

# HOUSE BILL No. 5326

January 31, 2012, Introduced by Reps. Franz and Cotter and referred to the Committee on Regulatory Reform.

A bill to amend 1979 PA 152, entitled  
"State license fee act,"  
by amending section 39 (MCL 338.2239), as amended by 2007 PA 158.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 39. (1) Fees for a person licensed or seeking licensure  
2 as a residential builder ~~or residential maintenance and~~  
3 ~~alteration contractor, salesperson, or~~ branch office under  
4 article 24 of the occupational code, MCL 339.2401 to 339.2412,  
5 are as follows:

6       (a)     Application processing fee..... \$ 15.00

1	(b)	Examination fees:	
2	(i)	Complete builder <del>or maintenance and</del>	
3		<del>alteration contractor examination.....</del>	50.00
4	(ii)	Law and rules portion.....	30.00
5	(iii)	Practice or trades portion.....	30.00
6	<del>(iv)</del>	<del>Salesperson examination.....</del>	<del>30.00</del>
7	(c)	Examination review.....	20.00
8	(d)	License fee only for the first license	
9		cycle of an initial or renewal licensee	
10		<del>following the effective date of the</del>	
11		<del>amendatory act that added subsection (2) JUNE 1, 2008,</del>	
12		per year .....	60.00
13	(e)	License fee, per year.....	50.00

14 (2) The builder enforcement fund is created in the state  
 15 treasury. ~~and shall be administered by the department. ALL OF THE~~  
 16 **FOLLOWING APPLY TO THE BUILDER ENFORCEMENT FUND:**

17 (A) The department shall ~~be~~ **ADMINISTER THE FUND AND IS** the  
 18 administrator of the fund for audit purposes. A

19 (B) **THE DEPARTMENT SHALL MAKE A** 1-time-only \$30.00  
 20 allocation from a ~~EACH~~ license fee received by the department  
 21 under subsection (1)(d) during a single 3-year license cycle  
 22 ~~shall be deposited AND DEPOSIT THAT MONEY~~ into the builder  
 23 ~~enforcement fund. The~~ **HOWEVER, THE** department shall make ~~the~~ **ONLY**  
 24 **1** \$30.00 allocation ~~only once~~ per licensee. ~~In the case of the~~

25 (C) **IF A** \$50.00 license fee **IS** paid under subsection (1)(e),  
 26 **THE DEPARTMENT SHALL ALLOCATE** \$5.00 of that \$50.00 fee ~~shall be~~  
 27 ~~allocated to the builder enforcement fund. If~~ **HOWEVER, IF** on  
 28 December 1 of any year following the calendar year 2010, the

1 department determines that the balance in the ~~builder enforcement~~  
 2 fund is more than \$3,000,000.00, the **DEPARTMENT SHALL NOT MAKE**  
 3 **THE** \$5.00 allocation ~~to the builder enforcement fund DESCRIBED IN~~  
 4 **THIS SUBDIVISION** from the ~~\$50.00~~ **ANY** renewal fee **DESCRIBED IN**  
 5 **SUBSECTION (1) (E)** due after January 1 of the following year.  
 6 ~~shall not be made.~~ If on any subsequent December 1 the department  
 7 determines that the balance in the fund is less than \$750,000.00,  
 8 the **DEPARTMENT SHALL RESUME MAKING THE** \$5.00 allocation ~~shall~~  
 9 ~~resume~~ for any renewal fee due after January 1 of the following  
 10 year.

11 (D) Notwithstanding section 3, the department shall utilize  
 12 **MONEY IN** the ~~builder enforcement~~ fund only for the enforcement of  
 13 article 24 of the occupational code, MCL 339.2401 to 339.2412,  
 14 regarding unlicensed activity as further described in section  
 15 601(1) and (2) of the occupational code, MCL 339.601, and to  
 16 reimburse the attorney general for the reasonable cost of  
 17 services provided to the department and for expenses incurred in  
 18 prosecutions ~~for such unlicensed practice~~ **RELATED TO UNLICENSED**  
 19 **ACTIVITY DESCRIBED IN THIS SUBDIVISION** or **REIMBURSE A** prosecuting  
 20 attorney for expenses incurred in conducting ~~prosecutions of such~~  
 21 ~~unlicensed practice~~ **A PROSECUTION.**

22 (E) **THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE**  
 23 **FUND AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND**  
 24 **INVESTMENTS.**

25 (F) Any ~~unexpended balance~~ **MONEY** in the ~~builder enforcement~~  
 26 fund at the ~~end of a fiscal year shall carry forward to the next~~  
 27 ~~fiscal year~~ **CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND**

1 **SHALL NOT LAPSE TO THE GENERAL FUND.**

2       Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No.\_\_\_\_ or House Bill No. 5325(request no.  
4 00669'11) of the 96th Legislature is enacted into law.