

Act No. 312
Public Acts of 2012
Approved by the Governor
September 30, 2012
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**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Rep. Pscholka

ENROLLED HOUSE BILL No. 5822

AN ACT to amend 1984 PA 192, entitled "An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties," by amending section 10 (MCL 338.980), as amended by 2008 PA 372.

The People of the State of Michigan enact:

Sec. 10. (1) Subject to subsection (8), the examination fee for a contractor's license is \$25.00 if paid after September 30, 2015 and \$100.00 if paid on or before September 30, 2015. Except as otherwise provided in subsections (2) and (4), the initial and per-year fee for the issuance of a contractor's license is \$75.00 if paid after September 30, 2015 and \$100.00 if paid on or before September 30, 2015.

(2) An initial or renewal contractor's license issued under this act expires on August 31 every third year and is renewable by filing an application and paying the license fee not later than October 31. If an individual is applying for an initial or reinstatement contractor's license at a time other than between August 31 and October 31 of the year in which the department issues renewal licenses, the department shall compute and charge the license fee on a yearly pro rata basis beginning in the year of the application until the last year of the 3-year license cycle. A license that is not renewed is void and may be reinstated only by applying for reinstatement and paying the license fee. An individual who renews his or her license within 3 years after the license is voided under this section is not subject to reexamination for the license.

(3) The department shall issue an initial or renewal license not later than 90 days after the applicant files a completed application. The date of filing of the application is considered the date the application is received by any agency or department of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available to the applicant, within 30 days after the date of filing of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date of notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(4) If the department fails to issue or deny a license within the time required under this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the department to otherwise delay the processing of the application, and the department shall place that application, when completed, in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant

in the processing of the application based on the fact that the license fee was refunded or discounted under this subsection.

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

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

(b) The number of applications denied by the department.

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

(6) The department shall pay all licensing fees, examination fees, and other income received under this act into the state construction code fund created in section 22 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1522.

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

(8) The department shall waive any fee otherwise required under this section if the person responsible for paying the fee meets any of the following:

(a) If the person is an individual, he or she is, and provides proof satisfactory to the department that he or she is, an honorably discharged veteran of the armed forces of the United States.

(b) If the person is a nonprofit corporation organized on a membership or directorship basis, a majority of the members or directors, as applicable, are, and the person provides proof satisfactory to the department that a majority of the members or directors are, honorably discharged veterans of the armed forces of the United States.

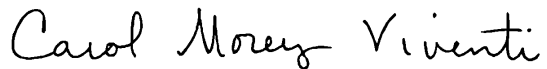
(c) If the person is not an individual or a nonprofit corporation described in subdivision (b), a majority of the shares or other ownership interests of the person are, and the person provides proof satisfactory to the department that those interests are, held by 1 or more honorably discharged veterans of the armed forces of the United States.

(9) As used in this section, "completed application" means an application that is complete on its face and submitted with any applicable licensing fees and any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor