

Act No. 71
Public Acts of 2013
Approved by the Governor
June 25, 2013
Filed with the Secretary of State
June 25, 2013
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STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013

Introduced by Reps. Jacobsen, Nesbitt, Stallworth, Ananich, MacMaster, LaFontaine, Pscholka, Kandrevas, Pettalia, Rendon, Price, McCready, Shirkey, Genetski, Franz, Kowall, Outman, LaVoy, Hobbs, Kesto, Switalski, Bumstead and Foster

ENROLLED HOUSE BILL No. 4592

AN ACT to amend 1984 PA 192, entitled “An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending sections 7 and 9 (MCL 338.977 and 338.979), section 7 as amended by 1998 PA 300.

The People of the State of Michigan enact:

Sec. 7. (1) Except as provided in subsection (3) or (4) and section 14, an individual, partnership, association, corporation, limited liability company, governmental subdivision, college, or university shall not perform installations, alterations, or servicing of work classifications under section 6(3) that are regulated by the state construction code act of 1972, 1972 PA 230, MCL 125.1501 to 125.1531, unless the individual, or an employee of the individual, partnership, association, corporation, limited liability company, governmental subdivision, college, or university has received a contractor’s license from the department that has not been revoked or suspended, the license is either classified and limited as provided in section 6 or is annotated as provided in section 8, and the holder of the license has secured the appropriate permit from the enforcing agency charged with the responsibility of issuing permits.

(2) An individual, partnership, association, corporation, limited liability company, governmental subdivision, college, or university that performs installations, alterations, or servicing of work classifications under section 6(3) shall designate the holder of a contractor’s license as described in subsection (1) as the contractor of record. The department shall be notified in writing of the designation.

(3) If the installation, alteration, or service of a work classification under section 6(3) is performed without compensation by a person licensed under this act for or on behalf of a charitable organization, the permit required under subsection (1) may be obtained by the owner of the property on which the work is performed. This subsection applies only to the reconstruction, renovation, or remodeling of 1- to 4-family dwellings.

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

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

(6) As used in this section, "charitable organization" means a not for profit tax-exempt religious, educational, or humane organization.

Sec. 9. After October 1, 1984, a governmental subdivision shall not establish or maintain local licensing requirements for the work classifications set forth in section 6(3) or work described in section 7(4). A governmental subdivision shall not prohibit a contractor licensed under this act from engaging in the work classification or classifications for which the contractor has a license under this act, or a person described in section 7(4) from engaging in work for which that person is licensed or registered, unless the contractor is in violation of the mechanical code.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor