

**SENATE SUBSTITUTE FOR**

**HOUSE BILL NO. 4003**

(As passed the Senate, December 13, 2002)

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 repair or replacement of a backflow preventer and  
2 air admittance valves.

3       (ii) A repair or replacement that is only a part of a larger  
4 or major renovation or repair.

5       Sec. 9. As used in this act:

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

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

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

23       (d) "Probation" means a sanction which permits a board to  
24 evaluate over a period of time a licensee's or registrant's fit-  
25 ness to practice an occupation regulated by this act.

26       Sec. 11. As used in this act:

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

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

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

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

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1 in each year, appoint a successor to hold office for a term of  
2 3 years.

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

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

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

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

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1 in the manner required by the open meetings act, 1976 PA 267,  
2 MCL 15.261 to 15.275. A member of the board who intentionally  
3 violates this subsection is subject to the penalties prescribed  
4 in the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

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

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

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

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1 examination or other test required under this act is  
2 administered, the board, in consultation with the department,  
3 shall review and approve the form and content of the examination  
4 or test. Each examination for a license as a plumbing contrac-  
5 tor, master plumber, or journey plumber shall be conducted by the  
6 board and the department, acting jointly.

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

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

18       (a) Minor repair work.

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

23       (c) The installation of domestic water treatment and filter-  
24 ing equipment that requires modification to an existing cold  
25 water distribution supply and associated waste piping in build-  
26 ings if a permit is secured, required inspections performed, and  
27 the installation complies with the applicable code. If the



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1 enforcing agency determines a violation exists, it shall be  
2 corrected by the responsible installer.

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

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

9 (5) This act does not prevent a person from performing any  
10 activities within the scope of licensure or registration under  
11 any other licensure or registration act or applicable codes for  
12 that licensed or registered professional adopted pursuant to  
13 law.

14 Sec. 17. (1) The board shall grant licenses or registra-  
15 tions to qualified applicants for examination or registration.  
16 The character, experience, and fitness of an applicant for exami-  
17 nation or registration shall also be taken into consideration.  
18 Each applicant shall be of good moral character as defined and  
19 determined under 1974 PA 381, MCL 338.41 to 338.47.

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

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1 plumbing contractor examination to be held in the Upper Peninsula  
2 each year.

3 (3) The master plumber's examination shall consist of, but  
4 not be limited to, oral and written tests and shall cover the  
5 science and practice of plumbing, knowledge of the state plumbing  
6 code, laws, rules, regulations, interpretation of charts and  
7 blueprints, and plans of plumbing installations. The department  
8 shall arrange for master plumber examinations in the months of  
9 March, June, September, and December of each year in the Lower  
10 Peninsula and shall arrange for at least 1 master plumber's exam-  
11 ination to be held in the Upper Peninsula each year.

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

21 (5) An application to take an examination shall be submitted  
22 to the department no later than 20 days before the date of the  
23 examination.

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

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1 (a) Filing an application with the department, on a form  
2 provided by the department, with the appropriate nonrefundable  
3 examination fee prescribed in section 31.

4 (b) Establishing, in a manner satisfactory to the board, the  
5 experience requirement or an equivalent of that experience  
6 requirement for the particular class of licensure by use of a  
7 notarized statement from current and past employers and master  
8 plumbers.

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

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

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

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

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

25 (iii) The name of the business owner or president of the  
26 corporation and the name of the applicant, if different from the  
27 name of the business owner or president, and his or her title.

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

3       (b) Pays the examination fee prescribed in section 31 and  
4 passes an examination provided for by the board and the  
5 department.

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

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

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

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

24       (6) If a plumbing contractor is represented by a licensed  
25 master plumber who ceases to represent the plumbing contractor,  
26 the plumbing contractor has 30 days thereafter in which to  
27 designate another licensed master plumber as the representative

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1 of the plumbing contractor. The plumbing contractor shall notify  
2 the department in writing of the change.

3 (7) A person applying for a plumbing contractor license  
4 shall also pay any amount required to be paid under the construc-  
5 tion lien act, 1980 PA 497, MCL 570.1101 to 570.1305, which  
6 amount shall be paid to the department for deposit in the home-  
7 owner construction lien recovery fund. An assessment imposed  
8 upon a master plumber is considered sufficient to fulfill any  
9 assessment obligation that may exist for a plumbing contractor.

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

19 (9) A licensed plumbing contractor shall display in a con-  
20 spicuous place at the entrance of the place of business a sign  
21 bearing the company name and the name of the licensed master  
22 plumber and license number in letters not less than 3 inches  
23 high.

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

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1 (a) Files a completed application on a form provided by the  
2 department.

3 (b) Pays the examination fee prescribed in section 31 and  
4 passes an examination provided for by the board and the  
5 department.

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

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

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

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

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

21 (5) If a master plumber representing a plumbing contractor  
22 ceases to represent the plumbing contractor, the master plumber  
23 shall notify the department in writing within 30 days after the  
24 representation ceases.

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

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1 (a) Files a completed application on a form provided by the  
2 department.

3 (b) Pays the examination fee prescribed in section 31 and  
4 passes an examination provided for by the board and the  
5 department.

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

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

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

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

20 (2) An apprentice registration is invalid after 5 years from  
21 the date of initial registration unless the registered apprentice  
22 applies for and takes the examination for journey license. The  
23 registration remains valid until either a license is issued or  
24 the apprentice fails to take the exam.

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

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

5       Sec. 29. (1) A person licensed as a master plumber may  
6 request that the master plumber license be retained by the  
7 department as an inactive license for a period not to exceed  
8 3 years.

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

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

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



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1 expiration date of a license or registration. The department may  
2 issue licenses for up to 3 years in duration.

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

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

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

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

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

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

14 (4) A person requesting renewal of a license within 3 years  
15 after the license is expired under subsection (3) shall not be  
16 subject to reexamination for the license but is required to pay  
17 the reinstatement fee and the annual renewal fee for each year  
18 not renewed. A person who fails to renew a license for more than  
19 3 consecutive years is required to meet the experience and other  
20 requirements and take an examination for the class of license  
21 sought.

22 (5) Examination fees are as follows:

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

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

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

26 (6) The department shall issue an initial master plumber and  
27 plumbing contractor license for a period of up to 3 years. The

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1 master plumber and plumbing contractor licenses are renewable for  
2 periods of 3 years. In the case of a person applying for initial  
3 or reinstatement license at a time other than between April 30  
4 and June 30 of the year in which the department issues renewal  
5 licenses, the department shall compute and charge the license fee  
6 on a yearly prorated basis beginning the year of application  
7 until the last year of the 3-year license period.

8 (7) The initial and renewal fee for a master plumber and  
9 plumbing contractor license issued under this act are as  
10 follows:

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

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

13 (8) All plumbing contractor and master plumber licenses not  
14 renewed within 60 days of expiration may be reinstated only upon  
15 application to the board and payment of the renewal fee and an  
16 \$85.00 reinstatement fee.

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

23 Sec. 35. If a license or registration is lost or destroyed,  
24 a new license or registration shall be issued without examina-  
25 tion, upon payment of a \$20.00 fee and a written statement made  
26 by the licensee or registrant that the license or registration  
27 has been lost or destroyed.

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

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

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

18       (2) Except as otherwise provided in subsection (3) and  
19 section 15(2), (3), (4), and (5), the state or a governmental  
20 subdivision shall issue a plumbing permit only to a licensed  
21 plumbing contractor. The state or a governmental subdivision  
22 shall require the plumbing contractor to record his or her cur-  
23 rent plumbing contractor license number on the permit  
24 application. A licensed plumbing contractor shall designate 1 or  
25 more licensed master plumbers employed full-time who directly  
26 supervise the installation of plumbing to obtain permits using  
27 the license number of the plumbing contractor. The master

1 plumber's license number must also be recorded on the permit  
2 application.

3       (3) In those instances where business or industrial proce-  
4 dure requires the regular employment of a full-time licensed  
5 master plumber, a licensed master plumber shall be authorized to  
6 secure permits for installations of plumbing on the premises  
7 owned or occupied and used by the business provided the licensed  
8 master plumber physically supervises the plumbing work and repre-  
9 sents only the business or industrial employer. An annual affi-  
10 davit furnished by the department shall be signed by both the  
11 employer and the licensed master plumber and shall be kept on  
12 file in the department. The filing fee for an affidavit shall be  
13 determined by the department. A new affidavit must be filed  
14 before permits will be issued if the licensed master plumber's  
15 employment is terminated. The affidavit shall contain the  
16 following:

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

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

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

24       (4) A plumbing contractor licensed under this act who per-  
25 forms work in a governmental subdivision shall register his or  
26 her license with the enforcing agency which issues permits and  
27 provides inspection services if required by the enforcing

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1 agency. The registration is valid until the expiration date of  
2 the plumbing contractor license. Registration shall be granted  
3 by all governmental subdivisions in this state to a plumbing con-  
4 tractor licensed under this act upon payment of a fee not to  
5 exceed \$15.00.

6 (5) Master plumbers, journey plumbers, and apprentice plumb-  
7 ers are required to carry their licenses and a  
8 photo-identification. Upon the request of an enforcing agency,  
9 licensees and apprentice registrants shall present their license  
10 or registration and photo-identification.

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

21 Sec. 43. (1) The department may investigate the activities  
22 of a person licensed or registered under this act which are  
23 related to the person's licensure or registration as a plumbing  
24 contractor, master plumber, journey plumber, or apprentice  
25 plumber for activities that include, but are not limited to, the  
26 grounds described in subsection (2)(a) through (f). The  
27 department may hold hearings pursuant to the administrative

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1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and  
2 shall report its findings to the board.

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

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

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

11 (c) An act of gross negligence.

12 (d) False advertising.

13 (e) An act that demonstrates incompetence.

14 (f) A violation of this act or rule promulgated under this  
15 act.

16 (3) Notwithstanding section 47, the board upon recommenda-  
17 tion of the department shall suspend or revoke the license of a  
18 person whose failure to pay a lien claimant results in a payment  
19 being made from the homeowner construction lien recovery fund  
20 pursuant to the construction lien act, 1980 PA 497, MCL 570.1101  
21 to 570.1305. The license shall not be renewed and a new license  
22 shall not be issued until that person has made full restitution  
23 to the fund, including the costs of litigation and interest at  
24 the rate set by section 6013 of the revised judicature act of  
25 1961, 1961 PA 236, MCL 600.6013.

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

4       Sec. 45. The board shall review the license of a person  
5 upon notice by the department that the person has violated the  
6 asbestos abatement contractors licensing act, 1986 PA 135,  
7 MCL 338.3101 to 338.3319, and may suspend or revoke that person's  
8 license for a knowing violation of that act.

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

- 14       (a) Suspension of the license or registration.  
15       (b) Denial of the license or registration.  
16       (c) Denial of renewal of a license or registration.  
17       (d) Censure.  
18       (e) Probation.  
19       (f) Revocation of the license or registration.  
20       (g) Restitution.

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

24       Sec. 49. A person licensed or registered under this act who  
25 commits a violation of this act, or a person not licensed or reg-  
26 istered under this act who is performing any activity regulated  
27 by this act and is not exempt from licensure or registration

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1 under this act, is guilty of a misdemeanor punishable by a fine  
2 of not less than \$1,000.00 per day for each day the violation  
3 occurs except that a fine shall not exceed \$5,000.00 in total per  
4 violation or punishable by imprisonment for not more than  
5 90 days, or both.

6 Sec. 51. The attorney general, a local prosecuting attor-  
7 ney, or an attorney representing a governmental subdivision may  
8 initiate an action to enforce this act or rules promulgated under  
9 this act.

10 Sec. 53. Any provision of this act which is inconsistent or  
11 in conflict with the Stille-DeRossett-Hale single state construc-  
12 tion code act is superseded by that act to the extent of the  
13 inconsistency.

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

18 (2) A person licensed or registered under former 1929 PA 266  
19 on the day immediately preceding the effective date of this act  
20 is considered licensed or registered until the expiration of the  
21 licensure or registration under that act.

22 (3) A reference in any other act to former 1929 PA 266 or  
23 1901 PA 222 is considered a reference to this act.

24 (4) Those rules promulgated under former 1929 PA 266 and  
25 1901 PA 222 remain in effect under this act.

26 Sec. 57. This act shall not be construed to relieve from or  
27 lessen the responsibility or liability of any person owning,



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1 operating, controlling, or installing plumbing for damages to  
2 persons or property caused by any defect in the plumbing, and the  
3 state of Michigan is not to be held as assuming any such liabil-  
4 ity by reason of the inspection or the examination authorized in  
5 that plumbing, the certificate of approval, or the license and  
6 certificate issued under this act.

7 Sec. 59. The following acts are repealed:

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

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