

BOILER ACT OF 1965 (EXCERPT)
Act 290 of 1965

***** 408.754a THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

408.754a Rules to establish fee schedules; waiver of fees; filing completed licensing application; issuance of license, permit, or registration within certain time period; report; state boiler inspection fund; "completed application" defined.

Sec. 4a. (1) The department, in consultation with the board, shall promulgate rules to establish the fee schedules for licenses, permits, certificates, registrations, examinations, and inspections under this section. The fees shall reflect the actual costs and expenses for the department in issuing licenses, permits, registrations, examinations, and certificates and in conducting inspections.

(2) The department shall waive the initial license or registration fee required under this section if the applicant is an individual who served in the armed forces and he or she provides to the department a form DD214, form DD215, or any other form that is satisfactory to the department that demonstrates he or she was separated from that service with an honorable character of service or under honorable conditions (general) character of service.

(3) Beginning July 23, 2004, the department shall issue an initial or renewal license, permit, or registration, not later than 90 days after the applicant files a completed application. The date of receipt of the application is considered the date the application is received by any department or agency of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date of notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the registration, license, or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a registration, license, or permit.

(4) If the department fails to issue or deny a registration, license, or permit within the time required by this section, the department shall return the registration, license, or permit fee and shall reduce the registration, license, or permit fee for the applicant's next renewal application, if any, by 15%. The failure to issue a registration, license, or permit within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and on completion, the department shall place the application in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based on the fact that the registration, license, or permit fee was refunded or discounted under this subsection.

(5) Beginning October 1, 2005, the director shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (3).

(b) The number of applications the department denied.

(c) The number of applicants that were not issued a permit, registration, or license within the 90-day time period described in subsection (3) and the amount of money returned to licensees, permittees, and registrants under that subsection.

(6) To accomplish the objectives of this section and this act, a state boiler inspection fund is created as a restricted fund in the state treasury. The state treasurer is the custodian of the fund and may invest the surplus of the fund. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director and the legislature of interest credited and the balance of the fund as of September 30 of each year. The director shall supervise and administer the fund. Fees received by the department and money collected under this act shall be deposited in the state boiler inspection fund and shall be appropriated by the legislature for the operations of the boiler division and indirect overhead expenses in the department. Funds that are unexpended at the end of each fiscal year shall not lapse to the general fund and shall be returned to the state boiler inspection fund.

(7) As used in this section, "completed application" means an application that is complete on its face and is submitted with any applicable registration, licensing, or permit fees and with any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state.

History: Add. 1980, Act 274, Imd. Eff. Oct. 8, 1980;—Am. 1986, Act 277, Imd. Eff. Dec. 19, 1986;—Am. 2004, Act 265, Imd. Eff. July 23, 2004;—Am. 2008, Act 159, Imd. Eff. June 11, 2008;—Am. 2013, Act 167, Eff. Feb. 12, 2014.

Administrative rules: R 408.4001 et seq. of the Michigan Administrative Code.