

ASBESTOS ABATEMENT CONTRACTORS LICENSING ACT (EXCERPT)
Act 135 of 1986

338.3309 Petition for administrative hearing; notice; attendance of employee representative; affirming, dismissing, or modifying citation; judicial review; finality, payment, and recovery of civil penalty; conduct of administrative hearings.

Sec. 309. (1) Not later than 20 days after receipt of a citation issued pursuant to section 307, the alleged violator may petition the department for an administrative hearing which shall be held before the board or the board's designated representative within 30 days after receipt of the petition. The department shall notify the alleged violator's employees or employee representative that an administrative hearing will be held and the date, time, and place of the hearing. The alleged violator shall permit the attendance of an employee representative at the administrative hearing. After the administrative hearing, the director of the department may affirm, dismiss, or modify the citation.

(2) An alleged violator aggrieved by a decision of the director of the department under this section may petition the circuit court of the county in which the violation was alleged to have occurred for review. The petition shall be filed not later than 60 days following receipt of the director's final decision.

(3) A civil penalty becomes final if a petition for an administrative hearing or review is not received within the time specified in this section. A civil penalty imposed under this act shall be payable to the department for deposit with the general fund. A civil penalty may be recovered in a civil action brought in the county in which the violation occurred or the defendant resides.

(4) Administrative hearings under this section shall be conducted pursuant to the administrative procedures act of 1969.

History: 1986, Act 135, Eff. July 2, 1986.

Compiler's note: Sec. 317 of this act provides: "The licensing provisions of this act shall take effect 3 months after the effective date of this act."