

HOUSE BILL No. 6041

November 27, 2012, Introduced by Rep. McCann and referred to the Committee on
Regulatory Reform.

A bill to amend 1967 PA 227, entitled

"An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts,"

by amending section 8 (MCL 408.808), as amended by 1980 PA 282.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The board ~~shall have~~ **HAS** the following powers and
2 duties:

3 (a) To promulgate rules for the inspection, design,
4 construction, installation, alteration, maintenance, and use of
5 elevators in this state ~~pursuant to Act No. 306 of the Public Acts~~
6 ~~of 1969, as amended, being sections 24.201 to 24.315 of the~~
7 ~~Michigan Compiled Laws.~~ **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF**

1 1969, 1969 PA 306, MCL 24.201 TO 24.328.

2 (b) To prepare examinations, interview applicants to determine
3 their qualifications, examine qualified applicants for elevator
4 contractor licenses or certificates of competency, and certify to
5 the director the names of ~~persons~~**INDIVIDUALS** who successfully pass
6 the examination given by the board.

7 (c) When submitted by the director, to grant exceptions or
8 variations from the literal requirements of this act or rules
9 promulgated by the board when it is clearly evident that exceptions
10 or variations are necessary to prevent undue hardship or when
11 existing conditions prevent compliance with the literal
12 requirements, if the board believes reasonable safety will be
13 secured by granting the exception or variation.

14 (d) To hear and decide appeals referred to the board by the
15 director when requested to do so by a person ~~, firm, or corporation~~
16 aggrieved by an order or act of the department, or its authorized
17 representatives, and to adopt rules of procedure for appeals.

18 (e) To conduct hearings to determine whether an elevator
19 contractor license or certificate of competency or commission
20 should be suspended or revoked and to make recommendation to the
21 director.

22 (2) The board, with the advice of the director, shall
23 promulgate rules ~~pursuant to Act No. 306 of the Public Acts of~~
24 ~~1969, as amended, being sections 24.201 to 24.315 of the Michigan~~
25 ~~Compiled Laws, UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,~~
26 **1969 PA 306, MCL 24.201 TO 24.328**, to establish the fee schedules
27 for licenses, permits, certificates, and inspections. The fees

1 shall reflect the actual costs and expenses for the department of
2 ~~labor~~ **LICENSING AND REGULATORY AFFAIRS** in issuing licenses,
3 permits, certificates, and conducting inspections. The fees
4 currently established by the board shall be in effect until the
5 board promulgates rules to establish the fee schedules.

6 (3) The ~~business which the elevator safety board may perform~~
7 ~~shall be conducted at a public meeting of the board held in~~
8 ~~compliance with Act No. 267 of the Public Acts of 1976, as amended,~~
9 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws.~~

10 **BOARD SHALL CONDUCT ITS BUSINESS AT PUBLIC MEETINGS OF THE BOARD**
11 **THAT ARE HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA**
12 **267, MCL 15.231 TO 15.246.** Public notice of the time, date, and
13 place of the meeting shall be given in the manner required by Act
14 ~~No. 267 of the Public Acts of 1976, as amended.~~ **UNDER THAT ACT.**

15 (4) **SPECIAL MEETINGS OF THE BOARD MAY BE CALLED BY THE**
16 **CHAIRPERSON OR IF REQUESTED IN WRITING BY AT LEAST 3 MEMBERS OF THE**
17 **BOARD.**