ATTORNEY TO RECEIVE
6 SERVICE OF LAWFUL PROCESS IN A NONCRIMINAL ACTION OR PROCEEDING
7 AGAINST THE APPLICANT OR LICENSEE THAT ARISES UNDER THIS ACT OR A
8 RULE PROMULGATED OR ORDER ISSUED UNDER THIS ACT. THE CONSENT MUST
9 INCLUDE THE NOTARIZED SIGNATURE OF THE APPLICANT OR AN AUTHORIZED
10 OFFICER, MEMBER, OR PARTNER OF THE APPLICANT. IF THE APPLICANT IS A
11 CORPORATION, THE APPLICANT MUST INCLUDE WITH THE CONSENT A
12 CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OR SHAREHOLDERS OF
13 THE CORPORATION THAT AUTHORIZES THE CONSENT.

14 (2) AFTER THE FILING OF THE CONSENT DESCRIBED IN SUBSECTION
15 (1) (B), PROCESS RECEIVED BY THE DEPARTMENT HAS THE SAME FORCE AND
16 VALIDITY AS IF SERVED PERSONALLY ON THE APPLICANT OR LICENSEE. A
17 PERSON THAT SERVES A PLEADING OR PROCESS UNDER THIS SECTION SHALL
18 SERVE THE PLEADING OR PROCESS ON THE DEPARTMENT IN DUPLICATE. THE
19 DEPARTMENT IMMEDIATELY SHALL FORWARD BY REGISTERED MAIL 1 COPY OF
20 THE PROCESS OR PLEADING TO THE LAST KNOWN ADDRESS OF THE APPLICANT
21 OR LICENSEE IN THE DEPARTMENT'S RECORDS.

22 SEC. 1213. (1) THE WORK OF INSTALLATION, ALTERATION,
23 MAINTENANCE, REPAIR, SERVICING, INSPECTING, ADJUSTING, OR TESTING
24 OF AN ELEVATOR SHALL BE PERFORMED BY AN INDIVIDUAL WHO IS LICENSED
25 UNDER THIS ARTICLE.

26 (2) AN INDIVIDUAL WHO ENTERS AN ELEVATOR HOISTWAY, PIT,
27 MACHINERY SPACE, OR MACHINE ROOM FOR ANY REASON, EXCEPT UNDER AN

1 EMERGENCY SITUATION, MUST BE A LICENSED ELEVATOR INSPECTOR OR AN
2 INDIVIDUAL WHO IS EMPLOYED AS A HELPER AND IS UNDER THE IMMEDIATE
3 SUPERVISION OF AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE.

4 (3) A BUILDING OWNER MUST DISPLAY A SIGN ON THE MACHINE ROOM
5 DOOR THAT IDENTIFIES THE ROOM AS THE MACHINE ROOM, STATES THAT ONLY
6 AUTHORIZED PERSONNEL ARE TO BE ADMITTED, AND STATES THAT THE ROOM
7 MAY NOT BE USED FOR STORAGE.

8 (4) STORAGE OF ANY ITEMS OTHER THAN ELEVATOR MATERIALS IN A
9 MACHINE ROOM IS A VIOLATION OF THIS ARTICLE.

10 (5) A BUILDING OWNER SHALL ENSURE THAT ALL KEYS TO THE
11 ELEVATOR SYSTEM THAT ARE REQUIRED UNDER THE STANDARD APPROVED BY
12 THE DEPARTMENT, INCLUDING THE HOISTWAY DOOR UNLOCKING DEVICE, ARE
13 STORED IN THE MACHINE ROOM AND MADE AVAILABLE TO AN ELEVATOR
14 INSPECTOR.

15 SEC. 1215. AN ELEVATOR SHALL BE CONSTRUCTED, EQUIPPED,
16 MAINTAINED, REPAIRED, AND USED WITH RESPECT TO THE SUPPORTING
17 MEMBERS, CAR OR PLATFORM, HOISTWAYS, GUIDES, CABLES, DOORS AND
18 GATES, SAFETY STOPS AND MECHANISMS, ELECTRICAL APPARATUS AND
19 WIRING, MECHANICAL APPARATUS, COUNTERWEIGHTS, AND ALL OTHER
20 APPURTENANCES, IN A MANNER THAT COMPLIES WITH THE REQUIREMENTS OF
21 THIS ARTICLE AND RULES PROMULGATED UNDER THIS ARTICLE.

22 SEC. 1217. (1) THE HOLDER OF THE CERTIFICATE OF OPERATION FOR
23 AN ELEVATOR SHALL PERMANENTLY ATTACH TO THE ELEVATOR IN AN APPROVED
24 AREA AN IDENTIFICATION PLATE THAT SHOWS THE RATED LOAD AND THE
25 SERIAL NUMBER OF EACH ELEVATOR.

26 (2) THE DEPARTMENT SHALL FURNISH 1 SERIAL NUMBER TAG TO THE
27 HOLDER OF A CERTIFICATE OF OPERATION FOR AN ELEVATOR AND THE HOLDER

1 SHALL PERMANENTLY ATTACH THE TAG TO THE ELEVATOR MACHINE
2 CONTROLLER. THE HOLDER MAY OBTAIN A REPLACEMENT ELEVATOR SERIAL
3 PLATE OR ELEVATOR TAG NUMBER UNDER SECTION 1237(3) .

4 SEC. 1219. (1) AN INDIVIDUAL SHALL NOT INSTALL OR ALTER AN
5 ELEVATOR, HOISTWAY, PIT, MACHINE ROOM, OR MACHINERY SPACE WITHOUT
6 FIRST OBTAINING A PERMIT FROM THE DEPARTMENT. THE DEPARTMENT SHALL
7 ONLY ISSUE A PERMIT TO AN INDIVIDUAL WHO IS LICENSED UNDER THIS
8 ARTICLE.

9 (2) AN INDIVIDUAL MUST HAVE A PERMIT WHEN PERFORMING ANY MAJOR
10 ALTERATION, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

11 (A) A REPLACEMENT THAT REQUIRES THE PERFORMANCE OF A TEST.

12 (B) WORK THAT REQUIRES DEPRESSURIZATION OF AN ELEVATOR
13 HYDRAULIC SYSTEM.

14 (C) REPLACEMENT OF SUSPENSION EQUIPMENT OR PARTS, INCLUDING,
15 BUT NOT LIMITED TO, BELTS AND CABLES.

16 (D) REPLACEMENT OF EQUIPMENT OR PARTS FOR AN ESCALATOR OR
17 MOVING WALK, INCLUDING, BUT NOT LIMITED TO, A CHAIN OR HANDRAIL.

18 (3) A PERMIT SHALL EXPIRE AFTER 180 DAYS OF INACTIVITY. AN
19 INDIVIDUAL MAY RENEW A PERMIT, AT THE DISCRETION OF THE DEPARTMENT,
20 FOR 1 ADDITIONAL 180-DAY PERIOD IF THE INDIVIDUAL PAYS A PERMIT
21 RENEWAL FEE IN AN AMOUNT ESTABLISHED BY THE DEPARTMENT BY RULE.

22 (4) AN ELEVATOR HOISTWAY ENCLOSURE MUST MEET THE REQUIREMENTS
23 OF THIS ARTICLE AND RULES PROMULGATED UNDER THIS ARTICLE.

24 (5) A LICENSEE WHO APPLIES FOR A PERMIT MUST SUBMIT DETAILED
25 PLANS AND SPECIFICATIONS OF ALL ELEVATOR EQUIPMENT AND THE ELEVATOR
26 HOISTWAY ENCLOSURE TO THE DEPARTMENT, AND THE DEPARTMENT SHALL NOT
27 ISSUE A PERMIT UNLESS IT APPROVES THE PLANS AND SPECIFICATIONS.

1 (6) AN ELEVATOR MUST BE APPROVED FOR USE BY THE DEPARTMENT
2 BEFORE OPERATION.

3 SEC. 1221. (1) EACH YEAR, THE DEPARTMENT SHALL INSPECT EACH
4 ELEVATOR THAT IS LOCATED IN THIS STATE. IF THE DEPARTMENT
5 DETERMINES THAT AN ELEVATOR HAS BEEN INSPECTED, TESTED, AND
6 MAINTAINED IN A SAFE OPERATING CONDITION IN COMPLIANCE WITH THE
7 REQUIREMENTS OF THIS ARTICLE AND THE RULES PROMULGATED UNDER THIS
8 ARTICLE THAT ARE IN EFFECT ON THE DATE OF THE INSPECTION, THE
9 DEPARTMENT SHALL ISSUE A CERTIFICATE OF OPERATION FOR THE ELEVATOR
10 TO THE OWNER OF THE ELEVATOR.

11 (2) A CERTIFICATE OF OPERATION IS VALID FOR 1 YEAR AND EXPIRES
12 1 YEAR AFTER THE DATE OF ISSUANCE, UNLESS RENEWED WITHIN 60 DAYS
13 AFTER THE DATE OF EXPIRATION.

14 (3) A RENEWAL APPLICATION SHALL INCLUDE AN INSPECTION FORM
15 SIGNED BY A LICENSED ELEVATOR CONTRACTOR OR A LICENSED ELEVATOR
16 INSPECTOR. THE DEPARTMENT SHALL SCHEDULE AN ELEVATOR INSPECTION
17 WHEN IT RECEIVES THE RENEWAL APPLICATION AND INSPECTION FEE. THE
18 DEPARTMENT MAY ISSUE A LETTER OF CONDITIONAL COMPLIANCE TO THE
19 OWNER, BY MAIL OR ELECTRONICALLY, AND ADD THE ELEVATOR TO THE
20 DEPARTMENT'S INSPECTION SCHEDULE.

21 (4) IF A PERSON DOES NOT SUBMIT A RENEWAL APPLICATION AND THE
22 RENEWAL FEE BEFORE THE EXPIRATION OF A CERTIFICATE OF OPERATION,
23 THE DEPARTMENT SHALL SCHEDULE THE ELEVATOR FOR AN INSPECTION, BUT
24 THE PERSON MUST PAY AN ADDITIONAL LATE FEE, IN AN AMOUNT DETERMINED
25 BY THE DEPARTMENT BY RULE, BEFORE THE DEPARTMENT WILL ISSUE A
26 CERTIFICATE OF OPERATION.

27 SEC. 1223. (1) A BUILDING OWNER SHALL ENSURE THAT EACH

1 ELEVATOR ON THE PREMISES IS SERVICED AND EXAMINED FOR DEFECTS BY A
2 LICENSED ELEVATOR JOURNEYMAN AS OFTEN AS NECESSARY, BUT AT LEAST
3 EVERY 90 DAYS, TO MAINTAIN THE EQUIPMENT IN A SAFE OPERATING
4 CONDITION. THE DEPARTMENT BY RULE SHALL ESTABLISH MINIMUM
5 REQUIREMENTS FOR MAINTENANCE AND INSPECTION.

6 (2) A BUILDING OWNER SHALL KEEP REPORTS AND LOGS OF ALL
7 MAINTENANCE, REPAIRS, TESTS PERFORMED, AND INSPECTIONS OF AN
8 ELEVATOR IN THE ELEVATOR MACHINE ROOM, ON A FORM PRESCRIBED BY THE
9 DEPARTMENT. THE DEPARTMENT MAY REQUEST COPIES OR PHYSICAL
10 INSPECTION OF THE REPORTS AND LOGS AT ANY TIME.

11 SEC. 1225. DURING REASONABLE HOURS, THE DIRECTOR MAY ENTER ANY
12 PREMISES IN THIS STATE WITHOUT HINDRANCE FOR THE PURPOSE OF
13 EXAMINING EQUIPMENT COVERED BY THIS ARTICLE IN ACCORDANCE WITH THE
14 RULES PROMULGATED UNDER THIS ARTICLE. THE HOLDER OF A CERTIFICATE
15 OF OPERATION SHALL PROVIDE ANY ASSISTANCE REQUIRED BY THE DIRECTOR
16 IN MAKING THE INSPECTION.

17 SEC. 1227. THE DEPARTMENT, AN ELEVATOR JOURNEYMAN, OR AN
18 ELEVATOR INSPECTOR MAY SEAL AN ELEVATOR OUT OF SERVICE IN
19 ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS ARTICLE OR IF ANY
20 OF THE FOLLOWING OCCUR:

21 (A) IN AN EMERGENCY, IF IN THE OPINION OF THE JOURNEYMAN OR
22 INSPECTOR THE CONDITION OF THE ELEVATOR RENDERS IT UNSAFE FOR
23 OPERATION.

24 (B) A FAILURE TO OBTAIN A PERMIT OR RENEW A PERMIT.

25 (C) A FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE
26 DEPARTMENT.

27 (D) A FAILURE TO RENEW A CERTIFICATE OF OPERATION.

1 SEC. 1229. (1) IF AN INTACT ELEVATOR IS SEALED OUT OF SERVICE
2 BY THE DEPARTMENT FOR MORE THAN 1 YEAR OR THE ELEVATOR IS INACTIVE
3 FOR MORE THAN 1 YEAR, AND THE PREMISES ARE NOT VACATED, THE OWNER
4 OF THE PREMISES IN WHICH THE ELEVATOR IS LOCATED MUST MAKE THE
5 ELEVATOR DORMANT BY ENSURING THAT THE ELEVATOR EQUIPMENT IS
6 ENTIRELY DISCONNECTED IN A MANNER THAT COMPLIES WITH THE
7 REQUIREMENTS OF THIS ARTICLE AND RULES PROMULGATED UNDER THIS
8 ARTICLE.

9 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ARTICLE MUST
10 FIRST OBTAIN A DORMANT ELEVATOR PERMIT AND PAY ANY ASSOCIATED FEES
11 BEFORE MAKING AN ELEVATOR DORMANT UNDER SUBSECTION (1).

12 (3) THE DEPARTMENT SHALL VOID THE CERTIFICATE OF OPERATION FOR
13 AN ELEVATOR THAT IS MADE DORMANT UNDER SUBSECTION (1).

14 (4) AN ELEVATOR SHALL NOT BE MADE DORMANT IF THE ELEVATOR IS
15 REQUIRED FOR THE BUILDING TO MEET REQUIREMENTS ESTABLISHED WITHIN
16 THE AMERICANS WITH DISABILITIES ACT OF 1990, PUBLIC LAW 101-336.

17 (5) IF A BUILDING OWNER WISHES TO MAKE A DORMANT ELEVATOR
18 OPERATIONAL, THE BUILDING OWNER MUST APPLY FOR A NEW CERTIFICATE OF
19 OPERATION, MEET THE REQUIREMENTS OF THIS ARTICLE AND ANY RULES
20 PROMULGATED BY THE DEPARTMENT UNDER THIS ARTICLE, AND PAY THE
21 APPLICABLE FEES ESTABLISHED BY THE DEPARTMENT UNDER THIS ACT.

22 (6) THE DEPARTMENT MAY PROMULGATE RULES CONCERNING THE PROCESS
23 OF MAKING AN ELEVATOR DORMANT AND MAKING A DORMANT ELEVATOR
24 OPERATIONAL UNDER THIS ARTICLE.

25 SEC. 1231. (1) THE HOLDER OF A CERTIFICATE OF OPERATION FOR AN
26 ELEVATOR SHALL NOTIFY THE DEPARTMENT, ON A FORM PROVIDED BY THE
27 DEPARTMENT, WITHIN 24 HOURS AFTER THE HOLDER KNOWS OF AN ACCIDENT

1 THAT INVOLVES PERSONAL INJURY OR DAMAGE TO THE ELEVATOR.

2 (2) THE BUILDING OWNER SHALL KEEP A COPY OF ALL ACCIDENT
3 REPORTS FOR AT LEAST 3 YEARS FROM THE DATE OF THE ACCIDENT.

4 SEC. 1233. THE DEPARTMENT, AFTER CONSULTATION WITH THE BOARD,
5 SHALL PROMULGATE RULES REGARDING PERIODIC INSPECTIONS BY THE
6 DEPARTMENT AND SHALL INCLUDE, BUT NOT BE LIMITED TO, FREQUENCY,
7 DOCUMENTATION, AND REQUIRED EXAMINATIONS.

8 SEC. 1235. AN OWNER OF AN ELEVATOR DEVICE THAT IS NOT SUBJECT
9 TO THIS ARTICLE MAY REQUEST THE DEPARTMENT TO PERFORM AN INSPECTION
10 OF AN ELEVATING DEVICE THAT IS NOT COVERED UNDER THIS ARTICLE AND
11 WILL BE REQUIRED TO PAY THE SPECIAL INSPECTION FEE PROMULGATED BY
12 RULE.

13 SEC. 1237. (1) THE DEPARTMENT SHALL PROMULGATE RULES TO
14 ESTABLISH THE FEES FOR CERTIFICATES OF OCCUPANCY AND ELEVATOR
15 INSPECTIONS. THE FEES SHALL REFLECT THE ACTUAL COSTS AND EXPENSES
16 OF THE DEPARTMENT IN ISSUING CERTIFICATES OF OCCUPANCY AND
17 CONDUCTING ELEVATOR INSPECTIONS. THE FEES IN EFFECT ON THE DAY
18 IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS ARTICLE SHALL
19 CONTINUE IN EFFECT UNTIL THE DEPARTMENT PROMULGATES RULES UNDER
20 THIS SUBSECTION.

21 (2) IF A LICENSE ISSUED UNDER THIS ARTICLE IS LOST OR
22 DESTROYED, THE DEPARTMENT SHALL ISSUE A NEW LICENSE, WITHOUT
23 EXAMINATION, IF A FEE OF \$25.00 IS PAID AND AN APPLICATION FOR A
24 NEW LICENSE IS SUBMITTED, ACCOMPANIED BY A WRITTEN STATEMENT MADE
25 BY THE LICENSEE THAT THE LICENSE WAS LOST OR DESTROYED.

26 (3) IF THE DEPARTMENT RECEIVES A REQUEST IN WRITING FOR A
27 REPLACEMENT ELEVATOR SERIAL PLATE OR ELEVATOR TAG NUMBER, AND AN

1 **APPROPRIATE FEE ESTABLISHED BY RULE, THE DEPARTMENT SHALL ISSUE A**
 2 **REPLACEMENT ELEVATOR SERIAL PLATE OR ELEVATOR TAG NUMBER.**

3 Enacting section 1. The following acts and parts of acts are
 4 repealed:

5 (a) 1976 PA 333, MCL 338.2151 to 338.2160.

6 (b) 1967 PA 227, MCL 408.801 to 408.824.

7 Enacting section 2. This amendatory act takes effect 90 days
 8 after the date it is enacted into law.