

Occupations; mechanical contractors; enforcement provisions for
licensing of mechanical contractors; provide for.
Occupations: mechanical contractors; Occupations: individual
licensing and regulation; State agencies (existing): energy,
labor, and economic growth

A bill to amend 1984 PA 192, entitled
"Forbes mechanical contractors act,"
by amending sections 11, 13, 14, 15, and 16 (MCL 338.981, 338.983,
338.984, 338.985, and 338.986), section 11 as amended by 1990 PA 5,
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) The department may investigate the activities of
2 a licensee OR REGISTRANT related to the licensee's OR REGISTRANT'S
3 activities as a ~~contractor~~ REGULATED BY THIS ACT, INCLUDING, BUT
4 NOT LIMITED TO, THE GROUNDS DESCRIBED IN SUBSECTION (2). The
5 department may hold hearings, administer oaths, and order relevant
6 testimony to be taken UNDER THE ADMINISTRATIVE PROCEDURES ACT OF
7 1969, 1969 PA 306, MCL 24.201 TO 24.328, and shall report its
8 findings to the board. ~~The~~ AFTER NOTICE AND AN OPPORTUNITY FOR A
9 HEARING, THE board shall proceed under section 16 if the board



06561'10

LBO

1 finds that any of the following grounds exist:

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

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

6 (c) An act of gross negligence.

7 (d) The practice of false advertising.

8 (e) An act which demonstrates incompetence.

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

11 (2) The board, upon recommendation of the department, shall
12 suspend or revoke the license of any person whose failure to pay a
13 lien claimant results in a payment being made from the homeowner
14 construction lien recovery fund pursuant to the construction lien
15 act, ~~Act No. 497 of the Public Acts of 1980, being sections~~
16 ~~570.1101 to 570.1305 of the Michigan Compiled Laws 1980 PA 497, MCL~~
17 ~~570.1101 TO 570.1305.~~ The license shall not be renewed, ~~nor shall~~
18 ~~AND~~ a new license **SHALL NOT** be issued, until the ~~person~~ **INDIVIDUAL**
19 whose license has been suspended or revoked under this subsection
20 has repaid in full to the fund the amount paid out plus the costs
21 of litigation and interest at the rate set by section 6013 of the
22 revised judicature act of 1961, ~~Act No. 236 of the Public Acts of~~
23 ~~1961, being section 600.6013 of the Michigan Compiled Laws 1961 PA~~
24 ~~236, MCL 600.6013.~~

25 (3) The department shall conduct a review upon notice by the
26 department of ~~public~~ **COMMUNITY** health that the licensee has
27 violated the asbestos abatement contractors licensing act, ~~Act No.~~

1 ~~135 of the Public Acts of 1986, being sections 338.3101 to 338.3319~~
2 ~~of the Michigan Compiled Laws, or sections 57 to 60f of the~~
3 ~~Michigan occupational safety and health act, Act No. 154 of the~~
4 ~~Public Acts of 1974, being sections 408.1057 to 408.1060f of the~~
5 ~~Michigan Compiled Laws 1986 PA 135, MCL 338.3101 TO 338.3319, and~~
6 may suspend or revoke that person's license for a knowing violation
7 of these acts ~~THAT ACT.~~

8 ~~— (4) A revocation, suspension, or other sanction set forth in~~
9 ~~subsection (3) or section 16 shall be imposed only after a hearing~~
10 ~~has been conducted pursuant to the administrative procedures act of~~
11 ~~1969, Act No. 306 of the Public Acts of 1969, being sections 24.201~~
12 ~~to 24.328 of the Michigan Compiled Laws.~~

13 (4) (5) ~~The installation, alteration, or servicing of heating,~~
14 ~~cooling, ventilating, or refrigerating equipment or systems~~
15 **ACTIVITIES REGULATED UNDER THIS ACT** shall not be performed under a
16 license that has been suspended, revoked, or has expired. A
17 license, other than a license issued under this act, shall not be
18 recognized for securing permits to install, alter, or service
19 heating, cooling, ventilating, or refrigerating equipment or
20 systems.

21 Sec. 13. (1) A **MECHANICAL** contractor licensed under this act
22 who performs work in a governmental subdivision shall register his
23 or her license with the enforcing agency which issues permits and
24 provides inspection services of **MECHANICAL** contractor's work. The
25 registration shall be valid until the expiration date of the
26 **MECHANICAL** contractor's license.

27 (2) Registration shall be granted by all governmental

1 subdivisions in this state to a **MECHANICAL** contractor licensed
 2 under this act upon payment of a fee not to exceed ~~\$15.00~~ **\$45.00**
 3 **PER LICENSING CYCLE.**

4 Sec. 14. (1) The owner of a single-family dwelling which is,
 5 or upon completion becomes, the owner's place of residence may
 6 personally install a heating or ~~refrigerating~~ **AIR CONDITIONING**
 7 system in the dwelling if the owner, upon application for a permit,
 8 affirms that he or she is the owner and occupant of the dwelling or
 9 shall become the owner and occupant upon completion of the dwelling
 10 in which the installation is done and that the applicant will
 11 install the equipment in the dwelling for which the permit is
 12 requested.

13 (2) The applicant shall apply for and secure the required
 14 permits from the enforcing agency of the governmental subdivision
 15 and shall obtain the required inspection after the installation is
 16 completed and the equipment is placed in operation.

17 Sec. 15. ~~(1) Except as provided in subsection (2), an~~
 18 ~~individual, partnership, association, or corporation who violates~~
 19 ~~this act is guilty of a misdemeanor, punishable by a fine of not~~
 20 ~~more than \$500.00, or imprisonment for not more than 90 days, or~~
 21 ~~both.~~

22 ~~(2) A member of the board who intentionally violates section~~
 23 ~~4(4) shall be subject to the penalties prescribed in the open~~
 24 ~~meetings act, Act No. 267 of the Public Acts of 1976, being~~
 25 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws.~~

26 **(1) AN INDIVIDUAL LICENSED OR REGISTERED UNDER THIS ACT WHO**
 27 **COMMITTS A VIOLATION OF THIS ACT IS GUILTY OF A CIVIL VIOLATION**



06561'10

LBO

1 act.

2 (c) Revocation of the license OR REGISTRATION issued under
3 this act.

4 (d) A requirement that restitution be made.

5 (E) DENIAL OF RENEWAL LICENSE OR REGISTRATION ISSUED UNDER
6 THIS ACT.

7 (F) CENSURE.

8 (G) PROBATION.

9 (2) AFTER A FINDING BY THE BOARD OF 2 OR MORE VIOLATIONS OF
10 THIS ACT WITHIN A 1-YEAR PERIOD, THE BOARD MAY DOUBLE THE
11 ADMINISTRATIVE FINE IMPOSED UNDER THIS ACT.

12 (3) AFTER A FINDING OF 3 VIOLATIONS OF THIS ACT WITHIN A 2-
13 YEAR PERIOD, THE BOARD MAY TRIPLE THE ADMINISTRATIVE FINE IMPOSED
14 UNDER THIS ACT OR SHALL REVOKE THE PERSON'S LICENSE OR REGISTRATION
15 AND SHALL NOT ACCEPT THE PERSON'S REAPPLICATION FOR LICENSURE OR
16 REGISTRATION IN THE LICENSING CATEGORY REVOKED.

17 (4) FOR PURPOSES OF THIS SECTION, 1 OR MORE VIOLATIONS
18 OCCURRING ON THE SAME DATE ON THE SAME JOBSITE SHALL BE CONSIDERED
19 1 VIOLATION.

20 Enacting section 1. Section 17 of the Forbes mechanical
21 contractors act, 1984 PA 192, MCL 338.987, is repealed.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 95th Legislature are
24 enacted into law:

25 (a) Senate Bill No.____ or House Bill No.____ (request no.
26 05374'09 *).

27 (b) Senate Bill No.____ or House Bill No.____ (request no.

1 06560'10).