

HOUSE BILL No. 5891

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

A bill to amend 1986 PA 135, entitled
"Asbestos abatement contractors licensing act,"
by amending sections 209 and 211 (MCL 338.3209 and 338.3211),
section 209 as amended by 1993 PA 55 and section 211 as amended
by 1998 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 209. (1) To apply for or renew a license, an asbestos
2 abatement contractor shall do all of the following:

3 (a) Submit a completed application to the department on forms
4 provided by the department. The asbestos abatement contractor
5 shall state on the application whether or not the asbestos
6 abatement contractor has liability insurance.

7 (b) Pay the fee required by subsection (2).

8 (c) Submit proof of Michigan workers' disability compensation
9 insurance.

(d) Submit proof that all employees and agents of an asbestos abatement contractor who are responsible for, or are involved in, an asbestos abatement project have received training and become accredited as asbestos abatement workers or asbestos abatement contractors and supervisors as required under the asbestos workers accreditation act, ~~Act No. 440 of the Public Acts of 1988, being sections 338.3401 to 338.3418 of the Michigan Compiled Laws~~ **1988 PA 440, MCL 338.3401 to 338.3418.**

(2) ~~A~~ **Subject to section 211,** a license or renewal fee shall be paid as follows:

Number of employees

to be engaged in

<u>asbestos abatement projects</u>	<u>License fee</u>	<u>License renewal fee</u>
4 or less	\$200.00	\$100.00
5 or more	\$400.00	\$300.00

Sec. 211. (1) Within 15 working days after receiving a license application, the department shall acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within 60 calendar days after receiving a completed application, including all additional information requested by the department, the department shall issue a license or deny the license application. The license shall contain a statement in bold print that the issuance of a license does not infer asbestos indemnification coverage.

(2) The department shall deny a license application if the department determines that the applicant has not demonstrated the ability to comply with either of the following:

1 (a) The applicable requirements and procedures established by
2 the department and the board under this act.

3 (b) Other state and federal law pertaining to the health and
4 safety aspects of asbestos demolition, renovation, and
5 encapsulation.

6 (3) Beginning the effective date of the amendatory act that
7 added this subsection and notwithstanding any other provision of
8 this act, if the department fails to issue or deny a license
9 within the time required by this section, the department shall
10 return the license fee and shall reduce the license fee for the
11 applicant's next renewal application, if any, by 15%. The
12 department shall not discriminate against an applicant in the
13 processing of the application based upon the fact that the
14 application fee was refunded or discounted under this
15 subsection.

16 (4) Beginning January 31, 2005, the director of the
17 department shall submit a report by January 31 of each year to
18 the standing committees and appropriations subcommittees of the
19 senate and house of representatives concerned with asbestos and
20 regulatory issues. The director shall include all of the
21 following information in the report concerning the preceding
22 calendar year:

23 (a) The number of initial and renewal applications the
24 department received and completed within the time period
25 described in this section.

26 (b) The number of applications requiring a request for
27 additional information.

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

3 (d) The number of applications rejected, categorized by
4 reason for rejection.

5 (e) The amount of money returned to licensees and registrants
6 under subsection (3).

7 (f) The number of applications not issued within the time
8 period described in this section.

9 (g) The average processing time for initial and renewal
10 applications granted after the period described in this section.

11 (5) ~~—(3)—~~ If the department denies a license, the department
12 shall return to the applicant the application fee, less \$25.00
13 subject to subsection (3).

14 (6) ~~—(4)—~~ Proceedings for the denial of a license under this
15 act shall be in accordance with the administrative procedures act
16 of 1969.