

**SUBSTITUTE FOR
HOUSE BILL NO. 4003**

A bill to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
2 "state plumbing act".
3 Sec. 3. As used in this act:

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1 (a) "Apprentice plumber" means an individual registered
2 under this act as an apprentice.

3 (b) "Board" means the state plumbing board created in sec-
4 tion 13.

5 (c) "Building sewer" means that part of the drainage system
6 which extends from the end of the building drain and conveys its
7 discharge to a public sewer, private sewer, individual sewage
8 disposal system, or other point of disposal.

9 (d) "Censure" means an expression of disapproval of a
10 licensee's or registrant's professional conduct, which conduct is
11 not necessarily a violation of this act or a rule promulgated or
12 an order issued under this act.

13 (e) "Code" means the state construction code provided for in
14 section 4 of the Stille-DeRossett-Hale single state construction
15 code act, MCL 125.1504, or a part of the code that is of limited
16 application and includes a modification of or amendment to the
17 code.

18 Sec. 5. As used in this act:

19 (a) "Department" means the department of consumer and indus-
20 try services.

21 (b) "Director" means the director of the department of con-
22 sumer and industry services or an authorized representative of
23 the director.

24 (c) "Domestic water treatment and filtering equipment" means
25 residential water treatment and filtering equipment used in
26 1-family and 2-family dwellings.

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

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

7 Sec. 7. As used in this act:

8 (a) "Journey plumber" means an individual, other than a
9 plumbing contractor or master plumber, who is qualified to engage
10 in the practical installation of plumbing and who is licensed as
11 a journey plumber.

12 (b) "License" means the document issued to a person under
13 this act enabling that person to use a designated title and prac-
14 tice an occupation, which practice would otherwise be prohibited
15 by this act.

16 (c) "Licensee" means a person who has been issued a license
17 under this act.

18 (d) "Master plumber" means an individual possessing the nec-
19 essary skills and qualifications to plan and supervise the
20 installation of plumbing and who is licensed as a master
21 plumber.

22 (e) "Minor repair" means a repair which involves only the
23 clearance of stoppages, repair, or replacement of a faucet,
24 valve, reinstallation of that same plumbing fixture provided that
25 no modifications are made to the plumbing system, or residential
26 domestic water treatment and filtering equipment. Minor repair
27 does not include any of the following:

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1 (i) The installation, replacement, or repair of a water
2 heater.

3 (ii) The repair or replacement of a backflow preventer and
4 air admittance valves.

5 (iii) A repair or replacement that is only a part of a
6 larger or major renovation or repair.

7 Sec. 9. As used in this act:

8 (a) "Person" means an individual, sole proprietor, partner-
9 ship, association, corporation, governmental subdivision, public
10 or private school, or public or private organization.

11 (b) "Plumbing" means the practice, materials, and fixtures,
12 in or adjacent to a building, structure, or premises, used in the
13 installation, maintenance, extension, or alteration of all
14 piping, fixtures, plumbing appliances, plumbing appurtenances, as
15 defined by the code, in connection with the sanitary drainage or
16 storm drainage facilities, plumbing venting systems, medical gas
17 systems, backflow preventers, and public or private water supply
18 systems.

19 (c) "Plumbing contractor" means a licensed master plumber or
20 a person who employs a licensed master plumber full-time to
21 directly supervise the installation of plumbing as his or her
22 representative engaged in the business of plumbing for a fixed
23 sum, price, fee percentage, valuable consideration, or other com-
24 pensation and who is licensed as a plumbing contractor.

25 (d) "Probation" means a sanction which permits a board to
26 evaluate over a period of time a licensee's or registrant's
27 fitness to practice an occupation regulated by this act.

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1 Sec. 11. As used in this act:

2 (a) "Restitution" means the requirement that a person found
3 to be in violation of this act, a rule promulgated under this
4 act, or an order issued under this act has caused monetary damage
5 to another and that the violator will be required to compensate
6 the injured party by an amount equal to the amount of the mone-
7 tary damage caused.

8 (b) "Stille-DeRossett-Hale single state construction code
9 act" means the Stille-DeRossett-Hale single state construction
10 code act, 1972 PA 230, MCL 125.1501 to 125.1531.

11 (c) "Water service pipe" means the pipe from the water main
12 or other source of potable water supply to the water distributing
13 system of the building served.

14 Sec. 13. (1) There is created a state plumbing board within
15 the department. The governor, with the advice and consent of the
16 senate, shall appoint 5 United States citizens who are residents
17 of the state, 2 of whom shall be licensed plumbing contractors
18 who hold a master's license. One shall be a licensed master
19 plumber securing permits, and 1 shall be a licensed journey
20 plumber, each having 10 years' experience, and a person represen-
21 tative of the general public, who with the director of the
22 department of environmental quality or his or her authorized rep-
23 resentative, a member or employee of the drinking water and radi-
24 ologic protection division of the department of environmental
25 quality, selected by the director of the department of environ-
26 mental quality as voting ex officio members, shall constitute the
27 plumbing board. Upon the expiration of the term of office of

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1 each person so appointed, the governor shall, on or before July 1
2 in each year, appoint a successor to hold office for a term of
3 3 years.

4 (2) Per diem compensation of the members of the board, other
5 than the director and the director of the department of environ-
6 mental quality or their authorized representatives and the member
7 or employee of the drinking water and radiologic protection divi-
8 sion of the department of environmental quality, and the schedule
9 for reimbursement of expenses shall be established annually by
10 the legislature.

11 (3) The board shall meet as often as necessary to fulfill
12 its duties under this act, but shall meet not less than 4 times a
13 year. A majority of the members appointed and serving shall con-
14 stitute a quorum. An approval, decision, or ruling of the board
15 does not become effective unless supported by a majority of the
16 members present constituting a quorum. A member of the board
17 shall not vote by proxy.

18 (4) At the first meeting of each calendar year, the board
19 shall elect 1 member as chairperson, another as vice-chairperson,
20 another as secretary, and other officers as it determines appro-
21 priate, for the terms and with the duties and powers as the board
22 determines. The chairperson, vice-chairperson, and secretary
23 shall be elected from those members appointed to the board by the
24 governor.

25 (5) The business which the board may perform shall be con-
26 ducted at a public meeting of the board held in compliance with
27 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public

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1 notice of the time, date, and place of the meeting shall be given
2 in the manner required by the open meetings act, 1976 PA 267,
3 MCL 15.261 to 15.275. A member of the board who intentionally
4 violates this subsection is subject to the penalties prescribed
5 in the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

6 (6) A writing prepared, owned, used, in the possession of,
7 or retained by the board in the performance of an official func-
8 tion shall be made available to the public in compliance with the
9 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

10 The department shall maintain physical possession of the files of
11 the board and shall ensure that applicable laws concerning public
12 access to the files are met.

13 (7) The board shall recommend to the state construction code
14 commission the promulgation of rules necessary for the safe
15 design, construction, installation, alteration, and inspection of
16 plumbing. The board may also recommend to the state construction
17 code commission, after testing and evaluation, that it issue cer-
18 tificates of acceptability under the code for a material, pro-
19 duct, method of manufacturing, or method of construction or
20 installation of plumbing equipment.

21 (8) The department, in consultation with the board, shall
22 promulgate rules pursuant to the administrative procedures act of
23 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration
24 of this act and to effectuate the purposes of this act including,
25 but not limited to, the establishing of standards for license
26 classifications under this act; the examination and licensing of
27 plumbing contractors, master plumbers, and journey plumbers; and

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1 for the registration of plumbers' apprentices. Before an
2 examination or other test required under this act is adminis-
3 tered, the board, in consultation with the department, shall
4 review and approve the form and content of the examination or
5 test. Each examination for a license as a plumbing contractor,
6 master plumber, or journey plumber shall be conducted by the
7 board and the department, acting jointly.

8 Sec. 15. (1) A person shall not engage in or work at the
9 business of a plumbing contractor, master plumber, journey plumb-
10 er, or apprentice plumber unless licensed or registered by the
11 department. Except as provided in subsections (2), (3), and (4),
12 plumbing shall be performed by a licensed master or journey
13 plumber. A licensed master plumber shall be in charge and
14 responsible for proper installation and conformance with the
15 code. Plumbing shall not be performed unless the plumbing con-
16 tractor who is responsible has secured a permit from the state or
17 a governmental subdivision authorized to issue permits.

18 (2) A license is not required for the following work:

19 (a) Minor repair work.

20 (b) The installation of a building sewer or water service
21 pipe provided that a permit is secured from the responsible
22 enforcing agency and inspections are performed. The installa-
23 tions shall comply with the applicable code.

24 (c) The installation of domestic water treatment and filter-
25 ing equipment that requires modification to an existing cold
26 water distribution supply and associated waste piping in
27 buildings if a permit is secured, required inspections performed,

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1 and the installation complies with the applicable code. If the
2 enforcing agency determines a violation exists, it shall be cor-
3 rected by the responsible installer.

4 (3) A homeowner may install his or her own plumbing, build-
5 ing sewer, or private sewer in his or her single-family dwelling
6 if a permit is secured.

7 (4) The installation of medical gas piping providing the
8 installation shall be performed under the supervision of a
9 licensed plumbing contractor.

[(5) This act does not prevent a person from performing any
activities within the scope of licensure under any other licensure act or
applicable codes for that licensed professional adopted pursuant to law.]

10 Sec. 17. (1) The board shall grant licenses or registra-

11 tions to qualified applicants for examination or registration.

12 The character, experience, and fitness of an applicant for exami-
13 nation or registration shall also be taken into consideration.

14 Each applicant shall be of good moral character as defined and
15 determined under 1974 PA 381, MCL 338.41 to 338.47.

16 (2) The plumbing contractor's examination shall consist of,
17 but not be limited to, questions designed to test an individual's
18 knowledge of this act, any rules promulgated under this act, the
19 Stille-DeRossett-Hale single state construction code act, and the
20 administration and enforcement procedures of the code. The
21 department shall arrange for plumbing contractor examinations to
22 be held in the months of March, June, September, and December of
23 each year in the Lower Peninsula and shall arrange for at least 1
24 plumbing contractor examination to be held in the Upper Peninsula
25 each year.

26 (3) The master plumber's examination shall consist of, but
27 not be limited to, oral and written tests and shall cover the

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1 science and practice of plumbing, knowledge of the state plumbing
2 code, laws, rules, regulations, interpretation of charts and
3 blueprints, and plans of plumbing installations. The department
4 shall arrange for master plumber examinations in the months of
5 March, June, September, and December of each year in the Lower
6 Peninsula and shall arrange for at least 1 master plumber's exam-
7 ination to be held in the Upper Peninsula each year.

8 (4) The journey plumber's examination shall consist of, but
9 not be limited to, oral, written, and practical tests and shall
10 cover the theory and practice of plumbing and knowledge of the
11 state plumbing code, rules, and regulations. The department
12 shall arrange for journey plumber examinations to be held in the
13 months of March, June, September, and December of each year in
14 the Lower Peninsula and shall arrange for at least 1 journey
15 plumber's examination to be held in the Upper Peninsula each
16 year.

17 (5) An application to take an examination shall be submitted
18 to the department no later than 20 days before the date of the
19 examination.

20 Sec. 19. Applicants for plumbing contractor, master, or
21 journey licensure under this act may sit for examination upon
22 doing both of the following:

23 (a) Filing an application with the department, on a form
24 provided by the department, with the appropriate nonrefundable
25 examination fee prescribed in section 31.

26 (b) Establishing, in a manner satisfactory to the board, the
27 experience requirement or an equivalent of that experience

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1 requirement for the particular class of licensure by use of a
2 notarized statement from current and past employers and master
3 plumbers.

4 Sec. 21. (1) To qualify for a plumbing contractor license,
5 the applicant must either hold a master plumber license or employ
6 the holder of a master plumber license as his or her
7 representative. Only an owner of a sole proprietorship or part-
8 nership, or an officer of a corporation or limited liability com-
9 pany, may apply for licensure as a plumbing contractor.

10 (2) The department shall issue a plumbing contractor's
11 license to a person who does all of the following:

12 (a) Files a completed application on a form provided by the
13 department that includes the following information:

14 (i) A statement listing the complete address of each place
15 where the applicant has resided and has been engaged in business
16 during the last 5 years including the length of residences and
17 types of businesses engaged in or employments.

18 (ii) The name of the applicant, the name of the business,
19 and the location of the place for which the license is desired.

20 (iii) The name of the business owner or president of the
21 corporation and the name of the applicant, if different from the
22 name of the business owner or president, and his or her title.

23 (iv) The name, residence address, and license number of the
24 licensed master plumber who represents the person.

25 (b) Pays the examination fee prescribed in section 31 and
26 passes an examination provided for by the board and the
27 department.

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1 (c) Pays the license fee prescribed in section 31.

2 (3) A licensed plumbing contractor may operate 1 or more
3 branch offices in this state bearing the same firm name provided
4 a licensed master plumber is in charge and has the responsibility
5 of supervision at each branch.

6 (4) When a license is issued to a plumbing contractor repre-
7 sented by a master plumber, the plumbing contractor and the
8 master plumber are jointly and severally responsible for exercis-
9 ing the supervision or control of the plumbing operations neces-
10 sary to secure full compliance with this act, the rules promul-
11 gated under this act, and all other laws and rules related to the
12 installation of plumbing.

13 (5) Both a person other than a plumbing contractor and the
14 master plumber are jointly and severally responsible for exercis-
15 ing the supervision or control of the plumbing operations neces-
16 sary to secure full compliance with this act, the rules promul-
17 gated under this act, and all other laws and rules related to the
18 installation of plumbing.

19 (6) If a plumbing contractor is represented by a licensed
20 master plumber who ceases to represent the plumbing contractor,
21 the plumbing contractor has 30 days thereafter in which to desig-
22 nate another licensed master plumber as the representative of the
23 plumbing contractor. The plumbing contractor shall notify the
24 department in writing of the change.

25 (7) A person applying for a plumbing contractor license
26 shall also pay any amount required to be paid under the
27 construction lien act, 1980 PA 497, MCL 570.1101 to 570.1305,

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1 which amount shall be paid to the department for deposit in the
2 homeowner construction lien recovery fund. An assessment imposed
3 upon a master plumber is considered sufficient to fulfill any
4 assessment obligation that may exist for a plumbing contractor.

5 (8) A person who, on the effective date of this act, is
6 licensed as a master plumber under former 1929 PA 266 or employ-
7 ing a licensed master plumber shall, upon payment of the plumbing
8 contractor license fee and upon furnishing the department with
9 satisfactory evidence of having been engaged in a business as a
10 master plumber for a minimum of 3 out of the 5 years immediately
11 preceding the effective date of this act, be granted a plumbing
12 contractor license without examination if the person applies
13 within 6 months after the effective date of this act.

14 (9) A licensed plumbing contractor shall display in a con-
15 spicuous place at the entrance of the place of business a sign
16 bearing the company name and the name of the licensed master
17 plumber and license number in letters not less than 3 inches
18 high.

19 Sec. 23. (1) The department shall issue a master plumber's
20 license to a person not less than 18 years of age who does all of
21 the following:

22 (a) Files a completed application on a form provided by the
23 department.

24 (b) Pays the examination fee prescribed in section 31 and
25 passes an examination provided for by the board and the
26 department.

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1 (c) Pays the license fee prescribed in section 31.

2 (d) Holds a journey plumber license issued under this act or
3 former 1929 PA 266 and has gained 4,000 hours' experience in work
4 as a journey plumber over a period of not less than 2 years imme-
5 diately preceding the date of his or her application.

6 (2) As a condition of renewal of a master plumber's license,
7 the master plumber shall demonstrate the successful completion of
8 a course, approved by the board, concerning any update or change
9 in the code within 12 months after the update or change in that
10 code. This requirement applies only during or after those years
11 that the code is updated or changed.

12 (3) A licensed master plumber shall represent only 1 plumb-
13 ing contractor at any given time.

14 (4) A master plumber who is also a plumbing contractor is
15 only liable for payment of the plumbing contractor license fee.

16 (5) If a master plumber representing a plumbing contractor
17 ceases to represent the plumbing contractor, the master plumber
18 shall notify the department in writing within 30 days after the
19 representation ceases.

20 Sec. 25. (1) The department shall issue a journey plumber's
21 license to a person not less than 18 years of age who does all of
22 the following:

23 (a) Files a completed application on a form provided by the
24 department.

25 (b) Pays the examination fee prescribed in section 31 and
26 passes an examination provided for by the board and the
27 department.

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1 (c) Pays the license fee prescribed in section 31.

2 (d) Has at least 6,000 hours' experience gained over a
3 period of not less than 3 years as an apprentice plumber in the
4 practical installation of plumbing under the supervision of a
5 master plumber.

6 (2) As a condition of renewal of a journey plumber's
7 license, the journey plumber shall demonstrate the successful
8 completion of a course, approved by the board, concerning any
9 update or change in the code within 12 months after the update or
10 change in that code. This requirement applies only during or
11 after those years that the code is updated or changed.

12 Sec. 27. (1) An individual employed as an apprentice
13 plumber shall register with the department on a form provided by
14 the department within 30 days after employment.

15 (2) An apprentice registration is invalid after 5 years from
16 the date of initial registration unless the registered apprentice
17 applies for and takes the examination for journey license. The
18 registration remains valid until either a license is issued or
19 the apprentice fails to take the exam.

20 (3) Upon request by the apprentice to the board, the board
21 may grant an extension of an apprentice registration for a period
22 of time as determined appropriate by the board.

23 (4) An apprentice plumber shall, as his or her principal
24 occupation, be engaged in learning and assisting in the installa-
25 tion of plumbing under the direct on-site jobsite supervision of
26 a journey or master plumber.

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1 Sec. 29. (1) A person licensed as a master plumber may
2 request that the master plumber license be retained by the
3 department as an inactive license for a period not to exceed
4 3 years.

5 (2) An inactive master plumber license shall be issued as
6 active upon the request of the licensee and the payment of the
7 reinstatement fee as described in section 31 as long as the indi-
8 vidual holds a journey plumber license and the individual's jour-
9 ney plumber license has been renewed each year.

10 (3) A person shall not simultaneously hold an active master
11 and journey plumber license. An individual holding an active
12 master plumber license may work as a journey plumber.

13 Sec. 31. (1) A license or apprentice registration issued
14 under this act must be renewed not more than 60 days after the
15 renewal date. It is the responsibility of a licensee or regis-
16 trant to renew a license or registration. The department shall
17 send a renewal application to the last known address of a
18 licensee or registrant on file with the department. Every holder
19 of a license or registration issued under this act shall promptly
20 notify the department of a change in his or her business or resi-
21 dence address. The failure of a licensee or registrant to notify
22 the department of a change of address does not extend the expira-
23 tion date of a license or registration. The department may issue
24 licenses for up to 3 years in duration.

25 (2) The annual fees for initial licensure, apprentice
26 plumber registration, or renewal of a license and registration
27 issued under this act are as follows:

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1 (a) Journey plumber..... \$20.00.

2 (b) Apprentice plumber..... \$ 5.00.

3 (3) All licenses and apprentice registrations not renewed
4 within 60 days of expiration may be reinstated only upon applica-
5 tion to the board for reinstatement and the payment of the annual
6 renewal fee and the following reinstatement fee:

7 (a) Journey plumber..... \$25.00.

8 (b) Apprentice plumber..... \$10.00.

9 (4) A person requesting renewal of a license within 3 years
10 after the license is expired under subsection (3) shall not be
11 subject to reexamination for the license but is required to pay
12 the reinstatement fee and the annual renewal fee for each year
13 not renewed. A person who fails to renew a license for more than
14 3 consecutive years is required to meet the experience and other
15 requirements and take an examination for the class of license
16 sought.

17 (5) Examination fees are as follows:

18 (a) Plumbing contractor..... \$50.00.

19 (b) Master plumber..... \$50.00.

20 (c) Journey plumber..... \$50.00.

21 (6) The department shall issue an initial master plumber and
22 plumbing contractor license for a period of up to 3 years. The
23 master plumber and plumbing contractor licenses are renewable for
24 periods of 3 years. In the case of a person applying for initial
25 or reinstatement license at a time other than between April 30
26 and June 30 of the year in which the department issues renewal
27 licenses, the department shall compute and charge the license fee

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1 on a yearly prorated basis beginning the year of application
2 until the last year of the 3-year license period.

3 (7) The initial and renewal fee for a master plumber and
4 plumbing contractor license issued under this act are as
5 follows:

6 (a) Plumbing contractor..... \$200.00.

7 (b) Master plumber..... \$200.00.

8 (8) All plumbing contractor and master plumber licenses not
9 renewed within 60 days of expiration may be reinstated only upon
10 application to the board and payment of the renewal fee and an
11 \$85.00 reinstatement fee.

12 Sec. 33. Upon payment of the required fee in section 31,
13 the board may license without examination applicants licensed
14 under the laws of other states having requirements for licensing
15 plumbers and for regulating plumbing that the board determines
16 are equivalent to the requirements of this state conditional upon
17 that state offering reciprocity.

18 Sec. 35. If a license or registration is lost or destroyed,
19 a new license or registration shall be issued without examina-
20 tion, upon payment of a \$20.00 fee and a written statement made
21 by the licensee or registrant that the license or registration
22 has been lost or destroyed.

23 Sec. 37. All fees and money received by the department from
24 the licensing of plumbers and any other income the board may
25 receive under this act shall be paid into the state construction
26 code fund as created by section 22 of the Stille-DeRossett-Hale
27 single state construction code act, MCL 125.1522.

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1 Sec. 39. An individual licensed under this act employed or
2 acting as a plumbing inspector shall not engage in, or be
3 directly or indirectly connected with, the plumbing business
4 including, but not limited to, the furnishing of labor, materi-
5 als, or appliances for the construction, alteration, or mainte-
6 nance of a building or the preparation of plans or specifications
7 for the construction, alteration, or maintenance of a building
8 and shall not engage in any work that conflicts with his or her
9 official duties.

10 Sec. 41. (1) A governmental subdivision may not exempt
11 itself from the licensing requirements of this act and may not
12 engage in or require local licensing.

13 (2) Except as otherwise provided in subsection (3) and
14 section 15(2), (3), and (4), the state or a governmental subdivi-
15 sion shall issue a plumbing permit only to a licensed plumbing
16 contractor. The state or a governmental subdivision shall
17 require the plumbing contractor to record his or her current
18 plumbing contractor license number on the permit application. A
19 licensed plumbing contractor shall designate 1 or more licensed
20 master plumbers employed full-time who directly supervise the
21 installation of plumbing to obtain permits using the license
22 number of the plumbing contractor. The master plumber's license
23 number must also be recorded on the permit application.

24 (3) In those instances where business or industrial proce-
25 dure requires the regular employment of a full-time licensed
26 master plumber, a licensed master plumber shall be authorized to
27 secure permits for installations of plumbing on the premises

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1 owned or occupied and used by the business provided the licensed
2 master plumber physically supervises the plumbing work and repre-
3 sents only the business or industrial employer. An annual affi-
4 davit furnished by the department shall be signed by both the
5 employer and the licensed master plumber and shall be kept on
6 file in the department. The filing fee for an affidavit shall be
7 determined by the department. A new affidavit must be filed
8 before permits will be issued if the licensed master plumber's
9 employment is terminated. The affidavit shall contain the
10 following:

11 (a) The name and business address of the person employing
12 the licensed master plumber.

13 (b) The name, address, and license number of the licensed
14 master plumber.

15 (c) A statement to the effect that the employer and licensed
16 master plumber will comply with the provisions of the act regu-
17 lating installation of plumbing in this state.

18 (4) A plumbing contractor licensed under this act who per-
19 forms work in a governmental subdivision shall register his or
20 her license with the enforcing agency which issues permits and
21 provides inspection services if required by the enforcing
22 agency. The registration is valid until the expiration date of
23 the plumbing contractor license. Registration shall be granted
24 by all governmental subdivisions in this state to a plumbing con-
25 tractor licensed under this act upon payment of a fee not to
26 exceed \$15.00.

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1 (5) Master plumbers, journey plumbers, and apprentice
2 plumbers are required to carry their licenses and a
3 photo-identification. Upon the request of an enforcing agency,
4 licensees and apprentice registrants shall present their license
5 or registration and photo-identification.

6 (6) If the plumbing, reconstruction, alteration, or repair
7 of pipes, tanks, or fixtures is performed without compensation by
8 a person licensed under this act for or on behalf of a charitable
9 organization, the permit required under subsection (2) may be
10 obtained by the owner of the property on which the work is
11 performed. This subsection applies only to the reconstruction,
12 renovation, or remodeling of a 1-family to 4-family dwelling. As
13 used in this subsection, "charitable organization" means a
14 not-for-profit tax-exempt religious, educational, or humane
15 organization.

16 Sec. 43. (1) The department may investigate the activities
17 of a person licensed or registered under this act which are
18 related to the person's licensure or registration as a plumbing
19 contractor, master plumber, journey plumber, or apprentice
20 plumber for activities that include, but are not limited to, the
21 grounds described in subsection (2)(a) through (f). The depart-
22 ment may hold hearings pursuant to the administrative procedures
23 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and shall report
24 its findings to the board.

25 (2) After an administrative hearing, the board shall proceed
26 under section 47 against a person if the board finds that 1 or
27 more of the following grounds for board action exist:

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

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

6 (c) An act of gross negligence.

7 (d) False advertising.

8 (e) An act that demonstrates incompetence.

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

11 (3) Notwithstanding section 47, the board upon recommenda-
12 tion of the department shall suspend or revoke the license of a
13 person whose failure to pay a lien claimant results in a payment
14 being made from the homeowner construction lien recovery fund
15 pursuant to the construction lien act, 1980 PA 497, MCL 570.1101
16 to 570.1305. The license shall not be renewed and a new license
17 shall not be issued until that person has made full restitution
18 to the fund, including the costs of litigation and interest at
19 the rate set by section 6013 of the revised judicature act of
20 1961, 1961 PA 236, MCL 600.6013.

21 (4) Activity regulated under this act shall not be performed
22 by a person whose license or registration has been suspended or
23 revoked or whose license or registration has expired.

24 Sec. 45. The board shall review the license of a person
25 upon notice by the department that the person has violated the
26 asbestos abatement contractors licensing act, 1986 PA 135,

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1 MCL 338.3101 to 338.3319, and may suspend or revoke that person's
2 license for a knowing violation of that act.

3 Sec. 47. (1) After finding the existence of a violation
4 described in section 43 and after an opportunity for a hearing,
5 the board, except as otherwise provided in section 43(3) and
6 section 45, shall impose 1 or more of the following sanctions for
7 a violation:

8 (a) Suspension of the license or registration.

9 (b) Denial of the license or registration.

10 (c) Denial of renewal of a license or registration.

11 (d) Censure.

12 (e) Probation.

13 (f) Revocation of the license or registration.

14 (g) Restitution.

15 (2) If restitution is required to be made under this sec-
16 tion, the license or registration of the person required to make
17 restitution may be suspended until restitution is made.

18 Sec. 49. A person licensed or registered under this act who
19 commits a violation of this act, or a person not licensed or reg-
20 istered under this act who is performing any activity regulated
21 by this act and is not exempt from licensure or registration
22 under this act, is guilty of a misdemeanor punishable by a fine
23 of not less than \$1,000.00 per day for each day the violation
24 occurs except that a fine shall not exceed \$5,000.00 in total per
25 violation or punishable by imprisonment for not more than
26 90 days, or both.

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1 Sec. 51. The attorney general, a local prosecuting
2 attorney, or an attorney representing a governmental subdivision
3 may initiate an action to enforce this act or rules promulgated
4 under this act.

5 Sec. 53. Any provision of this act which is inconsistent or
6 in conflict with the Stille-DeRossett-Hale single state construc-
7 tion code act is superseded by that act to the extent of the
8 inconsistency.

9 Sec. 55. (1) Any proceedings pending before the plumbing
10 board under the authority of former 1929 PA 266 shall be contin-
11 ued and be conducted and determined in accordance with the former
12 statute.

13 (2) A person licensed or registered under former 1929 PA 266
14 on the day immediately preceding the effective date of this act
15 is considered licensed or registered until the expiration of the
16 licensure or registration under that act.

17 (3) A reference in any other act to former 1929 PA 266 or
18 1901 PA 222 is considered a reference to this act.

19 (4) Those rules promulgated under former 1929 PA 266 and
20 1901 PA 222 remain in effect under this act.

21 Sec. 57. This act shall not be construed to relieve from or
22 lessen the responsibility or liability of any person owning,
23 operating, controlling, or installing plumbing for damages to
24 persons or property caused by any defect in the plumbing, and the
25 state of Michigan is not to be held as assuming any such liabil-
26 ity by reason of the inspection or the examination authorized in

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1 that plumbing, the certificate of approval, or the license and
2 certificate issued under this act.

3 Sec. 59. The following acts are repealed:

4 (a) 1929 PA 266, MCL 338.901 to 338.917.

5 (b) 1901 PA 222, MCL 338.951 to 338.965.