

HOUSE BILL No. 4846

May 24, 2007, Introduced by Rep. Leland and referred to the Committee on Appropriations.

A bill to amend 1984 PA 192, entitled
 "Forbes mechanical contractors act,"
 by amending section 10 (MCL 338.980), as amended by 2004 PA 271.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) ~~The~~ **SUBJECT TO SUBSECTION (8), THE** examination
 2 fee for a contractor's license is ~~\$25.00~~ **\$100.00**. Except as
 3 otherwise provided in subsections (2), ~~and~~ (4), **AND (8)**, the
 4 initial and per-year fee for the issuance of a contractor's license
 5 is ~~\$75.00~~ **\$100.00**.

6 (2) An initial or renewal contractor's license issued under
 7 this act expires on August 31 every third year ~~after August 31,~~
 8 ~~2001~~ and is renewable not later than October 31 upon application
 9 and payment of the license fee. For a person applying for an
 10 initial or reinstatement contractor's license at a time other than

1 between August 31 and October 31 of the year in which the
2 department issues renewal licenses, the department shall compute
3 and charge the license fee on a yearly pro rata basis beginning in
4 the year of the application until the last year of the 3-year
5 license cycle. All licenses not renewed are void and may be
6 reinstated only upon application for reinstatement and the payment
7 of the license fee. A person who renews his or her license within 3
8 years after the license is voided pursuant to this section is not
9 subject to reexamination for the license.

10 (3) Beginning ~~on the effective date of the amendatory act that~~
11 ~~added subsection (5)~~ **JULY 23, 2004**, the department shall issue an
12 initial or renewal license not later than 90 days after the
13 applicant files a completed application. Receipt of the application
14 is considered the date the application is received by any agency or
15 department of the state of Michigan. If the application is
16 considered incomplete by the department, the department shall
17 notify the applicant in writing, or make the information
18 electronically available, within 30 days after receipt of the
19 incomplete application, describing the deficiency and requesting
20 the additional information. The 90-day period is tolled upon
21 notification by the department of a deficiency until the date the
22 requested information is received by the department. The
23 determination of the completeness of an application does not
24 operate as an approval of the application for the license and does
25 not confer eligibility of an applicant determined otherwise
26 ineligible for issuance of a license.

27 (4) If the department fails to issue or deny a license within

1 the time required by this section, the department shall return the
2 license fee and shall reduce the license fee for the applicant's
3 next renewal application, if any, by 15%. The failure to issue a
4 license within the time required under this section does not allow
5 the department to otherwise delay the processing of the
6 application, and that application, upon completion, shall be placed
7 in sequence with other completed applications received at that same
8 time. The department shall not discriminate against an applicant in
9 the processing of the application based upon the fact that the
10 license fee was refunded or discounted under this subsection.

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

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

20 (b) The number of applications denied.

21 (c) The number of applicants not issued a license within the
22 90-day time period and the amount of money returned to licensees
23 under subsection (4).

24 (6) All fees and money received by the department for the
25 licensing of persons under this act, and any other income received
26 under this act, shall be paid into the state construction code fund
27 created by section 22 of the Stille-DeRossett-Hale single state

1 construction code act, 1972 PA 230, MCL 125.1522.

2 (7) The department shall annually submit to the members of the
3 legislature a comprehensive report detailing the expenditure of
4 additional money resulting from the 1989 amendatory act that
5 increased the fees contained in this section.

6 (8) **THE DIRECTOR OF THE DEPARTMENT MAY CHANGE THE AMOUNT OF**
7 **ANY FEES DESCRIBED IN THIS SECTION BY RULE PROMULGATED UNDER THE**
8 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
9 **24.328. ANY FEE CHANGES MADE BY THE DIRECTOR OF THE DEPARTMENT**
10 **UNDER THIS SUBSECTION SHALL TAKE EFFECT ON THE EFFECTIVE DATE OF**
11 **THE RULE.**

12 (9) ~~(8)~~—As used in this section, "completed application" means
13 an application complete on its face and submitted with any
14 applicable licensing fees as well as any other information,
15 records, approval, security, or similar item required by law or
16 rule from a local unit of government, a federal agency, or a
17 private entity but not from another department or agency of the
18 state of Michigan.