

# HOUSE BILL No. 5822

August 15, 2012, Introduced by Rep. Pscholka 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 2008 PA 372.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 10. (1) Subject to subsection (8), the examination fee  
2       for a contractor's license is ~~\$25.00 if paid after September 30,~~  
3       ~~2012 and \$100.00. if paid on or before September 30, 2012.~~ Except  
4       as otherwise provided in subsections (2) and (4), the initial and  
5       per-year fee for the issuance of a contractor's license is ~~\$75.00~~  
6       ~~if paid after September 30, 2012 and \$100.00. if paid on or before~~  
7       ~~September 30, 2012.~~

8       (2) An initial or renewal contractor's license issued under  
9       this act expires on August 31 every third year and is renewable **BY**  
10      **FILING AN APPLICATION AND PAYING THE LICENSE FEE** not later than

1    ~~October 31. upon application and payment of the license fee. For a~~  
 2    ~~person~~ **IF AN INDIVIDUAL** applying for an initial or reinstatement  
 3    contractor's license at a time other than between August 31 and  
 4    October 31 of the year in which the department issues renewal  
 5    licenses, the department shall compute and charge the license fee  
 6    on a yearly pro rata basis beginning in the year of the application  
 7    until the last year of the 3-year license cycle. ~~All licenses~~ **A**  
 8    **LICENSE THAT IS** not renewed ~~are~~ **IS** void and may be reinstated only  
 9    ~~upon application~~ **BY APPLYING** for reinstatement and ~~the payment of~~  
 10    **PAYING** the license fee. ~~A person~~ **AN INDIVIDUAL** who renews his or  
 11    her license within 3 years after the license is voided ~~pursuant to~~  
 12    **UNDER** this section is not subject to reexamination for the license.

13        (3) ~~Beginning July 23, 2004, the~~ **THE** department shall issue an  
 14    initial or renewal license **UNDER THIS ACT** not later than 90 days  
 15    after the applicant files a completed application. ~~Receipt~~ **THE DATE**  
 16    **OF FILING** of the application is considered the date the application  
 17    is received by any agency or department of ~~the~~ **THIS** state. ~~of~~  
 18    ~~Michigan.~~ If the application is considered incomplete by the  
 19    department, the department shall notify the applicant in writing,  
 20    or make the information electronically available **TO THE APPLICANT,**  
 21    within 30 days after ~~receipt~~ **THE DATE OF FILING** of the incomplete  
 22    application, describing the deficiency and requesting the  
 23    additional information. The 90-day period is tolled ~~upon~~ **FROM THE**  
 24    **DATE OF** notification by the department of a deficiency until the  
 25    date the requested information is received by the department. The  
 26    determination of the completeness of an application does not  
 27    operate as an approval of the application for the license and does

1 not confer eligibility of an applicant determined otherwise  
2 ineligible for issuance of a license.

3 (4) If the department fails to issue or deny a license within  
4 the time required ~~by~~ **UNDER** this section, the department shall  
5 return the license fee and shall reduce the license fee for the  
6 applicant's next renewal application, if any, by 15%. The failure  
7 to issue a license within the time required under this section does  
8 not allow the department to otherwise delay the processing of the  
9 application, and **THE DEPARTMENT SHALL PLACE** that application, ~~upon~~  
10 ~~completion, shall be placed~~ **WHEN COMPLETED**, in sequence with other  
11 completed applications received at that same time. The department  
12 shall not discriminate against an applicant in the processing of  
13 the application based ~~upon~~ **ON** the fact that the license fee was  
14 refunded or discounted under this subsection.

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

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

24 (b) The number of applications denied **BY THE DEPARTMENT**.

25 (c) The number of applicants **THAT WERE** not issued a license  
26 within the 90-day time period and the amount of money returned to  
27 licensees under subsection (4).

1       (6) ~~All fees and money received by the department for the~~  
2 ~~licensing of persons under this act,~~ **THE DEPARTMENT SHALL PAY ALL**  
3 **LICENSING FEES, EXAMINATION FEES,** and ~~any other income received~~  
4 under this act ~~, shall be paid into the state construction code~~  
5 fund created ~~by~~ **IN** section 22 of the Stille-DeRossett-Hale single  
6 state construction code act, 1972 PA 230, MCL 125.1522.

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

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