

HOUSE BILL No. 6079

December 5, 2012, Introduced by Reps. Wayne Schmidt and Opsommer and referred to the Committee on Regulatory Reform.

A bill to amend 1984 PA 192, entitled
"Forbes mechanical contractors act,"
by amending the title and sections 2, 3, 5, 6, 7, 8, 10, 11, 13,
14, 15, and 16 (MCL 338.972, 338.973, 338.975, 338.976, 338.977,
338.978, 338.980, 338.981, 338.983, 338.984, 338.985, and 338.986),
section 3 as amended by 2006 PA 197, sections 6, 11, and 16 as
amended by 2010 PA 149, section 7 as amended by 1998 PA 300, and
section 10 as amended by 2008 PA 372, and by adding sections 2a,
5a, 6a, 8a, 10a, 10b, and 11a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate the use, installation, alteration, and
servicing of specified heating, cooling, ventilating, and
refrigerating equipment and systems; **TO PROVIDE FOR POWERS AND**

1 DUTIES FOR STATE AGENCIES AND GOVERNMENTAL SUBDIVISIONS; to create
2 a board of mechanical rules; to provide for the licensing AND
3 REGISTRATION of installing contractors, OF JOURNEY AND APPRENTICE
4 TECHNICIANS, and of servicing contractors of heating, cooling,
5 ventilating, and refrigerating equipment and systems; to prescribe
6 fees; to provide for the promulgation of rules; and to prescribe
7 REMEDIES AND penalties.

8 Sec. 2. ~~(1)~~ As used in this act:

9 ~~—— (a) "Board" means the board of mechanical rules.~~

10 ~~—— (b) "Department" means the department of labor.~~

11 ~~—— (c) "Air conditioning" means the process of treating air to~~
12 ~~meet the requirements of a conditioned space by controlling, either~~
13 ~~simultaneously or individually, the air's temperature, humidity,~~
14 ~~cleanness, and distribution.~~

15 ~~—— (d) "Cooling" means air conditioning as defined in subdivision~~
16 ~~(e).~~

17 ~~—— (e) "Ductwork" means the air distribution arrangement for~~
18 ~~supply, return, and exhaust in air conditioning systems and in~~
19 ~~nonair conditioning systems, the materials and methods of which are~~
20 ~~specified in the Michigan mechanical code, or an equivalent~~
21 ~~nationally recognized model mechanical code. Ductwork includes~~
22 ~~flues, vents, and chimneys.~~

23 ~~—— (f) "Enforcing agency" means an enforcing agency as defined in~~
24 ~~section 2 of the state construction code act of 1972, Act No. 230~~
25 ~~of the Public Acts of 1972, being section 125.1502 of the Michigan~~
26 ~~Compiled Laws.~~

27 ~~—— (g) "Equivalent nationally recognized model construction code"~~

~~means a nationally recognized model construction code adopted pursuant to section 8 of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being section 125.1508 of the Michigan Compiled Laws.~~

~~—— (h) "Equivalent nationally recognized model mechanical code" means a nationally recognized model mechanical code adopted pursuant to section 8 of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being section 125.1508 of the Michigan Compiled Laws.~~

~~—— (i) "Fire suppression system" means an integrated combination of a fire alarm system and fire suppression equipment which as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.~~

~~—— (j) "Governmental subdivision" means a governmental subdivision as defined in section 2 of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being section 125.1502 of the Michigan Compiled Laws.~~

~~—— (k) "Heating", used alone, means the use of any fuel or electricity to generate heat in an air conditioning system. When used with a qualifying term such as "hydronic", the term heating assumes the limited meaning expressed by such qualification.~~

~~—— (l) "Heating, ventilating, and air conditioning" or "HVAC" means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window type air conditioners of not~~

1 ~~more than 1 1/2 horsepower.~~

2 ~~—— (m) "Hydronic heating and cooling" means the application of~~
3 ~~equipment and systems which provide air conditioning by the~~
4 ~~controlled forced circulation of fluids or vapors in pipes.~~

5 ~~—— (n) "Michigan mechanical code" means part 9 of the general~~
6 ~~rules of the state construction code commission, being R 408.30907~~
7 ~~to R 408.30998 of the Michigan administrative code.~~

8 ~~—— (o) "Process piping" means any piping which is not part of a~~
9 ~~system designed to provide air conditioning or of a refrigeration~~
10 ~~system. Process piping includes pipes which transfer chemicals and~~
11 ~~other fluids, gases, or vapors for systems other than air~~
12 ~~conditioning systems as covered by the Michigan mechanical code or~~
13 ~~an equivalent nationally recognized model mechanical code.~~

14 ~~—— (p) "Refrigeration" means the use of equipment and systems,~~
15 ~~including refrigeration piping, employing the refrigeration cycle~~
16 ~~to generate low temperatures for other than air conditioning~~
17 ~~equipment and systems. Refrigeration includes such equipment and~~
18 ~~systems as supermarket refrigeration, industrial refrigeration, the~~
19 ~~preservation of biological materials, and food storage facilities.~~
20 ~~Refrigeration does not include the installation of portable self-~~
21 ~~contained units such as refrigerators, dehumidifiers, and other~~
22 ~~similar equipment of not more than 1.5 horsepower or other~~
23 ~~equipment exempted from the Michigan mechanical code.~~

24 ~~—— (q) "Specialty license" means a license granted pursuant to~~
25 ~~this act which allows the licensee to perform work within limits~~
26 ~~established by the board in 1 or more of the work classifications~~
27 ~~set forth in section 6(3).~~

1 ~~—— (r) "Servicing" means the maintenance, repair, and servicing~~
2 ~~of previously installed equipment and systems.~~

3 ~~—— (s) "State construction code" means the rules promulgated by~~
4 ~~the state construction code commission under section 4 of the state~~
5 ~~construction code act of 1972, Act No. 230 of the Public Acts of~~
6 ~~1972, being section 125.1504 of the Michigan Compiled Laws.~~

7 ~~—— (t) "Limited heating service" means the servicing of gas-~~
8 ~~designed sectional boilers having inputs of not more than 1 million~~
9 ~~British thermal units, utilizing a combustion safeguard designed to~~
10 ~~shut off the main gas supply 10 or more seconds after pilot flame~~
11 ~~failure, and all other gas fired or solid fuel equipment and~~
12 ~~systems limited to input ratings of less than 400,000 British~~
13 ~~thermal units per unit, or oil fired equipment and systems designed~~
14 ~~for the use of number 1 or number 2 fuel oil, having a maximum~~
15 ~~firing rate of less than 5 gallons per hour per unit, or electrical~~
16 ~~furnaces and electric boilers using the same kilowatts that are~~
17 ~~equivalent to the fossil fuel British thermal units generated.~~

18 ~~—— (u) "Limited refrigeration and air conditioning service" means~~
19 ~~the servicing of refrigeration equipment and systems and air~~
20 ~~conditioning equipment and systems employing the refrigeration~~
21 ~~cycle of unlimited capacity utilizing group 1 refrigerants as~~
22 ~~listed in the Michigan mechanical code or an equivalent nationally~~
23 ~~recognized model mechanical code.~~

24 ~~—— (v) "Unlimited heating service" means the servicing of heating~~
25 ~~equipment and systems without restrictions concerning thermal~~
26 ~~capacity or grade of fuel oil or type of fuel.~~

27 ~~—— (w) "Unlimited refrigeration and air conditioning service"~~

1 ~~means the servicing of refrigeration equipment and systems and air~~
2 ~~conditioning equipment and systems employing the refrigeration~~
3 ~~cycle unlimited as to thermal capacity or type of refrigerant.~~

4 (A) "AIR CONDITIONING" OR "COOLING" MEANS THE PROCESS OF
5 TREATING AIR TO MEET THE REQUIREMENTS OF A CONDITIONED SPACE BY
6 CONTROLLING, EITHER SIMULTANEOUSLY OR INDIVIDUALLY, THE AIR'S
7 TEMPERATURE, HUMIDITY, CLEANNESS, AND DISTRIBUTION.

8 (B) "APPRENTICE TECHNICIAN" MEANS AN INDIVIDUAL WHO IS ENGAGED
9 IN LEARNING ABOUT AND ASSISTING IN THE INSTALLATION OR SERVICING OF
10 MECHANICAL EQUIPMENT AND WHO IS EMPLOYED BY AND UNDER THE DIRECT
11 AND DAILY SUPERVISION OF A MECHANICAL CONTRACTOR.

12 (C) "BOARD" MEANS THE BOARD OF MECHANICAL RULES.

13 (D) "BOILER" MEANS A CLOSED VESSEL IN WHICH WATER IS HEATED,
14 STEAM IS GENERATED, OR STEAM IS SUPERHEATED, OR IN WHICH ANY
15 COMBINATION OF THOSE FUNCTIONS ARE ACCOMPLISHED, UNDER PRESSURE OR
16 VACUUM, BY THE APPLICATION OF HEAT FROM COMBUSTIBLE FUELS, OR
17 ELECTRICITY. BOILER DOES NOT INCLUDE A UNIT IN THE PROCESSING
18 SYSTEM AND ASSOCIATED EQUIPMENT OF AN INTEGRAL PART OF A CONTINUOUS
19 PROCESSING UNIT, BUT DOES INCLUDE A FIRED UNIT FOR HEATING OR
20 VAPORIZING LIQUIDS OTHER THAN WATER IF THE UNIT IS SEPARATE FROM A
21 PROCESSING SYSTEM AND IS COMPLETE WITHIN ITSELF.

22 (E) "CENSURE" MEANS AN EXPRESSION OF DISAPPROVAL OF A
23 LICENSEE'S OR REGISTRANT'S PROFESSIONAL CONDUCT, INCLUDING CONDUCT
24 THAT IS NOT NECESSARILY A VIOLATION OF THIS ACT OR A RULE
25 PROMULGATED OR AN ORDER ISSUED UNDER THIS ACT.

26 (F) "COMPLETED APPLICATION" MEANS AN APPLICATION THAT IS
27 COMPLETE ON ITS FACE AND IS SUBMITTED WITH ANY APPLICABLE LICENSING

1 FEES AND ANY OTHER INFORMATION, RECORDS, APPROVAL, SECURITY, OR
2 SIMILAR ITEM REQUIRED BY LAW OR RULE FROM A LOCAL UNIT OF
3 GOVERNMENT, A FEDERAL AGENCY, OR A PRIVATE ENTITY BUT NOT FROM
4 ANOTHER DEPARTMENT OR AGENCY OF THIS STATE.

5 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND
6 REGULATORY AFFAIRS.

7 (H) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
8 HER AUTHORIZED REPRESENTATIVE.

9 (I) "DUCTWORK" MEANS THE AIR DISTRIBUTION ARRANGEMENT FOR
10 SUPPLY, RETURN, AND EXHAUST IN AIR CONDITIONING SYSTEMS AND IN NON-
11 AIR-CONDITIONING SYSTEMS, THE MATERIALS AND METHODS OF WHICH ARE
12 SPECIFIED IN THE CURRENT MICHIGAN MECHANICAL CODE OR MICHIGAN
13 RESIDENTIAL CODE.

14 (J) "ENFORCING AGENCY" MEANS AN ENFORCING AGENCY AS DEFINED IN
15 SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION
16 CODE ACT, 1972 PA 230, MCL 125.1502A.

17 (K) "FACILITY" MEANS A UTILITY OR INDUSTRIAL BUSINESS HOUSED
18 IN A BUILDING OR GROUP OF BUILDINGS AT 1 LOCATION.

19 (L) "FIRE SUPPRESSION SYSTEM" MEANS AN INTEGRATED COMBINATION
20 OF FIRE SUPPRESSION EQUIPMENT THAT, AS A RESULT OF PREDETERMINED
21 TEMPERATURE, RATE OF TEMPERATURE RISE, PRODUCTS OF COMBUSTION,
22 FLAME, OR HUMAN INTERVENTION, IS DESIGNED TO DISCHARGE A FIRE
23 EXTINGUISHING SUBSTANCE OVER A FIRE AREA.

24 (M) "GOVERNMENTAL SUBDIVISION" MEANS A GOVERNMENTAL
25 SUBDIVISION AS DEFINED IN SECTION 2A OF THE STILLE-DEROSSETT-HALE
26 SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1502A.

27 (N) "HEATING" MEANS ANY OF THE FOLLOWING:

1 (i) USED ALONE, THE USE OF ANY FUEL OR ELECTRICITY TO GENERATE
2 HEAT IN AN AIR CONDITIONING SYSTEM.

3 (ii) USED WITH A QUALIFYING TERM SUCH AS "HYDRONIC", THE TERM
4 HEATING ASSUMES THE LIMITED MEANING EXPRESSED BY THAT
5 QUALIFICATION.

6 (O) "HEATING, VENTILATING, AND AIR CONDITIONING" OR "HVAC"
7 MEANS THE APPLICATION OF EQUIPMENT AND SYSTEMS TO PROVIDE AIR
8 CONDITIONING FOR OCCUPANTS OF BUILDINGS OR STRUCTURES. HVAC DOES
9 NOT INCLUDE THE INSTALLATION OF PORTABLE SELF-CONTAINED
10 REFRIGERATION EQUIPMENT OR WINDOW-TYPE AIR CONDITIONERS OF NOT MORE
11 THAN 1.5 HORSEPOWER.

12 (P) "HYDRONIC HEATING AND COOLING" MEANS THE APPLICATION OF
13 EQUIPMENT AND SYSTEMS THAT PROVIDE AIR CONDITIONING BY THE
14 CONTROLLED FORCED CIRCULATION OF FLUIDS OR VAPORS IN PIPES.

15 (Q) "JOURNEY TECHNICIAN" MEANS AN INDIVIDUAL WHO HOLDS A VALID
16 JOURNEY TECHNICIAN LICENSE ISSUED UNDER THIS ACT AND WHO ENGAGES IN
17 THE PRACTICAL INSTALLATION OR SERVICING OF MECHANICAL EQUIPMENT AND
18 WHO IS EMPLOYED BY AND UNDER THE DIRECT AND DAILY SUPERVISION OF A
19 LICENSED MECHANICAL CONTRACTOR.

20 (R) "LIMITED HEATING SERVICE" MEANS THE SERVICING OF ANY OF
21 THE FOLLOWING:

22 (i) A GAS-FIRED BOILER THAT HAS AN INPUT RATING THAT DOES NOT
23 EXCEED 1,000,000 BRITISH THERMAL UNITS AND UTILIZES A COMBUSTION
24 SAFEGUARD DESIGNED TO SHUT OFF THE MAIN GAS SUPPLY 10 OR MORE
25 SECONDS AFTER PILOT FLAME FAILURE.

26 (ii) ANY OTHER GAS-FIRED OR SOLID-FUEL HEATING EQUIPMENT OR
27 SYSTEM THAT HAS AN INPUT RATING OF LESS THAN 400,000 BRITISH

1 THERMAL UNITS PER UNIT.

2 (iii) AN OIL-FIRED HEATING EQUIPMENT OR SYSTEM THAT IS DESIGNED
3 TO USE NUMBER 1 OR NUMBER 2 FUEL OIL AND HAS A MAXIMUM FIRING RATE
4 OF LESS THAN 5 GALLONS PER HOUR PER UNIT.

5 (iv) AN ELECTRIC FURNACE OR ELECTRICALLY HEATED BOILER RATED AT
6 300 KILOWATT HOURS OR LESS BY THE MANUFACTURER.

7 (S) "LIMITED REFRIGERATION AND AIR CONDITIONING SERVICE" MEANS
8 THE SERVICING OF REFRIGERATION EQUIPMENT OR SYSTEMS OR THE
9 SERVICING OF AIR CONDITIONING EQUIPMENT OR SYSTEMS THAT UTILIZE A
10 REFRIGERATION CYCLE OF LIMITED CAPACITY THAT DOES NOT EXCEED 40
11 TONS.

12 SEC. 2A. AS USED IN THIS ACT:

13 (A) "MECHANICAL CONTRACTOR" MEANS AN INDIVIDUAL WHO IS
14 LICENSED UNDER SECTION 6; WHO SUPERVISES THE INSTALLATION AND
15 SERVICING OF MECHANICAL EQUIPMENT; AND WHO IS ENGAGED IN THE
16 BUSINESS OF MECHANICAL CONTRACTING FOR A FIXED SUM, PRICE, FEE
17 PERCENTAGE, VALUABLE CONSIDERATION, OR OTHER COMPENSATION.

18 (B) "MICHIGAN MECHANICAL CODE" MEANS PART 9A OF THE GENERAL
19 RULES OF THE STATE CONSTRUCTION CODE COMMISSION, R 408.30901A TO R
20 408.30995A OF THE MICHIGAN ADMINISTRATIVE CODE.

21 (C) "MICHIGAN RESIDENTIAL CODE" MEANS THE MICHIGAN RESIDENTIAL
22 CODE PROMULGATED BY THE DIRECTOR UNDER SECTION 4 OF THE STILLE-
23 DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL
24 125.1504.

25 (D) "MINOR REPAIR" MEANS THE REPAIR OF ANY OF THE FOLLOWING:

26 (i) A PORTABLE HEATING OR GAS APPLIANCE.

27 (ii) PORTABLE VENTILATION EQUIPMENT.

1 (iii) A PORTABLE COOLING UNIT.

2 (iv) SELF-CONTAINED REFRIGERATION EQUIPMENT OR A WINDOW-TYPE
3 AIR CONDITIONER THAT IS NOT RATED AT MORE THAN 1.5 HORSEPOWER.

4 (v) AN OIL BURNER THAT DOES NOT REQUIRE CONNECTION TO A FLUE,
5 INCLUDING AN OIL STOVE OR A HEATER EQUIPPED WITH A WICK OR SIMILAR
6 DEVICE.

7 (E) "PROBATION" MEANS A SANCTION THAT PERMITS THE BOARD TO
8 EVALUATE OVER A PERIOD OF TIME A LICENSEE'S OR REGISTRANT'S FITNESS
9 TO PRACTICE AN OCCUPATION REGULATED UNDER THIS ACT.

10 (F) "PROCESS PIPING" MEANS ANY PIPING THAT IS NOT PART OF A
11 SYSTEM DESIGNED TO PROVIDE AIR CONDITIONING OR OF A REFRIGERATION
12 SYSTEM. PROCESS PIPING INCLUDES PIPES THAT TRANSFER CHEMICALS AND
13 OTHER FLUIDS, GASES, OR VAPORS FOR SYSTEMS OTHER THAN AIR
14 CONDITIONING SYSTEMS THAT ARE COVERED BY THE MICHIGAN MECHANICAL
15 CODE.

16 (G) "QUALIFIED MAINTENANCE CREW" MEANS 1 OR MORE INDIVIDUALS
17 RESPONSIBLE FOR MAINTAINING MECHANICAL EQUIPMENT AND SYSTEMS IN A
18 FACILITY, AT LEAST 1 OF WHOM HOLDS A CURRENT MECHANICAL CONTRACTOR
19 LICENSE IN THE RELEVANT WORK CLASSIFICATION UNDER THIS ACT AND WHO
20 IS RESPONSIBLE FOR SECURING APPLICABLE PERMITS AND INSPECTIONS.

21 (H) "REFRIGERATION" MEANS THE USE OF EQUIPMENT AND SYSTEMS,
22 INCLUDING REFRIGERATION PIPING, THAT EMPLOY THE REFRIGERATION CYCLE
23 TO GENERATE LOW TEMPERATURES FOR OTHER THAN AIR CONDITIONING
24 EQUIPMENT AND SYSTEMS. REFRIGERATION INCLUDES EQUIPMENT AND SYSTEMS
25 SUCH AS SUPERMARKET REFRIGERATION, INDUSTRIAL REFRIGERATION, THE
26 PRESERVATION OF BIOLOGICAL MATERIALS, AND FOOD STORAGE FACILITIES.
27 REFRIGERATION DOES NOT INCLUDE THE INSTALLATION OF PORTABLE SELF-

1 CONTAINED UNITS SUCH AS REFRIGERATORS, DEHUMIDIFIERS, OR OTHER
2 SIMILAR EQUIPMENT THAT IS NOT RATED MORE THAN 1.5 HORSEPOWER OR
3 OTHER EQUIPMENT EXEMPTED FROM THE MICHIGAN MECHANICAL CODE.

4 (I) "RESTITUTION" MEANS A REQUIREMENT THAT IF A PERSON IS
5 DETERMINED TO HAVE VIOLATED THIS ACT, A RULE PROMULGATED UNDER THIS
6 ACT, OR AN ORDER ISSUED UNDER THIS ACT AND CAUSED MONETARY DAMAGE
7 TO ANOTHER, THE VIOLATOR IS REQUIRED TO COMPENSATE THE INJURED
8 PARTY IN AN AMOUNT DETERMINED EQUAL TO THE AMOUNT OF THAT MONETARY
9 DAMAGE.

10 (J) "SERVICING" MEANS THE MAINTENANCE, REPAIR, AND SERVICING
11 OF PREVIOUSLY INSTALLED EQUIPMENT AND SYSTEMS.

12 (K) "SPECIALTY LICENSE" MEANS A LICENSE GRANTED UNDER THIS ACT
13 THAT ALLOWS THE LICENSEE TO PERFORM WORK WITHIN LIMITS ESTABLISHED
14 BY THE BOARD IN 1 OR MORE OF THE WORK CLASSIFICATIONS DESCRIBED IN
15 SECTION 6(3).

16 (L) "STATE CONSTRUCTION CODE" MEANS THE RULES PROMULGATED UNDER
17 SECTION 4 OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION
18 CODE ACT, 1972 PA 230, MCL 125.1504.

19 (M) "UNLIMITED HEATING SERVICE" MEANS THE SERVICING OF HEATING
20 EQUIPMENT AND SYSTEMS, WITHOUT RESTRICTIONS CONCERNING THERMAL
21 CAPACITY OF OR GRADE OF FUEL OIL OR TYPE OF FUEL USED IN THE
22 EQUIPMENT AND SYSTEMS.

23 (N) "UNLIMITED REFRIGERATION AND AIR CONDITIONING SERVICE"
24 MEANS THE SERVICING OF REFRIGERATION EQUIPMENT AND SYSTEMS AND AIR
25 CONDITIONING EQUIPMENT AND SYSTEMS THAT EMPLOY THE REFRIGERATION
26 CYCLE, WITHOUT RESTRICTIONS CONCERNING THERMAL CAPACITY OF OR TYPE
27 OF REFRIGERANT USED IN THE EQUIPMENT AND SYSTEMS.

1 Sec. 3. (1) ~~There is created within the department a~~ **THE** board
2 of mechanical rules ~~that consists~~ **IS CREATED IN THE DEPARTMENT. THE**
3 **BOARDS SHALL CONSIST** of the state fire marshal or the state fire
4 marshal's designee, ~~who shall be~~ **AS** a permanent member **OF THE**
5 **BOARD**, and 14 residents of the state ~~to be~~ **WHO ARE** appointed by the
6 governor with the advice and consent of the senate. Appointed
7 members shall be ~~not less than~~ 18 years of age **OR OLDER** and
8 qualified in their respective fields. Appointed members of the
9 board shall include 1 person from the general public; a member of
10 organized labor representing the mechanical trades; a professional
11 ~~mechanical engineer registered~~ **LICENSED** in this state; a
12 representative of an energy-producing public utility of the state;
13 a representative from each of the work classifications ~~set forth~~
14 **DESCRIBED** in section 6(3); and 2 chief mechanical inspectors of
15 governmental subdivisions. ~~, 1 of whom enforces the building~~
16 ~~officials and code administrators building code, and 1 of whom~~
17 ~~enforces the international conference of building officials~~
18 ~~building code.~~ A member of the board appointed by the governor
19 ~~before January 1, 2007 shall be~~ **IS** appointed for a term of ~~2-4~~
20 years, except that **THE GOVERNOR SHALL FILL** a vacancy ~~shall be~~
21 ~~filled for the unexpired portion of the term. A member of the board~~
22 ~~appointed by the governor after December 31, 2006 shall be~~
23 ~~appointed for a term of 4 years, except that a vacancy shall be~~
24 ~~filled for the unexpired portion of the term. A~~ **THE GOVERNOR MAY**
25 **REMOVE** A member of the board ~~may be removed from office by the~~
26 ~~governor~~ in accordance with section 10 of article V of the state
27 constitution of 1963. A member of the board who has a pecuniary

1 interest in a matter shall disclose that interest before the board
 2 takes action in the matter, ~~which~~ **AND THE BOARD SECRETARY SHALL**
 3 **INCLUDE THAT** disclosure ~~shall be made a matter of record in THE~~
 4 **RECORD OF** the board's official proceedings. ~~Each member of the~~
 5 ~~board, except the state fire marshal or the state fire marshal's~~
 6 ~~designee, shall receive reimbursement for actual expenses incurred~~
 7 ~~by the member in the performance of his or her duties as a member~~
 8 ~~of the board, subject to available appropriations. Travel~~ **THE**
 9 **DEPARTMENT SHALL REIMBURSE AN APPOINTED MEMBER OF THE BOARD FOR**
 10 **TRAVEL** or other expenses incurred by a ~~THAT~~ member ~~of a board in~~
 11 the performance of an official function ~~shall be payable by the~~
 12 ~~department pursuant to the standardized travel regulations of the~~
 13 department of **TECHNOLOGY**, management, and budget, subject to
 14 available appropriations. ~~A member of the board shall not serve~~
 15 ~~more than 2 consecutive terms.~~

16 (2) At the first meeting of each year, the board shall elect
 17 ~~from its membership a vice chairperson and~~ **A CHAIR AND VICE-CHAIR**
 18 **OF THE BOARD AND A** secretary. ~~The vice chairperson and secretary~~
 19 ~~shall be elected from those members appointed to the board by the~~
 20 governor, except that the board members who are chief mechanical
 21 inspectors are not eligible for election as ~~vice chairperson~~ **VICE-**
 22 **CHAIR** of the board. ~~After December 31, 2006, the governor shall~~
 23 ~~designate 1 member of the board to serve as chairperson at the~~
 24 ~~pleasure of the governor.~~

25 Sec. 5. (1) ~~The board may recommend to the state construction~~
 26 ~~code commission the promulgation of~~ **DIRECTOR SHALL PROMULGATE** rules
 27 **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL**

1 24.201 TO 24.328, AS HE OR SHE CONSIDERS necessary for the safe
 2 design, construction, installation, alteration, servicing, and
 3 inspection of heating, cooling, ventilating, and refrigerating
 4 systems used in compliance with the Michigan mechanical code **AND**
 5 **MICHIGAN RESIDENTIAL CODE**, and **TO FURTHER DEFINE MINOR REPAIRS. THE**
 6 **DIRECTOR** may recommend ~~modifications, additions, or deletions TO~~
 7 **THE LEGISLATURE ANY CHANGES** to this act ~~to update and maintain this~~
 8 ~~act as an effective and enforceable instrument. HE OR SHE CONSIDERS~~
 9 **APPROPRIATE.** The board may also recommend to the state construction
 10 code commission, after testing and evaluating a material, product,
 11 method of manufacture, or method of construction or installation
 12 for acceptability under the code, that the commission issue
 13 certificates of acceptability **FOR THAT MATERIAL, PRODUCT, OR**
 14 **METHOD.**

15 (2) The ~~board~~ **DIRECTOR**, in consultation with the ~~department,~~
 16 **BOARD**, may promulgate rules ~~pursuant to~~ **UNDER** the administrative
 17 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
 18 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws 1969~~
 19 **PA 306, MCL 24.201 TO 24.328**, to provide an examination procedure
 20 for applicants for ~~licensure~~ **LICENSES** under this act. Before an
 21 examination or other test required under this act is administered,
 22 the department and the board, acting jointly, shall review and
 23 approve the form and content of the examination or other test.

24 **SEC. 5A. (1) A PERSON SHALL NOT ENGAGE IN, OR WORK AT, THE**
 25 **BUSINESS OF A MECHANICAL CONTRACTOR, JOURNEY TECHNICIAN, OR**
 26 **APPRENTICE TECHNICIAN UNLESS LICENSED OR REGISTERED BY THE**
 27 **DEPARTMENT UNDER THIS ACT. EXCEPT AS PROVIDED IN SUBSECTIONS (2),**

1 (3), AND (4), ONLY A LICENSED MECHANICAL CONTRACTOR OR JOURNEY
2 TECHNICIAN OR A REGISTERED APPRENTICE MAY PERFORM INSTALLATION OR
3 SERVICING OF MECHANICAL EQUIPMENT. A LICENSED MECHANICAL CONTRACTOR
4 SHALL BE IN CHARGE AND IS RESPONSIBLE FOR PROPER INSTALLATION OF
5 MECHANICAL EQUIPMENT AND MEETING THE REQUIREMENTS OF THE MICHIGAN
6 MECHANICAL CODE AND MICHIGAN RESIDENTIAL CODE. A PERSON SHALL NOT
7 INSTALL MECHANICAL EQUIPMENT UNLESS THE MECHANICAL CONTRACTOR WHO
8 IS RESPONSIBLE FOR THE INSTALLATION OBTAINS A MECHANICAL PERMIT
9 FROM THIS STATE OR A GOVERNMENTAL SUBDIVISION AUTHORIZED TO ISSUE
10 MECHANICAL PERMITS.

11 (2) A LICENSE OR REGISTRATION IS NOT REQUIRED FOR MINOR
12 REPAIRS OF MECHANICAL EQUIPMENT.

13 (3) A HOMEOWNER WHO OWNS AND OCCUPIES OR WILL OWN AND OCCUPY A
14 SINGLE-FAMILY DWELLING MAY INSTALL HIS OR HER OWN MECHANICAL
15 EQUIPMENT IN THAT SINGLE-FAMILY DWELLING IF A PERMIT IS OBTAINED
16 UNDER SECTION 10 OF THE STILLE-DEROSSETT-HALE SINGLE STATE
17 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1510.

18 (4) THIS ACT DOES NOT PREVENT A PERSON FROM PERFORMING ANY
19 ACTIVITIES WITHIN THE SCOPE OF A LICENSE OR REGISTRATION UNDER ANY
20 OTHER LICENSURE OR REGISTRATION ACT OR ANY CODES APPLICABLE TO THAT
21 LICENSED OR REGISTERED PROFESSIONAL ADOPTED AS PROVIDED BY LAW.

22 Sec. 6. (1) ~~Upon the filing of~~ IF AN APPLICANT FOR A LICENSE
23 AS A MECHANICAL CONTRACTOR FILES an application on a form
24 prescribed by the department and ~~payment of~~ PAYS the examination
25 fee ~~prescribed in~~ REQUIRED UNDER section 10, the department shall
26 ~~conduct examinations~~ DETERMINE IF THE APPLICATION IS A COMPLETED
27 APPLICATION. THE DEPARTMENT SHALL PERFORM AN EXAMINATION OF AN

1 ~~APPLICANT THAT FILES A COMPLETED APPLICATION to establish the~~ **HIS**
 2 ~~OR HER qualifications and competency of applicants seeking~~
 3 ~~licensing for the category~~ **FOR A LICENSE AS A MECHANICAL CONTRACTOR**
 4 **IN THE WORK CLASSIFICATION DESCRIBED IN SUBSECTION (3)** for which
 5 the application is submitted and shall issue licenses ~~to those who~~
 6 ~~pass the examinations and pay~~ **A LICENSE IN THAT CLASSIFICATION IF**
 7 **THE APPLICANT PASSES THE EXAMINATION AND PAYS** the initial issuance
 8 fee. ~~, except as otherwise provided for in this act.~~ An applicant
 9 who seeks licensure ~~in~~ **A LICENSE FOR** more than 1 work
 10 classification ~~listed~~ **DESCRIBED** in subsection (3) on a single
 11 application ~~shall~~ **IS** only be required to pay 1 examination fee and
 12 1 initial issuance fee ~~as provided in~~ **UNDER** section 10.

13 (2) An applicant is ~~not considered eligible for~~ **AN** examination
 14 ~~unless the applicant is~~ **UNDER THIS SECTION IF HE OR SHE MEETS ALL**
 15 **OF THE FOLLOWING:**

16 (A) **IS** of good moral character, as defined in section 1 of
 17 1974 PA 381, MCL 338.41. ~~, and has~~

18 (B) **MEETS 1 OF THE FOLLOWING:**

19 (i) **UNLESS SUBPARAGRAPH (ii) APPLIES, HAS** a minimum of 3-5 years
 20 of experience **AS AN EMPLOYEE, AND UNDER THE SUPERVISION, OF A**
 21 **LICENSED MECHANICAL CONTRACTOR, or HAS** an equivalent of that
 22 experience acceptable to the board, ~~upon proper showing to the~~
 23 ~~department,~~ in 1 or more of the work classifications ~~listed~~
 24 **DESCRIBED** in subsection (3).

25 (ii) **IF THE APPLICANT FILES HIS OR HER LICENSE APPLICATION IN**
 26 **THE 1-YEAR PERIOD THAT BEGINS ON THE EFFECTIVE DATE OF THE**
 27 **AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, HAS A MINIMUM OF 3**

1 YEARS OF EXPERIENCE AS AN EMPLOYEE, AND UNDER THE SUPERVISION, OF A
2 LICENSED MECHANICAL CONTRACTOR, OR HAS AN EQUIVALENT OF THAT
3 EXPERIENCE ACCEPTABLE TO THE BOARD, IN 1 OR MORE OF THE WORK
4 CLASSIFICATIONS DESCRIBED IN SUBSECTION (3).

5 (C) FOR PURPOSES OF SUBDIVISION (B), SUBMITS AN AFFIDAVIT TO
6 THE DEPARTMENT BY THE LICENSED MECHANICAL CONTRACTOR WHO SUPERVISED
7 THE APPLICANT'S EMPLOYMENT THAT DESCRIBES THE APPLICANT'S WORK
8 EXPERIENCE.

9 ~~(3) A contractor's license obtained shall be classified and~~
10 ~~limited as~~ IF IT GRANTS A MECHANICAL CONTRACTOR'S LICENSE UNDER
11 THIS ACT, THE DEPARTMENT SHALL CLASSIFY AND LIMIT THAT LICENSE TO 1
12 or more of the following:

13 (a) Hydronic heating and cooling and process piping.

14 (b) HVAC equipment.

15 (c) Ductwork.

16 (d) Refrigeration.

17 (e) Limited service, heating or refrigeration, AND AIR
18 CONDITIONING.

19 (f) Unlimited service, heating or refrigeration, AND AIR
20 CONDITIONING.

21 (g) Fire suppression.

22 (h) ~~Specialty~~ ANY ADDITIONAL SPECIALTY CLASSIFICATIONS
23 ESTABLISHED IN RULES PROMULGATED UNDER THIS ACT.

24 (4) THE MECHANICAL CONTRACTOR'S EXAMINATION UNDER THIS SECTION
25 SHALL INCLUDE QUESTIONS DESIGNED TO TEST AN APPLICANT'S KNOWLEDGE
26 OF THIS ACT, ANY RULES PROMULGATED UNDER THIS ACT, THE STILLE-
27 DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL

1 125.1501 TO 125.1531, AND THE ADMINISTRATION AND ENFORCEMENT
2 PROCEDURES OF THE CODE APPROVED BY THE BOARD. THE DEPARTMENT SHALL
3 HOLD OR ARRANGE FOR THE HOLDING OF MECHANICAL CONTRACTOR
4 EXAMINATIONS 4 TIMES EACH YEAR.

5 (5) THE DEPARTMENT SHALL NOT RENEW A MECHANICAL CONTRACTOR'S
6 LICENSE UNLESS THE MECHANICAL CONTRACTOR DEMONSTRATES TO THE
7 DEPARTMENT THAT HE OR SHE SUCCESSFULLY COMPLETED ALL OF THE
8 FOLLOWING IN THE CONTRACTOR'S CURRENT 3-YEAR LICENSE PERIOD:

9 (A) IF THERE WERE ANY CHANGES TO THE MICHIGAN MECHANICAL CODE
10 IN THAT 3-YEAR PERIOD, A 5-HOUR COURSE APPROVED BY THE DEPARTMENT
11 CONCERNING THOSE CHANGES, HELD WITHIN 12 MONTHS AFTER THOSE CHANGES
12 WERE EFFECTIVE.

13 (B) TEN HOURS OF ADDITIONAL COURSES APPROVED BY THE DEPARTMENT
14 RELATING TO RULES, LAWS, REFERENCED STANDARDS, OR INDUSTRY
15 PRACTICES.

16 SEC. 6A. (1) IF AN APPLICANT FOR A LICENSE AS A JOURNEY
17 TECHNICIAN FILES AN APPLICATION ON A FORM PRESCRIBED BY THE
18 DEPARTMENT AND PAYS THE EXAMINATION FEE REQUIRED UNDER SECTION 10,
19 THE DEPARTMENT SHALL DETERMINE IF THE APPLICATION IS A COMPLETED
20 APPLICATION. EXCEPT FOR AN APPLICANT DESCRIBED IN SUBSECTION (6),
21 THE DEPARTMENT SHALL CONDUCT AN EXAMINATION OF AN APPLICANT THAT
22 FILES A COMPLETED APPLICATION TO ESTABLISH HIS OR HER
23 QUALIFICATIONS AND COMPETENCY FOR A LICENSE AS A JOURNEY TECHNICIAN
24 IN THE WORK CLASSIFICATION DESCRIBED IN SUBSECTION (3) FOR WHICH
25 THE APPLICATION IS SUBMITTED. THE DEPARTMENT SHALL ISSUE A LICENSE
26 IN THAT CLASSIFICATION TO AN APPLICANT WHO PASSES THE EXAMINATION,
27 OR IS AN APPLICANT DESCRIBED IN SUBSECTION (6), AND PAYS THE

1 INITIAL ISSUANCE FEE. AN APPLICANT WHO SEEKS A LICENSE FOR MORE
2 THAN 1 WORK CLASSIFICATION DESCRIBED IN SUBSECTION (3) ON A SINGLE
3 APPLICATION IS ONLY REQUIRED TO PAY 1 EXAMINATION FEE AND 1 INITIAL
4 ISSUANCE FEE UNDER SECTION 10.

5 (2) AN APPLICANT IS ELIGIBLE FOR EXAMINATION UNDER THIS
6 SECTION IF HE OR SHE MEETS ALL OF THE FOLLOWING:

7 (A) IS AT LEAST 18 YEARS OF AGE.

8 (B) IS OF GOOD MORAL CHARACTER, AS DEFINED IN 1974 PA 381, MCL
9 338.41 TO 338.47.

10 (C) MEETS ANY OF THE FOLLOWING:

11 (i) HAS A MINIMUM OF 3 YEARS OF EXPERIENCE AS AN EMPLOYEE, AND
12 UNDER THE SUPERVISION, OF A LICENSED MECHANICAL CONTRACTOR, OR HAS
13 AN EQUIVALENT OF THAT EXPERIENCE ACCEPTABLE TO THE BOARD, IN 1 OR
14 MORE OF THE WORK CLASSIFICATIONS DESCRIBED IN SUBSECTION (3), AND
15 SUBMITS AN AFFIDAVIT TO THE DEPARTMENT BY THE LICENSED MECHANICAL
16 CONTRACTOR WHO SUPERVISED THE APPLICANT'S EMPLOYMENT THAT DESCRIBES
17 THE APPLICANT'S WORK EXPERIENCE.

18 (ii) HAS AT LEAST 6,000 HOURS OF EXPERIENCE GAINED OVER A
19 PERIOD OF AT LEAST 3 YEARS AS AN APPRENTICE TECHNICIAN IN 1 OR MORE
20 OF THE WORK CLASSIFICATIONS DESCRIBED IN SUBSECTION (3).

21 (iii) WITHIN THE 5-YEAR PERIOD PRECEDING THE DATE OF HIS OR HER
22 APPLICATION, WHILE ON ACTIVE DUTY AS A MEMBER OF THE ARMED FORCES,
23 HAS EXPERIENCE IN 1 OR MORE OF THE WORK CLASSIFICATIONS DESCRIBED
24 IN SUBSECTION (3), OR IN AN EQUIVALENT JOB CLASSIFICATION, THAT THE
25 BOARD DETERMINES IS THE EQUIVALENT OF THE EXPERIENCE DESCRIBED IN
26 SUBPARAGRAPH (ii). AS USED IN THIS SUBPARAGRAPH, "ARMED FORCES"
27 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE VETERAN RIGHT TO

1 EMPLOYMENT SERVICES ACT, 1994 PA 39, MCL 35.1092.

2 (D) IF HE OR SHE PREVIOUSLY FAILED THE EXAMINATION UNDER THIS
3 SECTION 2 TIMES IN ANY 2-YEAR PERIOD, AT LEAST 1 YEAR HAS PASSED
4 SINCE THE DATE OF THE SECOND EXAMINATION HE OR SHE FAILED, AND HE
5 OR SHE SUBMITS TO THE BOARD PROOF THAT HE OR SHE HAS SUCCESSFULLY
6 COMPLETED A COURSE APPROVED BY THE BOARD ON THE MECHANICAL CODE,
7 MECHANICAL EQUIPMENT FUNDAMENTALS, OR MECHANICAL EQUIPMENT THEORY.

8 (3) IF IT GRANTS A JOURNEY TECHNICIAN LICENSE UNDER THIS ACT,
9 THE DEPARTMENT SHALL CLASSIFY AND LIMIT THAT LICENSE TO 1 OR MORE
10 OF THE FOLLOWING:

11 (A) HYDRONIC HEATING AND COOLING AND PROCESS PIPING.

12 (B) HVAC EQUIPMENT.

13 (C) DUCTWORK.

14 (D) REFRIGERATION.

15 (E) LIMITED SERVICE, HEATING OR REFRIGERATION, AND AIR
16 CONDITIONING.

17 (F) UNLIMITED SERVICE, HEATING OR REFRIGERATION, AND AIR
18 CONDITIONING.

19 (G) FIRE SUPPRESSION.

20 (H) ANY ADDITIONAL SPECIALTY CLASSIFICATIONS ESTABLISHED IN
21 RULES PROMULGATED UNDER THIS ACT.

22 (4) THE JOURNEY TECHNICIAN EXAMINATION UNDER THIS SECTION
23 SHALL INCLUDE WRITTEN AND PRACTICAL TESTS THAT COVER THE THEORY AND
24 PRACTICE OF MECHANICAL EQUIPMENT INSTALLATION AND SERVICING AND
25 KNOWLEDGE OF THE MICHIGAN MECHANICAL CODE, RULES, AND REGULATIONS.
26 THE DEPARTMENT SHALL HOLD OR ARRANGE FOR THE HOLDING OF JOURNEY
27 TECHNICIAN EXAMINATIONS 4 TIMES EACH YEAR.

(5) AN APPLICANT WHO PROVIDED A CERTIFICATION BY A NATIONALLY RECOGNIZED CERTIFICATION PROGRAM SHALL RECEIVE A CREDIT AGAINST THE REQUIREMENTS OF SUBSECTION (2) (C) (ii). THE BOARD SHALL REVIEW EACH NATIONALLY RECOGNIZED CERTIFICATION PROGRAM AND DETERMINE THE NUMBER OF HOURS THE DEPARTMENT MUST CREDIT AN APPLICANT UNDER THIS SUBSECTION.

(6) IF AN APPLICANT FOR A JOURNEY TECHNICIAN LICENSE SUBMITS A COMPLETED APPLICATION AND PAYS THE INITIAL ISSUANCE FEE UNDER SECTION 10 IN THE 180-DAY PERIOD BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, AND PROVIDES THE DEPARTMENT WITH SATISFACTORY EVIDENCE THAT HE OR SHE HAS BEEN EMPLOYED BY A LICENSED MECHANICAL CONTRACTOR FOR AT LEAST THE LAST 5 YEARS PERFORMING WORK IN 1 OR MORE OF THE CLASSIFICATIONS HELD BY THE LICENSED MECHANICAL CONTRACTOR, THE APPLICANT IS NOT REQUIRED TO TAKE AND PASS THE EXAMINATION DESCRIBED IN SUBSECTION (1) TO RECEIVE A JOURNEY TECHNICIAN LICENSE.

Sec. 7. (1) Except as provided in ~~subsection~~ SUBSECTIONS (3) AND (4) and section 14, an individual, partnership, association, corporation, governmental subdivision, college, or university shall not perform ~~installations, alterations, or servicing of work~~ classifications under section 6(3), which are ~~AN INSTALLATION, ALTERATION, OR SERVICING IN A WORK CLASSIFICATION DESCRIBED IN SECTION 6(3) THAT IS regulated by~~ UNDER the STILLE-DEROSSETT-HALE SINGLE state construction code act, ~~of 1972,~~ 1972 PA 230, MCL 125.1501 to 125.1531, unless the individual, or an employee of the individual, partnership, association, corporation, governmental subdivision, college, or university has ~~received a~~ CURRENT

1 ~~MECHANICAL~~ contractor's license, ~~from the department, which has not~~
2 ~~been revoked or suspended, and the license is either classified and~~
3 ~~limited as provided in section 6 or is annotated as provided in~~
4 ~~section 8,~~ **FOR THAT CLASSIFICATION UNDER THIS ACT**, and the holder
5 of the **MECHANICAL CONTRACTOR'S** license, **OR THE PROPERTY OWNER IF**
6 **SUBSECTION (3) APPLIES**, has secured the appropriate **MECHANICAL**
7 permit from the enforcing agency charged with the responsibility of
8 issuing **MECHANICAL** permits.

9 (2) An individual, partnership, association, corporation,
10 governmental subdivision, college, or university ~~which~~ **THAT**
11 performs ~~installations, alterations, or servicing of work~~
12 ~~classifications under section 6(3)~~ **AN INSTALLATION, ALTERATION, OR**
13 **SERVICING IN A WORK CLASSIFICATION DESCRIBED IN SECTION 6(3)** shall
14 designate the holder of a **MECHANICAL** contractor's license as
15 described in subsection (1) as the contractor of record ~~—The~~ **AND**
16 **NOTIFY THE** department ~~shall be notified in writing of the~~ **THAT**
17 designation. **AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION,**
18 **GOVERNMENTAL SUBDIVISION, COLLEGE, OR UNIVERSITY MAY NOT DESIGNATE**
19 **MORE THAN 2 ADDITIONAL LICENSED MECHANICAL CONTRACTORS OF RECORD**
20 **HOLDING THE SAME OR DIFFERENT LICENSE CLASSIFICATIONS FOR AN**
21 **INSTALLATION, ALTERATION, OR SERVICING DESCRIBED IN THIS**
22 **SUBSECTION. IF AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION,**
23 **CORPORATION, GOVERNMENTAL SUBDIVISION, COLLEGE, OR UNIVERSITY**
24 **DESIGNATES MORE THAN 1 MECHANICAL CONTRACTOR OF RECORD FOR AN**
25 **INSTALLATION, ALTERATION, OR SERVICING DESCRIBED IN THIS**
26 **SUBSECTION, THOSE LICENSED MECHANICAL CONTRACTORS ARE JOINTLY AND**
27 **SEVERALLY RESPONSIBLE FOR EXERCISING THE SUPERVISION OF THE**

1 MECHANICAL INSTALLATION OR MECHANICAL SERVICE WORK TO ENSURE FULL
 2 COMPLIANCE WITH THIS ACT, THE RULES PROMULGATED UNDER THIS ACT, AND
 3 ALL OTHER LAWS AND RULES RELATED TO THE INSTALLATION OR SERVICING
 4 OF MECHANICAL EQUIPMENT. A MECHANICAL CONTRACTOR OF RECORD SHALL
 5 NOT REPRESENT MORE THAN 1 INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
 6 CORPORATION, GOVERNMENTAL SUBDIVISION, COLLEGE, OR UNIVERSITY IN A
 7 SINGLE INSTALLATION, ALTERATION, OR SERVICING DESCRIBED IN THIS
 8 SUBSECTION.

9 (3) If ~~the~~ **AN** installation, alteration, or ~~service of~~
 10 **SERVICING IN** a work classification ~~under~~ **DESCRIBED IN** section 6(3)
 11 ~~is performed without compensation by a person licensed under this~~
 12 ~~act for or on behalf of a charitable organization, the permit~~
 13 ~~required under subsection (1) may be obtained by~~ **MEETS ALL OF THE**
 14 **FOLLOWING**, the owner of the property on which the work is performed
 15 ~~. This subsection applies only to~~ **MAY OBTAIN THE APPROPRIATE**
 16 **MECHANICAL PERMIT REQUIRED UNDER SUBSECTION (1):**

17 (A) THE INSTALLATION, ALTERATION, OR SERVICING IS PERFORMED
 18 WITHOUT COMPENSATION, BY AN INDIVIDUAL LICENSED UNDER THIS ACT, AND
 19 FOR A CHARITABLE ORGANIZATION.

20 (B) THE INSTALLATION, ALTERATION, OR SERVICING IS PERFORMED
 21 ONLY IN CONNECTION WITH the reconstruction, renovation, or
 22 remodeling of 1- to 4-family dwellings.

23 (4) This act does not require a contractor of record in a
 24 facility that regularly employs a qualified maintenance crew. ~~to~~
 25 ~~perform within the facility mechanical contracting work regulated~~
 26 ~~by this act.~~

27 (5) As used in this section, "charitable organization" means a

1 not for profit tax-exempt religious, educational, or humane
2 organization.

3 Sec. 8. ~~(1) A person who was not required by statute before~~
4 ~~the effective date of this act to be licensed, and who, on the~~
5 ~~effective date of this act, was engaged in, or worked at, a~~
6 ~~business as a mechanical contractor in 1 or more of the work~~
7 ~~classifications set forth in section 6(3), and who is required to~~
8 ~~be licensed under this act, shall, upon furnishing the department~~
9 ~~with satisfactory evidence of having been engaged in a business as~~
10 ~~a mechanical contractor in 1 or more of the work classifications~~
11 ~~set forth in section 6(3) for a minimum of 3 out of the 5 years~~
12 ~~immediately preceding the effective date of this act, and of having~~
13 ~~the necessary qualifications, shall be granted the license for~~
14 ~~which the applicant seeks licensure without examination, if the~~
15 ~~applicant makes application within 1 year after the effective date~~
16 ~~of this act and pays the initial license fee prescribed in section~~
17 ~~10. If the applicant is approved for licensing, the applicant's~~
18 ~~license shall be annotated showing the work classification or~~
19 ~~classifications listed in section 6(3) in which the applicant has~~
20 ~~demonstrated the requisite experience to engage.~~

21 ~~—— (2) A person who was not required by statute to be licensed~~
22 ~~before the effective date of this act and, on the effective date of~~
23 ~~this act, is licensed by a municipal licensing board as a~~
24 ~~mechanical contractor in 1 or more of the work classifications set~~
25 ~~forth in section 6(3), is required to be licensed under this act,~~
26 ~~and can furnish the department with satisfactory evidence of the~~
27 ~~municipal license shall be granted the license for which the person~~

~~1 seeks licensure without examination, if the person makes
2 application within 1 year after the effective date of this act and
3 pays the initial license fee prescribed in section 10.~~

~~4 ——— (3) A person who was not required by statute to be licensed
5 before the effective date of this act and, on the effective date of
6 this act, is employed as a mechanical code inspector for a
7 governmental subdivision and has engaged in, or worked at, a
8 business as a mechanical contractor in 1 or more of the work
9 classifications set forth in section 6(3) for 3 out of the 5 years
10 immediately preceding the date of the person's employment as a
11 mechanical code inspector and can furnish the department with
12 satisfactory evidence of the employment and mechanical contracting
13 experience, shall be granted the license for which the person seeks
14 licensure without examination if the person makes application
15 within 1 year after the effective date of this act and pays the
16 initial license fee prescribed in section 10.~~

~~17 ——— (4) A person who, on the effective date of this act, is
18 licensed as a residential maintenance and alteration contractor in
19 the trade of heating and air conditioning installation pursuant to
20 section 2404 of the occupational code, Act No. 299 of the Public
21 Acts of 1980, being section 339.2404 of the Michigan Compiled Laws,
22 and can furnish the department with satisfactory evidence of the
23 license, may be granted a license under this act in the appropriate
24 work classification set forth in section 6(3) without examination
25 if the person makes application within 1 year after the effective
26 date of this act and pays the initial license fee prescribed in
27 section 10.~~

~~—— (5) A person who, on the effective date of this act, is licensed as a residential builder under article 24 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2401 to 339.2412 of the Michigan Compiled Laws, and can furnish the department with satisfactory evidence of the license and of having been engaged as a mechanical contractor in 1 or more of the work classifications set forth in section 6(3) within the 5 years immediately preceding the effective date of this act, may be granted a license under this act in the appropriate work classification set forth in section 6(3) without examination if the person makes application within 1 year after the effective date of this act and pays the initial license fee prescribed in section 10.~~

(1) ~~(6)~~ The department may license ~~, without examination and upon the payment of the initial license fee prescribed in section 10,~~ an applicant who is **A** legally authorized mechanical contractor in another state or country if the **BOARD AND THE DEPARTMENT CONSIDER THE** licensing requirements of the state or country are ~~considered by the board and the department to be~~ **AS** substantially equivalent to the licensing requirements of this state and the state or country observes reciprocity ~~in regard to~~ **FOR** mechanical contractors licensed in this state.

~~—— (7) The department may license, without examination or payment of the fees prescribed in section 10, an applicant who is certified to install, modify, test, service, inspect, or maintain required fire suppression systems under the fire prevention code, Act No. 207 of the Public Acts of 1941, being sections 29.1 to 29.33 of the~~

~~Michigan Compiled Laws and who seeks licensure under this act only in the work classification set forth in section 6(3)(g).~~

~~— (8) The holder of a license issued pursuant to this section shall have the right to renew the license pursuant to section 10.~~

(2) AN INDIVIDUAL MAY RENEW A LICENSE GRANTED UNDER THIS SECTION IN THE SAME MANNER AS A MECHANICAL CONTRACTOR'S LICENSE ISSUED UNDER SECTION 6.

SEC. 8A. (1) AN INDIVIDUAL WHO IS EMPLOYED AS AN APPRENTICE TECHNICIAN SHALL REGISTER WITH THE DEPARTMENT WITHIN 30 DAYS AFTER HE OR SHE BEGINS THAT EMPLOYMENT, ON A FORM PROVIDED BY THE DEPARTMENT.

(2) AN APPRENTICE REGISTRATION EXPIRES 5 YEARS AFTER THE DATE OF INITIAL REGISTRATION UNLESS THE REGISTERED APPRENTICE APPLIES FOR A JOURNEY TECHNICIAN LICENSE, AND APPLIES TO TAKE THE NEXT SCHEDULED EXAMINATION FOR THAT LICENSE, IN THAT 5-YEAR PERIOD. IF THE REGISTERED APPRENTICE APPLIES FOR THE LICENSE AND TO TAKE THE EXAMINATION IN THAT 5-YEAR PERIOD, HIS OR HER REGISTRATION REMAINS VALID UNTIL HE OR SHE IS ISSUED A JOURNEY TECHNICIAN LICENSE, OR FAILS TO TAKE THE EXAMINATION, WHICHEVER OCCURS FIRST.

(3) IF IT RECEIVES A WRITTEN REQUEST FROM THE APPRENTICE TECHNICIAN, THE BOARD MAY GRANT AN EXTENSION OF AN APPRENTICE REGISTRATION FOR A PERIOD OF TIME THE BOARD DETERMINES IS APPROPRIATE.

(4) AS HIS OR HER PRINCIPAL OCCUPATION, AN APPRENTICE TECHNICIAN MUST BE ENGAGED IN LEARNING AND ASSISTING IN THE INSTALLATION OR SERVICE OF MECHANICAL EQUIPMENT UNDER THE EMPLOYMENT AND SUPERVISION OF A LICENSED MECHANICAL CONTRACTOR.

1 HOWEVER, A REGISTERED APPRENTICE MAY PERFORM LIMITED HEATING
2 SERVICE OR LIMITED REFRIGERATION AND AIR CONDITIONING SERVICE, OR
3 WORK A REGISTERED APPRENTICE IS PERMITTED TO PERFORM UNDER THE
4 MICHIGAN RESIDENTIAL CODE, WITHOUT DIRECT SUPERVISION BY A LICENSED
5 MECHANICAL JOURNEY TECHNICIAN.

6 (5) THE DEPARTMENT MAY PUBLISH THE NAME, REGISTRATION NUMBER,
7 AND DATE OF REGISTRATION OF AN APPRENTICE TECHNICIAN REGISTERED
8 UNDER THIS SECTION ON ITS WEBSITE OR ELSEWHERE. A REGISTRANT'S
9 PERSONAL INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
10 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND THE
11 DEPARTMENT SHALL NOT PUBLISH OR OTHERWISE DISCLOSE THAT
12 INFORMATION.

13 Sec. 10. (1) ~~Subject to subsection (8), the~~ **THE** examination
14 fee for a **MECHANICAL** contractor's **AND JOURNEY TECHNICIAN'S** license
15 is ~~\$25.00 if paid after September 30, 2012 and \$100.00. if paid on~~
16 ~~or before September 30, 2012.~~ Except as otherwise provided in
17 subsections (2) and ~~(4), (7),~~ the initial and ~~per year~~ **ANNUAL** fee
18 for the issuance of a **MECHANICAL** contractor's license is ~~\$75.00 if~~
19 ~~paid after September 30, 2012 and \$100.00 if paid on or before~~
20 ~~September 30, 2012.~~ **AND THE INITIAL AND ANNUAL FEE FOR THE ISSUANCE**
21 **OF A JOURNEY TECHNICIAN'S LICENSE IS \$75.00.**

22 (2) An initial or renewal **MECHANICAL** contractor's **OR JOURNEY**
23 **TECHNICIAN'S** license issued under this act expires on August 31
24 every third year and is renewable **IF THE LICENSEE SUBMITS A RENEWAL**
25 **APPLICATION AND PAYS THE LICENSE FEE** not later than October 31 ~~upon~~
26 ~~application and payment of the license fee~~ **OF THAT YEAR.** ~~For~~ **IF** a
27 person **IS** applying for an initial or ~~reinstatement~~ **REINSTATED**

1 **MECHANICAL** contractor's **OR JOURNEY TECHNICIAN'S** license at a time
2 other than between August 31 and October 31 of the year in which
3 the department issues renewal licenses, the department shall
4 compute and charge the license fee on a yearly pro rata basis
5 beginning in the year of the application until the last year of the
6 3-year license cycle. ~~All licenses~~ **A MECHANICAL CONTRACTOR'S OR**
7 **JOURNEY TECHNICIAN'S LICENSE THAT IS** not renewed ~~are void and~~
8 **BEFORE IT EXPIRES** may **ONLY** be reinstated ~~only upon application~~ **BY**
9 **APPLYING** for reinstatement **AND PAYING A REINSTATEMENT FEE OF \$50.00**
10 and ~~the payment of the~~ **ANY UNPAID** license fee ~~fees with the~~
11 **APPLICATION.** ~~A person who renews his or her license within 3 years~~
12 ~~after the license is voided pursuant to this section is not subject~~
13 ~~to reexamination for the license.~~

14 (3) THE DEPARTMENT SHALL SEND A RENEWAL APPLICATION TO THE
15 LAST KNOWN ADDRESS ON FILE WITH THE DEPARTMENT OF EACH PERSON
16 LICENSED UNDER THIS ACT WITHIN THE 60-DAY PERIOD PRECEDING THE
17 EXPIRATION OF A LICENSE.

18 (4) A PERSON LICENSED UNDER THIS ACT SHALL PROMPTLY NOTIFY THE
19 DEPARTMENT OF ANY CHANGE IN HIS OR HER BUSINESS OR RESIDENCE
20 ADDRESS WITHIN 60 DAYS AFTER THAT CHANGE. A NOTIFICATION OR FAILURE
21 OF A LICENSEE TO NOTIFY THE DEPARTMENT UNDER THIS SUBSECTION DOES
22 NOT AFFECT THE EXPIRATION DATE OF A LICENSE.

23 (5) THE DEPARTMENT MAY NOT REQUIRE THAT AN INDIVIDUAL
24 REQUESTING RENEWAL OF A MECHANICAL CONTRACTOR'S OR JOURNEY
25 TECHNICIAN'S LICENSE WITHIN 3 YEARS AFTER HIS OR HER LICENSE
26 EXPIRED RETAKE THE EXAMINATION FOR THAT LICENSE, BUT HE OR SHE IS
27 REQUIRED TO PAY THE REINSTATEMENT FEE AND A PRO RATA AMOUNT OF ANY

1 UNPAID RENEWAL FEE THAT IS FOR EACH YEAR HE OR SHE DID NOT RENEW
 2 THE EXPIRED LICENSE. AN INDIVIDUAL WHO FAILS TO RENEW A LICENSE FOR
 3 1 LICENSE CYCLE IS REQUIRED TO MEET THE EXPERIENCE AND OTHER
 4 REQUIREMENTS AND TAKE AN EXAMINATION FOR THE CLASS OF LICENSE HE OR
 5 SHE SEEKS TO RENEW.

6 (6) ~~(3)~~ Beginning July 23, 2004, the department shall issue an
 7 initial or renewal license ~~not later than~~ **WITHIN** 90 days after the
 8 applicant files a completed application. ~~Receipt of the~~ **AN**
 9 application is considered **FILED ON** the date the application is
 10 received by any agency or department of ~~the~~ **THIS** state. ~~of~~
 11 ~~Michigan.~~ If ~~the~~ **AN** application is considered incomplete by the
 12 department, the department shall notify the applicant **OF ANY**
 13 **DEFICIENCIES** in writing, or make the ~~information~~ **NOTIFICATION**
 14 electronically available, within 30 days after ~~receipt of the~~
 15 **FILING OF THE** incomplete application, describing the deficiency and
 16 requesting the ~~additional~~ information **NEEDED TO MAKE THE**
 17 **APPLICATION COMPLETE**. The 90-day period is tolled ~~upon notification~~
 18 **FROM THE DATE OF THE NOTIFICATION** by the department of ~~a~~ **THE**
 19 deficiency until the date the requested information is received by
 20 the department. The determination of the completeness of an
 21 application does not operate as an approval of the application for
 22 ~~the~~ **A** license and does not confer eligibility of an applicant
 23 ~~determined~~ **THE DEPARTMENT DETERMINES IS** otherwise ineligible for
 24 issuance of a license. **IF AN APPLICANT FAILS TO COMPLETE AN**
 25 **APPLICATION IN THE TIME PERIODS AND MANNER DESCRIBED IN THIS**
 26 **SUBSECTION, THE DEPARTMENT SHALL REJECT THE APPLICATION AND SHALL**
 27 **NOT ISSUE A LICENSE IF IT DOES NOT RECEIVE A NEW APPLICATION AND**

1 **FEE.**

2 (7) ~~(4)~~ If the department fails to issue or deny a license
 3 within the time ~~required by this section~~ **PERIOD DESCRIBED IN**
 4 **SUBSECTION (6)**, the department shall return the license fee **TO THE**
 5 **APPLICANT** and shall reduce the license fee for the applicant's next
 6 renewal application, if any, by 15%. ~~The~~ **A** failure to issue a
 7 license within the time ~~required under this section~~ **PERIOD**
 8 **DESCRIBED IN SUBSECTION (6)** does not allow the department to
 9 otherwise delay the processing of the application, and **THE**
 10 **DEPARTMENT SHALL PROCESS** that application, ~~upon completion~~ **WHEN**
 11 **COMPLETED**, ~~shall be placed in~~ sequence with other completed
 12 applications received at that same time. The department shall not
 13 discriminate against an applicant in the processing of the
 14 application based ~~upon~~ **ON** the fact that ~~the~~ **A** license fee was
 15 refunded or discounted under this subsection.

16 (8) ~~(5)~~ Beginning October 1, 2005, the director of the
 17 department shall submit a report by December 1 of each year to the
 18 standing committees and appropriations subcommittees of the senate
 19 and house of representatives concerned with occupational issues.
 20 The director shall include all of the following information in the
 21 report concerning the preceding fiscal year:

22 (a) The number of initial and renewal applications the
 23 department received and completed ~~within~~ **IN** the 90-day time period
 24 described in subsection ~~(3)~~ **(6)**.

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

26 (c) The number of applicants **WHO WERE** not issued a license
 27 within the 90-day time period ~~and the~~ **DESCRIBED IN SUBSECTION (6)**.

1 (D) **THE** amount of money returned to licensees under subsection
2 ~~(4)~~—(7) .

3 (9) ~~(6)~~—All fees and money received by the department for the
4 licensing of persons under this act, and any other income received
5 under this act **EXCEPT THE PROCEEDS OF CRIMINAL FINES**, shall be paid
6 into the state construction code fund created by section 22 of the
7 Stille-DeRossett-Hale single state construction code act, 1972 PA
8 230, MCL 125.1522.

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

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

19 **SEC. 10A. (1) IF A LICENSE OR REGISTRATION IS LOST OR**
20 **DESTROYED, THE DEPARTMENT SHALL ISSUE A NEW LICENSE OR**
21 **REGISTRATION, WITHOUT EXAMINATION, IF IT RECEIVES FROM THE LICENSEE**
22 **OR REGISTRANT A \$30.00 FEE AND A WRITTEN STATEMENT FROM THE**
23 **LICENSEE OR REGISTRANT THAT THE LICENSE OR REGISTRATION HAS BEEN**
24 **LOST OR DESTROYED.**

25 (2) **A MECHANICAL CONTRACTOR, JOURNEY TECHNICIAN, OR APPRENTICE**
26 **TECHNICIAN IS REQUIRED TO CARRY HIS OR HER LICENSE OR REGISTRATION**
27 **AND A PHOTO IDENTIFICATION WHILE PERFORMING ACTIVITIES REGULATED**

1 UNDER THIS ACT. IF REQUESTED BY A REPRESENTATIVE OF AN ENFORCING
 2 AGENCY, A LICENSEE OR REGISTRANT SHALL PRESENT HIS OR HER LICENSE
 3 OR REGISTRATION AND PHOTO IDENTIFICATION TO THAT REPRESENTATIVE.

4 SEC. 10B. IF AN INDIVIDUAL LICENSED UNDER THIS ACT IS EMPLOYED
 5 OR ACTING AS A MECHANICAL INSPECTOR, HE OR SHE SHALL NOT DO ANY OF
 6 THE FOLLOWING:

7 (A) ENGAGE IN, OR BE DIRECTLY OR INDIRECTLY CONNECTED WITH, A
 8 MECHANICAL EQUIPMENT INSTALLATION BUSINESS, INCLUDING, BUT NOT
 9 LIMITED TO, THE FURNISHING OF LABOR, MATERIALS, OR APPLIANCES FOR
 10 THE CONSTRUCTION, ALTERATION, OR MAINTENANCE OF A BUILDING OR THE
 11 PREPARATION OF PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION,
 12 ALTERATION, OR MAINTENANCE OF A BUILDING.

13 (B) ENGAGE IN ANY WORK THAT CONFLICTS WITH HIS OR HER OFFICIAL
 14 DUTIES AS AN INSPECTOR.

15 Sec. 11. (1) The department may investigate the activities of
 16 a licensee OR REGISTRANT related to ~~the licensee's activities as a~~
 17 ~~contractor. The~~ OF THE LICENSEE OR REGISTRANT REGULATED UNDER THIS
 18 ACT, INCLUDING, BUT NOT LIMITED TO, ANY ALLEGATIONS OF A VIOLATION
 19 OF SUBSECTION (2). FOR PURPOSES OF THIS SUBSECTION, THE department
 20 may hold hearings, administer oaths, and order relevant testimony
 21 to be taken and shall report its findings to the board. ~~The board~~
 22 ~~shall proceed under section 16 if the board finds that any of the~~
 23 ~~following grounds exist.~~

24 (2) EACH OF THE FOLLOWING IS A VIOLATION OF THIS ACT, AND THE
 25 BOARD SHALL PROCEED UNDER SECTION 16 IF IT FINDS THAT A VIOLATION
 26 OF ANY OF THE FOLLOWING HAS OCCURRED:

27 (a) ~~The practice of fraud~~ FRAUD or deceit in obtaining a

1 license under this act.

2 (b) ~~The practice of fraud~~ **FRAUD** or deceit in the performance
3 of work for which a license **OR REGISTRATION** is required under this
4 act.

5 (c) An act of gross negligence.

6 (d) ~~The practice of false~~ **FALSE** advertising.

7 (e) An act that demonstrates incompetence.

8 (f) A violation of this act or a rule promulgated under this
9 act.

10 (3) ~~(2) The department shall conduct a review upon~~ **IF IT**
11 **RECEIVES** notice ~~by~~ **FROM** the department of ~~public~~ **COMMUNITY** health
12 that ~~the~~ **A** licensee has violated the asbestos abatement contractors
13 licensing act, 1986 PA 135, MCL 338.3101 to 338.3319, ~~and~~ **THE**
14 **DEPARTMENT SHALL CONDUCT A REVIEW AND** may suspend or revoke that
15 person's license for a knowing violation of that act.

16 ~~— (3) A revocation, suspension, or other sanction set forth in~~
17 ~~subsection (2) or section 16 shall be imposed only after a hearing~~
18 ~~has been conducted pursuant to the administrative procedures act of~~
19 ~~1969, 1969 PA 306, MCL 24.201 to 24.328.~~

20 (4) ~~The installation, alteration, or servicing of heating,~~
21 ~~cooling, ventilating, or refrigerating equipment or systems shall~~
22 ~~not be performed~~ **A PERSON SHALL NOT PERFORM AN ACTIVITY REGULATED**
23 **UNDER THIS ACT** under a license ~~that has been suspended, revoked, or~~
24 ~~has expired~~ **LICENSE**. A license, other than a license issued under
25 this act, shall not be recognized for securing permits

26 (5) **AN ENFORCING AGENCY SHALL ONLY RECOGNIZE A LICENSE ISSUED**
27 **UNDER THIS ACT AS A VALID LICENSE FOR SECURING AN APPROPRIATE**

1 MECHANICAL PERMIT to install, alter, or service A heating, cooling,
2 ventilating, or refrigerating equipment or systems.

3 SEC. 11A. (1) IF IT RECEIVES A COMPLAINT ALLEGING THAT A
4 VIOLATION OF THIS ACT OR A RULE PROMULGATED OR ORDER ISSUED UNDER
5 THIS ACT HAS OCCURRED, THE DEPARTMENT SHALL IMMEDIATELY BEGIN AN
6 INVESTIGATION OF THE ALLEGATIONS OF THE COMPLAINT. WITHIN 15 DAYS
7 AFTER RECEIVING THE COMPLAINT, THE DEPARTMENT SHALL NOTIFY THE
8 PERSON THAT MADE THE COMPLAINT IN WRITING THAT IT RECEIVED THE
9 COMPLAINT. IF THE DEPARTMENT MADE THE COMPLAINT, THE DIRECTOR SHALL
10 DESIGNATE 1 OR MORE EMPLOYEES OF THE DEPARTMENT TO ACT AS THE
11 PERSON THAT MADE THE COMPLAINT. AS PART OF ITS INVESTIGATION, THE
12 DEPARTMENT MAY REQUEST THAT THE ATTORNEY GENERAL PETITION THE
13 CIRCUIT COURT TO ISSUE A SUBPOENA REQUIRING A PERSON TO APPEAR
14 BEFORE THE DEPARTMENT AND BE EXAMINED WITH REFERENCE TO ANY MATTER
15 WITHIN THE SCOPE OF THE INVESTIGATION AND TO PRODUCE BOOKS, PAPERS,
16 OR DOCUMENTS PERTAINING TO THE INVESTIGATION.

17 (2) WITHIN 30 DAYS AFTER THE DEPARTMENT RECEIVES THE
18 COMPLAINT, THE DEPARTMENT SHALL REPORT TO THE DIRECTOR ON THE
19 STATUS OF THE INVESTIGATION. IF, FOR GOOD CAUSE SHOWN, AN
20 INVESTIGATION CANNOT BE COMPLETED WITHIN 30 DAYS, THE DIRECTOR MAY
21 EXTEND THE 30-DAY TIME PERIOD.

22 (3) IF THE REPORT OF THE DEPARTMENT UNDER SUBSECTION (2) DOES
23 NOT DISCLOSE A VIOLATION OF THIS ACT OR A RULE PROMULGATED OR AN
24 ORDER ISSUED UNDER THIS ACT, THE DEPARTMENT SHALL END THE
25 INVESTIGATION AND CLOSE THE COMPLAINT. THE DEPARTMENT SHALL PROVIDE
26 THE REASONS IT CLOSED THE COMPLAINT TO THE PERSON THAT MADE THE
27 COMPLAINT AND THE PERSON THAT WAS THE SUBJECT OF THE COMPLAINT, AND

1 EITHER PERSON MAY THEN PROVIDE ADDITIONAL INFORMATION TO REOPEN THE
2 COMPLAINT TO THE DEPARTMENT.

3 (4) IF THE REPORT OF THE DEPARTMENT UNDER SUBSECTION (2)
4 DISCLOSES EVIDENCE OF A VIOLATION OF THIS ACT OR A RULE PROMULGATED
5 OR ORDER ISSUED UNDER THIS ACT, THE DEPARTMENT OR THE DEPARTMENT OF
6 ATTORNEY GENERAL SHALL PREPARE THE APPROPRIATE ACTION AGAINST THE
7 PERSON THAT IS THE SUBJECT OF THE COMPLAINT. THAT ACTION MAY
8 INCLUDE ANY OF THE FOLLOWING:

9 (A) A FORMAL COMPLAINT SEEKING A PENALTY OR REMEDY UNDER
10 SECTION 15 OR 16.

11 (B) A CEASE AND DESIST ORDER.

12 (C) A NOTICE OF SUMMARY SUSPENSION OF A LICENSE OR
13 REGISTRATION.

14 (5) AT ANY TIME DURING ITS INVESTIGATION OR AFTER A FORMAL
15 COMPLAINT IS ISSUED, THE DEPARTMENT MAY BRING TOGETHER THE PERSON
16 THAT MADE THE COMPLAINT AND THE PERSON THAT WAS THE SUBJECT OF THE
17 COMPLAINT FOR AN INFORMAL CONFERENCE. AT THE INFORMAL CONFERENCE,
18 THE DEPARTMENT SHALL ATTEMPT TO RESOLVE ISSUES RAISED IN THE
19 COMPLAINT AND MAY ATTEMPT TO AID THE PARTIES IN REACHING A FORMAL
20 SETTLEMENT OR RESOLUTION OF THE COMPLAINT.

21 Sec. 13. (1) ~~A-IF A MECHANICAL~~ contractor licensed under this
22 act ~~who~~ performs work in a governmental subdivision, ~~HE OR SHE~~
23 shall register his or her license with the enforcing agency ~~which~~
24 ~~THAT~~ issues **MECHANICAL** permits and provides inspection services of
25 **MECHANICAL** contractor's work **FOR THAT SUBDIVISION.** ~~The-A~~
26 registration ~~shall be valid until~~ **UNDER THIS SUBSECTION EXPIRES ON**
27 the expiration date of the **INDIVIDUAL'S MECHANICAL** contractor's

1 ~~license. Registration shall be granted by all~~

2 (2) ~~EACH~~ governmental ~~subdivisions~~ **SUBDIVISION** in this state
3 **SHALL GRANT REGISTRATION** to a **MECHANICAL** contractor **ON REQUEST IF**
4 **HE OR SHE IS** licensed under this act ~~upon payment of a fee not to~~
5 ~~exceed \$15.00~~ **AND PAYS A FEE TO THAT SUBDIVISION, IN AN AMOUNT**
6 **ESTABLISHED BY THAT SUBDIVISION, THAT DOES NOT EXCEED \$45.00 PER**
7 **LICENSING CYCLE.**

8 Sec. 14. (1) The owner of a single-family dwelling ~~which~~ **THAT**
9 is, or ~~upon~~ **ON** completion becomes, the owner's place of residence
10 may personally install a heating or ~~refrigerating~~ **AIR CONDITIONING**
11 system in the dwelling if the owner ~~, upon application~~ **APPLIES** for
12 a permit ~~, AND~~ affirms **IN THE APPLICATION** that he or she is the
13 owner and occupant of the dwelling, or shall become the owner and
14 occupant ~~upon~~ **ON** completion of the dwelling in which the
15 installation is done, and that the applicant will install the
16 equipment in the dwelling for which the permit is requested. ~~The~~

17 (2) **AN** applicant **DESCRIBED IN SUBSECTION (1)** shall apply for
18 and secure the ~~ANY~~ required **MECHANICAL** permits from the enforcing
19 agency of the governmental subdivision and shall obtain the
20 required **MECHANICAL** inspection after the installation is completed
21 and the equipment is placed in operation.

22 Sec. 15. ~~(1) Except as provided in subsection (2), an~~
23 ~~individual, partnership, association, or corporation who violates~~
24 ~~this act is guilty of a misdemeanor, punishable by a fine of not~~
25 ~~more than \$500.00, or imprisonment for not more than 90 days, or~~
26 ~~both.~~

27 ~~— (2) A member of the board who intentionally violates section~~

~~4(4) shall be subject to the penalties prescribed in the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.~~

(1) IF AN INDIVIDUAL LICENSED OR REGISTERED UNDER THIS ACT COMMITS A VIOLATION OF THIS ACT, HE OR SHE MAY BE ORDERED TO PAY A CIVIL FINE OF NOT LESS THAN \$1,000.00 PER DAY FOR EACH DAY THE VIOLATION CONTINUES, EXCEPT THAT A FINE SHALL NOT EXCEED \$5,000.00 IN TOTAL PER VIOLATION. FOR A SECOND OR SUBSEQUENT VIOLATION, A LICENSEE OR REGISTRANT MAY BE ORDERED TO PAY A CIVIL FINE OF NOT LESS THAN \$2,000.00 PER DAY FOR EACH DAY THE VIOLATION CONTINUES, EXCEPT THAT A FINE SHALL NOT EXCEED \$10,000.00 IN TOTAL PER VIOLATION.

(2) A MEMBER OF THE BOARD WHO INTENTIONALLY VIOLATES SECTION 5(4) OF THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.265, IS SUBJECT TO THE PENALTIES IMPOSED UNDER THAT ACT.

(3) IF AN INDIVIDUAL WHO IS NOT LICENSED OR REGISTERED UNDER THIS ACT PERFORMS ANY WORK REGULATED BY THIS ACT, AND IS NOT EXEMPT FROM LICENSURE OR REGISTRATION UNDER THIS ACT, HE OR SHE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN \$2,500.00 PER DAY FOR EACH DAY THE VIOLATION CONTINUES, EXCEPT THAT A FINE SHALL NOT EXCEED \$25,000.00 IN TOTAL PER VIOLATION, OR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

(4) THE ATTORNEY GENERAL OR A LOCAL PROSECUTING ATTORNEY MAY INITIATE AN ACTION TO ENFORCE THIS ACT, RULES PROMULGATED UNDER THIS ACT, OR AN ORDER ISSUED UNDER THIS ACT.

Sec. 16. (1) ~~After finding the existence of 1 or more of the grounds for board action described in section 11(1) and after IF~~

1 THE BOARD FINDS THAT A PERSON HAS VIOLATED SECTION 11(2), AFTER
2 PROVIDING THAT PERSON an opportunity for a hearing, the board shall
3 impose 1 or more of the following sanctions for each violation:

4 (a) Suspension of ~~the-A~~ license OR REGISTRATION issued under
5 this act.

6 (b) Denial of ~~the-A~~ license ~~required~~ OR REGISTRATION ISSUED
7 under this act.

8 (c) Revocation of ~~the-A~~ license OR REGISTRATION issued under
9 this act.

10 (d) A requirement ~~that~~ FOR PAYMENT OF restitution. ~~be made.~~

11 (E) DENIAL OF RENEWAL OF A LICENSE OR REGISTRATION ISSUED
12 UNDER THIS ACT.

13 (F) CENSURE OF THE LICENSEE OR REGISTRANT.

14 (G) PROBATION.

15 (H) IF A PERSON IS A LICENSEE OR REGISTRANT, AN ADMINISTRATIVE
16 FINE OF NOT MORE THAN \$2,500.00. IF THE BOARD FINDS THAT THE PERSON
17 HAS COMMITTED 2 OR MORE VIOLATIONS OF SECTION 11(2) IN A 1-YEAR
18 PERIOD, THE BOARD MAY IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE
19 THAN 2 TIMES THAT AMOUNT, AND IF IT FINDS 3 OR MORE VIOLATIONS IN A
20 2-YEAR PERIOD, THE BOARD MAY IMPOSE AN ADMINISTRATIVE FINE OF NOT
21 MORE THAN 3 TIMES THAT AMOUNT.

22 (2) IN ADDITION TO ANY OTHER SANCTION DESCRIBED IN SUBSECTION
23 (1), IF THE BOARD FINDS THAT A LICENSEE OR REGISTRANT HAS VIOLATED
24 SECTION 11(2) AT LEAST 3 TIMES IN A 2-YEAR PERIOD, THE BOARD MUST
25 REVOKE THE PERSON'S LICENSE OR REGISTRATION AND SHALL NOT ISSUE
26 THAT PERSON ANOTHER LICENSE OR REGISTRATION IF THE PERSON REAPPLIES
27 FOR A LICENSE OR REGISTRATION OF THE SAME TYPE.

1 (3) FOR PURPOSES OF THIS SECTION, 1 OR MORE VIOLATIONS THAT
2 OCCUR ON THE SAME DATE ON THE SAME JOBSITE ARE CONSIDERED 1
3 VIOLATION.