

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 8
MECHANICAL CONTRACTORS

339.5801 Definitions; A to H.

Sec. 801. As used in this article:

(a) "Air conditioning" means the process of treating air to meet the requirements of a conditioned space by controlling, either simultaneously or individually, the air's temperature, humidity, cleanness, and distribution.

(b) "Board" means the board of mechanical rules described in section 805.

(c) "Cooling" means air conditioning as defined in subdivision (a).

(d) "Ductwork" means the air distribution arrangement for supply, return, and exhaust in air conditioning systems and in nonair conditioning systems, the materials and methods of which are specified in the Michigan mechanical code, or an equivalent nationally recognized model mechanical code. Ductwork includes flues, vents, and chimneys.

(e) "Fire suppression system" means an integrated combination of a fire alarm system and fire suppression equipment that as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.

(f) "Heating", used alone, means the use of any fuel or electricity to generate heat in an air conditioning system. When used with a qualifying term such as "hydronic", the term heating assumes the limited meaning expressed by that qualification.

(g) "Heating, ventilating, and air conditioning" or "HVAC" means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window-type air conditioners of not more than 1-1/2 horsepower.

(h) "Hydronic heating and cooling" means the application of equipment and systems which provide air conditioning by the controlled forced circulation of fluids or vapors in pipes.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5803 Definitions; L to V.

Sec. 803. As used in this article:

(a) "Limited heating service" means the servicing of gas-designed sectional boilers that have inputs of not more than 1 million British thermal units, utilizing a combustion safeguard designed to shut off the main gas supply 10 or more seconds after pilot flame failure, and all other gas-fired or solid-fuel equipment and systems limited to input ratings of less than 400,000 British thermal units per unit; or oil-fired equipment and systems designed for the use of number 1 or number 2 fuel oil, that has a maximum firing rate of less than 5 gallons per hour per unit; or electrical furnaces and electric boilers that use the same kilowatts that are equivalent to the fossil fuel British thermal units generated.

(b) "Limited refrigeration and air conditioning service" means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle of unlimited capacity utilizing group 1 refrigerants as listed in the Michigan mechanical code or an equivalent nationally recognized model mechanical code.

(c) "Process piping" means any piping which is not part of a system designed to provide air conditioning or of a refrigeration system. Process piping includes, but is not limited to, pipes that transfer chemicals and other fluids, gases, or vapors for systems other than air conditioning systems as covered by the Michigan mechanical code or an equivalent nationally recognized model mechanical code.

(d) "Refrigeration" means the use of equipment and systems, including, but not limited to, refrigeration piping, employing the refrigeration cycle to generate low temperatures for other than air conditioning equipment and systems. Refrigeration includes, but is not limited to, equipment and systems such as supermarket refrigeration, industrial refrigeration, the preservation of biological materials, and food storage facilities. Refrigeration does not include the installation of portable self-contained units such as refrigerators, dehumidifiers, and other similar equipment of not more than 1.5 horsepower or other equipment exempted from the Michigan mechanical code.

(e) "Servicing" means the maintenance, repair, and servicing of previously installed equipment and systems.

(f) "Specialty license" means a license issued under this article that allows the licensee to perform work within limits established by the board in 1 or more of the work classifications described in section 807(2).

(g) "Unlimited heating service" means the servicing of heating equipment and systems without restrictions concerning thermal capacity or grade of fuel oil or type of fuel.

(h) "Unlimited refrigeration and air conditioning service" means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited as to thermal capacity or type of refrigerant.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5805 Board of mechanical rules; appointment and qualifications of members; designation of chairperson; election of vice-chairperson and secretary; quorum; recommendations.

Sec. 805. (1) The board of mechanical rules created in section 3 of former 1984 PA 192 shall continue in existence and is designated as the board for purposes of this article.

(2) The board shall consist of the state fire marshal or the state fire marshal's designee, who is a permanent member, and 14 residents of the state, appointed by the governor. All of the following apply to the appointed members of the board:

(a) An appointed member shall be at least 18 years old.

(b) Except for the representative of the general public, an appointed member shall be qualified in his or her respective field.

(c) The appointed members of the board shall include all of the following:

(i) An individual representing the general public.

(ii) A member of organized labor who represents the mechanical trades.

(iii) A professional mechanical engineer who is licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, as a professional engineer.

(iv) A representative of an energy-producing public utility of the state.

(v) A representative from each of the work classifications described in section 807(2).

(vi) Two chief mechanical inspectors of governmental subdivisions, 1 of whom enforces the building officials and code administrators building code, and 1 of whom enforces the international conference of building officials building code.

(3) At the first meeting of each year, the board shall elect from its membership a vice-chairperson and secretary. The vice-chairperson and secretary shall be elected from those members appointed to the board by the governor, except that the board members who are chief mechanical inspectors are not eligible for election as vice-chairperson of the board. The governor shall designate 1 member of the board to serve as chairperson at the pleasure of the governor.

(4) Eight members of the board shall constitute a quorum for the transaction of business. An approval, decision, or ruling of the board does not become effective unless approved by 2/3 of the board members attending a meeting.

(5) The board may recommend to the state construction code commission the promulgation of rules the board considers necessary for the safe design, construction, installation, alteration, servicing, and inspection of systems used in compliance with the Michigan mechanical code, and may recommend modifications, additions, or deletions to this act to update and maintain this act as an effective and enforceable instrument. The board may also recommend to the state construction code commission, after testing and evaluating a material, product, method of manufacture, or method of construction or installation for acceptability under the state construction code, that the commission issue a certificate of acceptability for that material, product, or method.

History: 2016, Act 407, Eff. Apr. 4, 2017.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of board of mechanical rules to department of licensing and regulatory affairs, see E.R.O. No. 2017-1, compiled at MCL 339.3102.

For the reduction of the number of members from 15 to 11, revision of the member qualifications, and abolishment of the quorum requirements under subsection (4), see E.R.O. No. 2024-2, compiled at MCL 16.735.

339.5807 Work classification examination; eligibility; classifications and limitations; "experience" defined; affidavit or letter signed by commanding officer, supervisor, or military superior; completion of 2-year program.

Sec. 807. (1) An applicant is not eligible for a work classification examination under this article unless the applicant meets the requirements provided in article 2, is of good moral character, and meets 1 or more of the following:

(a) Has a minimum of 3 years or 6,000 hours of experience in the work classification for which he or she is seeking a license, or an equivalent of that experience, that is acceptable to the board and shown to the

department, in 1 or more of the work classifications described in subsection (2). For purposes of this subdivision, and except in the case of equivalent experience, an applicant must provide to the board and the department a statement signed under penalty of perjury from each contractor of record that is the present or former mechanical contractor employer of the applicant. The statement must indicate that the applicant has a minimum of 3 years or 6,000 hours of performance in each work classification for which the applicant is seeking a license and must include a detailed and specific description of the type of work performed by the applicant and the length of time he or she performed that work.

(b) Currently holds, and has continuously held for at least 3 years immediately preceding his or her application, an active license under this act in a work classification listed in subsection (2)(b), (d), (e), or (f) and is applying for licensure in the following work classifications, as applicable:

(i) If he or she currently holds a license in the work classification listed in subsection (2)(b), a work classification listed in subsection (2)(c), (e), (f), (g), (h), or (j).

(ii) If he or she currently holds a license in the work classification listed in subsection (2)(d), a work classification listed in subsection (2)(f) or (h).

(iii) If he or she currently holds a license in the work classification listed in subsection (2)(e), a work classification listed in subsection (2)(g).

(iv) If he or she currently holds a license in the work classification listed in subsection (2)(f), a work classification listed in subsection (2)(h).

(2) The department shall issue a mechanical contractor's license under this article with 1 or more of the following classifications and limitations:

(a) Hydronic heating and cooling and process piping.

(b) HVAC equipment.

(c) Ductwork.

(d) Refrigeration.

(e) Limited heating service.

(f) Limited refrigeration and air conditioning service.

(g) Unlimited heating service.

(h) Unlimited refrigeration and air conditioning service.

(i) Fire suppression.

(j) Specialty.

(3) For purposes of subsection (1), "experience" includes experience acquired while serving in the armed forces by an individual who provides to the department a form DD214, form DD215, or any other form satisfactory to the department that demonstrates that the individual was separated from that service with an honorable discharge or under honorable conditions (general).

(4) An individual described in subsection (3) shall submit with his or her application for licensure an affidavit or letter signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service that describes the applicant's experience as a mechanical contractor in 1 or more of the classifications described in subsection (2).

(5) If an applicant provides evidence satisfactory to the department that he or she has successfully completed a 2-year, or equivalent, HVAC program provided by a recognized trade school, community college, or university, or a 2-year HVAC training program approved by the United States Department of Labor, the department shall credit the completion of that program toward the 3 years or 6,000 hours of work experience required under subsection (1)(a). The amount credited, as determined by the department, must not exceed 1 year or 2,000 hours of the 3 years or 6,000 hours required.

History: 2016, Act 407, Eff. Apr. 4, 2017;—Am. 2021, Act 68, Imd. Eff. July 29, 2021.

339.5809 Installations, alterations, or servicing of work classifications; designation of contractor of record; performance of work without compensation or on behalf of charitable organization; person registered as system provider or licensed as security alarm system contractor; contractor employing qualified maintenance crew.

Sec. 809. (1) Except as provided in subsection (3) or (4) and section 819, an individual or other person shall not perform installations, alterations, or servicing of work classifications under section 807(2) that are regulated under the Stille-DeRossett-Hale single state construction code act unless the person, if the person is an individual, or an employee of the person has received a mechanical contractor's license from the department that has not been revoked or suspended, the license is classified and limited under section 807, and the holder of the license has secured the appropriate permit from the enforcing agency charged with the responsibility of issuing permits.

(2) A person that performs installations, alterations, or servicing of work classifications under section 807(2) shall designate the holder of a mechanical contractor's license described in subsection (1) as the contractor of record notify the department in writing of the designation.

(3) If work that is within 1 of the classifications described in section 807(2) is performed without compensation by a person that is licensed under this article for or on behalf of a charitable organization, the owner of the property on which the work is performed may obtain the permit required under subsection (1). However, this subsection applies only to the reconstruction, renovation, or remodeling of 1- to 4-family dwellings.

(4) A person that is registered as a system provider under the security alarm systems act, 2012 PA 580, MCL 338.2181 to 338.2187, or licensed as a security alarm system contractor under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, is not required to obtain a license from the department under this article or obtain a license or permit from a governmental subdivision or enforcing agency to perform work described in subsection (1) in connection with the installation, maintenance, replacement, or servicing of a thermostat for a heating, ventilating, and air conditioning system or a hydronic heating and cooling system.

(5) If a contractor of record regularly employs a qualified maintenance crew to perform mechanical contracting work regulated under this article in a facility, this article does not require that the contractor of record perform work in that facility.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5811 Local licensing requirements.

Sec. 811. A municipality shall not establish or maintain local licensing requirements for the work classifications described in section 807(2) or work described in section 809(4). A governmental subdivision shall not prohibit a mechanical contractor that is licensed under this article from engaging in the work classification or classifications for which the mechanical contractor has a license, or a person described in section 809(4) from engaging in work for which that person is licensed or registered, unless the mechanical contractor is in violation of this act.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5813 Work classification examination fee; initial and per-year fee; expiration of initial or renewal mechanical contractor's license; reinstatement; computation of fee on pro rata basis.

Sec. 813. (1) Each work classification examination fee for a mechanical contractor's license is \$100.00 or less, as determined by the department. Except as otherwise provided in subsection (2), the initial and per-year fee for the issuance of a mechanical contractor's license is \$100.00.

(2) An initial or renewal mechanical contractor's license expires on August 31 every third year and is renewable by filing an application and paying the license fee on or before October 31. If an individual is applying for an initial mechanical contractor's license or relicensure at a time other than between August 31 and October 31 of the year in which the department issues renewal licenses, the department shall compute and charge the license fee on a yearly pro rata basis beginning in the year of the application until the last year of the 3-year license cycle. A license that is not renewed is void for the purpose of obtaining a permit, and the contractor is eligible for relicensure only by applying for reinstatement and paying the license fee. The department shall not compute and charge a license fee for a renewal license on a pro rata basis. An individual who renews his or her license within 3 years after the license is voided under this section is not subject to reexamination for the license.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5815 Designation as contractor of record.

Sec. 815. (1) If an individual who is an employee of a person, or who is an officer of a person that is not an individual, and who is authorized to perform installations, alterations, or servicing in any of the work classifications described in section 807(2), is designated as the contractor of record for that person under section 809 and ceases to be an employee or officer of that person, the person has 90 days after the date the contractor of record ceases to be an employee or officer in which to designate an employee or officer who is a holder of a mechanical contractor's license as the new contractor of record. The person shall notify the department in writing of the designation.

(2) If an individual is licensed to perform installations, alterations, or servicing in 1 or more of the work classifications described in section 807(2) and is also the contractor of record, and that individual ceases to do business as a mechanical contractor and sells his or her business interest to another person, the buyer has 90

days to designate an employee or officer who is the holder of a mechanical contractor's license as the contractor of record. The buyer shall notify the department in writing of the designation.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5817 Mechanical contractor performing work in municipality; registration of license with enforcing agency.

Sec. 817. A mechanical contractor that is licensed under this article and performs work in a municipality shall register his or her license with the enforcing agency that issues permits and provides inspection services of mechanical contractor's work for that municipality. A registration under this section is valid until the expiration date of the mechanical contractor's license. A municipality shall grant registration to a mechanical contractor under this section if the mechanical contractor is licensed under this act and pays a fee established by the municipality in an amount that does not exceed \$15.00.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5819 Installation of heating or refrigerating system by owner of single family dwelling.

Sec. 819. An individual who is the owner of a single family dwelling that is, or on completion will become, his or her place of residence may personally install a heating or refrigerating system in the dwelling if the individual in his or her application for a permit affirms that he or she is or will become the owner and occupant of the dwelling in which the installation is done is completed and that the applicant will install the equipment in the dwelling for which the permit is requested. The applicant shall apply for and secure the required permits from the enforcing agency of the municipality and shall obtain the required inspection after the installation is completed and the equipment is placed in operation.

History: 2016, Act 407, Eff. Apr. 4, 2017.