

HOUSE BILL No. 5894

May 12, 2004, Introduced by Reps. Stakoe, Richardville, Shackleton, Stahl, Palsrok, Voorhees, Amos, Taub, LaJoy, Meyer, Garfield, Nitz, DeRoche, Milosch, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen and referred to the Committee on Commerce.

A bill to amend 1984 PA 192, entitled
"Forbes mechanical contractors act,"
by amending sections 6 and 10 (MCL 338.976 and 338.980), section
10 as amended by 1997 PA 119.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 6. (1) Upon the filing of an application on a form
2 prescribed by the department and payment of the examination fee
3 prescribed in section 10, the department shall conduct
4 examinations to establish the qualifications and competency of
5 applicants seeking licensing for the category for which the
6 application is ~~made~~ **submitted** and ~~, except as otherwise~~
7 ~~provided,~~ shall issue licenses to those who pass the
8 examinations and pay the initial issuance fee, **except as**
9 **otherwise provided for in this act.** An applicant who seeks
10 licensure in more than 1 work classification ~~as set forth~~

1 **listed** in subsection (3) on a single application shall only be
 2 required to pay 1 examination fee and 1 initial issuance fee as
 3 provided in section 10. A person applying for a license under
 4 this act shall also pay the amount required to be paid under the
 5 construction lien act, ~~Act No. 497 of the Public Acts of 1980,~~
 6 ~~being sections 570.1101 to 570.1305 of the Michigan Compiled~~
 7 ~~Laws~~ **1980 PA 497, MCL 570.1101 to 570.1305**, which amount shall
 8 be paid to the department ~~of licensing and regulation~~ for
 9 deposit in the homeowner construction lien recovery fund. A
 10 person ~~shall~~ **is** not ~~be~~ required to pay more than \$50.00 in an
 11 assessment period under ~~the construction lien~~ **that** act, ~~Act~~
 12 ~~No. 497 of the Public Acts of 1980,~~ regardless of the number of
 13 licenses applied for or held.

14 (2) An applicant ~~shall~~ **is** not ~~be~~ considered **eligible** for
 15 examination unless the applicant is of good moral character, as
 16 defined in ~~Act No. 381 of the Public Acts of 1974, being~~
 17 ~~sections 338.41 to 338.47 of the Michigan Compiled Laws~~ **1974 PA**
 18 **381, MCL 338.41 to 338.47**, and has a minimum of 3 years of
 19 experience ~~—~~ or an equivalent of that experience ~~that is~~
 20 acceptable to the board, upon proper showing to the department,
 21 in 1 or more of the work classifications ~~set forth~~ **listed** in
 22 subsection (3).

23 (3) A contractor's license obtained ~~by licensure or~~
 24 ~~examination~~ shall be classified and limited as 1 or more of the
 25 following:

- 26 (a) Hydronic heating and cooling and process piping.
- 27 (b) HVAC equipment.

1 (c) Ductwork.

2 (d) Refrigeration.

3 (e) Limited service, heating or refrigeration.

4 (f) Unlimited service, heating or refrigeration.

5 (g) Fire suppression.

6 (h) Specialty.

7 Sec. 10. (1) The examination fee for a contractor's license
8 is \$25.00. Except as otherwise provided in ~~subsection (2)~~
9 **subsections (2) and (4)**, the initial and per-year fee for the
10 issuance of a contractor's license is \$75.00.

11 (2) ~~Beginning January 1, 1998, an~~ **An** initial or renewal
12 contractor's license issued under this act expires on August 31
13 ~~—, 2001. Beginning January 1, 1998, the board shall charge a~~
14 ~~license fee of \$200.00 for the years 1998 through 2000 as well as~~
15 ~~a pro rata license fee of \$44.00 representing the time between~~
16 ~~January 1, 2001 and August 31, 2001. The applicant's license~~
17 ~~expires~~ every third year after August 31, 2001 and is renewable
18 not later than October 31 upon application and payment of the
19 ~~\$200.00~~ license fee. ~~In the case of~~ **For** a person applying
20 for an initial or reinstatement contractor's license at a time
21 other than between August 31 and October 31 of the year in which
22 the department issues renewal licenses, the department shall
23 compute and charge the license fee on a yearly pro rata basis
24 beginning in the year of the application until the last year of
25 the 3-year license cycle. All licenses not renewed are void and
26 may be reinstated only upon application for reinstatement and the
27 payment of the license fee. A person who renews his or her

1 license within 3 years after the license is voided pursuant to
2 this section is not subject to reexamination for the license.

3 (3) Beginning on the effective date of the amendatory act
4 that added subsection (5), the department shall issue an initial
5 or renewal license not later than 6 months after the applicant
6 files a completed application. If the application is considered
7 incomplete by the department, the department shall notify the
8 applicant in writing within 10 days after receipt of the
9 incomplete application, describing the deficiency and requesting
10 the additional information. The 6-month period is tolled upon
11 notification by the department of a deficiency until the date the
12 requested information is received by the department.

13 (4) If the department fails to issue or deny a license within
14 the time required by this section, the department shall return
15 the license fee and shall reduce the license fee for the
16 applicant's next renewal application, if any, by 15%. The
17 department shall not discriminate against an applicant in the
18 processing of the application based upon the fact that the
19 application fee was refunded or discounted under this
20 subsection.

21 (5) Beginning January 31, 2005, the director of the
22 department shall submit a report by January 31 of each year to
23 the standing committees and appropriations subcommittees of the
24 senate and house of representatives concerned with occupational
25 issues. The director shall include all of the following
26 information in the report concerning the preceding calendar
27 year:

1 (a) The number of initial and renewal applications the
2 department received and completed within the 6-month time period
3 described in subsection (3).

4 (b) The number of applications requiring a request for
5 additional information.

6 (c) The average time for an applicant to respond to a request
7 for additional information.

8 (d) The number of applications rejected in general
9 categories.

10 (e) The amount of money returned to licensees under
11 subsection (4).

12 (f) The number of applications not issued within the 6-month
13 period.

14 (g) The average processing time for initial and renewal
15 applications granted after the 6-month period.

16 (6) ~~-(3)-~~ All fees and money received by the department for
17 the licensing of persons under this act, and any other income
18 received under this act, shall be paid into the state
19 construction code fund created by section 22 of the
20 **Stille-DeRossett-Hale single** state construction code act, ~~-of~~
21 ~~1972,~~ 1972 PA 230, MCL 125.1522.

22 (7) ~~-(4)-~~ The department shall annually submit to the members
23 of the legislature a comprehensive report detailing the
24 expenditure of additional money resulting from the 1989
25 amendatory act that increased the fees contained in this
26 section.