

HOUSE BILL No. 5437

March 8, 2016, Introduced by Reps. VerHeulen, Lauwers and Victory and referred to the Committee on Workforce and Talent Development.

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 6 (MCL 338.976), as amended by 2013 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) If ~~a person~~ **AN INDIVIDUAL** files an application on
2 a form prescribed by the department and pays the examination fee
3 under section 10, the department shall conduct ~~examinations~~ **AN**
4 **EXAMINATION** to establish the qualifications and competency of
5 ~~applicants who are seeking licensing for the category~~ **THE**
6 **INDIVIDUAL FOR THE WORK CLASSIFICATION LISTED IN SUBSECTION (3)** for
7 which the application is submitted and shall issue ~~licenses to~~
8 ~~those who pass the examinations and pay~~ **A LICENSE IF THE INDIVIDUAL**
9 **PASSES THE EXAMINATION AND PAYS** the initial issuance fee, except as
10 otherwise provided in this act. An applicant who seeks licensure in
11 more than 1 work classification listed in subsection (3) on a

1 single application is only required to pay 1 examination fee and 1
2 initial issuance fee under section 10.

3 (2) An applicant is not considered eligible for examination
4 unless the applicant is of good moral character, as defined in
5 section 1 of 1974 PA 381, MCL 338.41, and ~~has~~ **MEETS ANY OF THE**
6 **FOLLOWING:**

7 (A) **HAS** a minimum of 3 years of experience **IN THE WORK**
8 **CLASSIFICATION OR CLASSIFICATIONS FOR WHICH HE OR SHE IS SEEKING A**
9 **LICENSE**, or an equivalent of that experience, that is acceptable to
10 the board, and shown to the department. ~~, in 1 or more of the work~~
11 ~~classifications listed in subsection (3).~~ **FOR PURPOSES OF THIS**
12 **SUBDIVISION, AN APPLICANT SHALL PROVIDE A NOTARIZED STATEMENT OR**
13 **STATEMENTS TO THE BOARD AND DEPARTMENT, FROM THE CONTRACTOR OF**
14 **RECORD OF PRESENT OR FORMER MECHANICAL CONTRACTOR EMPLOYERS OF THE**
15 **APPLICANT, THAT CONFIRM THAT THE APPLICANT HAS A MINIMUM OF AT**
16 **LEAST 6,000 HOURS OF PERFORMANCE IN EACH WORK CLASSIFICATION FOR**
17 **WHICH HE OR SHE IS SEEKING A LICENSE. A NOTARIZED STATEMENT**
18 **PROVIDED UNDER THIS SUBDIVISION MUST INCLUDE A DETAILED AND**
19 **SPECIFIC DESCRIPTION OF THE TYPE OF WORK PERFORMED BY THE APPLICANT**
20 **AND THE LENGTH OF TIME HE OR SHE PERFORMED THAT WORK.**

21 (B) **CURRENTLY HOLDS, AND HAS CONTINUOUSLY HELD FOR AT LEAST**
22 **THE 3-YEAR PERIOD PRECEDING HIS OR HER APPLICATION, AN ACTIVE**
23 **LICENSE UNDER THIS ACT IN A WORK CLASSIFICATION LISTED IN**
24 **SUBSECTION (3) (B), (D), (E), OR (F) AND IS APPLYING FOR LICENSURE**
25 **IN ANY OF THE FOLLOWING WORK CLASSIFICATIONS, AS APPLICABLE:**

26 (i) **IF HE OR SHE IS CURRENTLY LICENSED IN THE WORK**
27 **CLASSIFICATION LISTED IN SUBSECTION (3) (B), IS APPLYING FOR A**

1 LICENSE IN A WORK CLASSIFICATION LISTED IN SUBSECTION (3) (C), (E),
2 (F), (G), (H), OR (J).

3 (ii) IF HE OR SHE IS CURRENTLY LICENSED IN THE WORK
4 CLASSIFICATION LISTED IN SUBSECTION (3) (D), IS APPLYING FOR A
5 LICENSE IN A WORK CLASSIFICATION LISTED IN SUBSECTION (3) (F) OR
6 (H).

7 (iii) IF HE OR SHE IS CURRENTLY LICENSED IN THE WORK
8 CLASSIFICATION LISTED IN SUBSECTION (3) (E), IS APPLYING FOR A
9 LICENSE IN A WORK CLASSIFICATION LISTED IN SUBSECTION (3) (G).

10 (iv) IF HE OR SHE IS CURRENTLY LICENSED IN THE WORK
11 CLASSIFICATION LISTED IN SUBSECTION (3) (F), IS APPLYING FOR A
12 LICENSE IN A WORK CLASSIFICATION LISTED IN SUBSECTION (3) (H).

13 (3) A contractor's license that is issued is classified and
14 limited as 1 or more of the following:

- 15 (a) Hydronic heating and cooling and process piping.
- 16 (b) HVAC equipment.
- 17 (c) Ductwork.
- 18 (d) Refrigeration.
- 19 (e) Limited **HEATING** service. ~~, heating or refrigeration.~~
- 20 (F) **LIMITED REFRIGERATION AND AIR CONDITIONING SERVICE.**
- 21 (G) ~~(f)~~—Unlimited **HEATING** service. ~~, heating or refrigeration.~~
- 22 (H) **UNLIMITED REFRIGERATION AND AIR CONDITIONING SERVICE.**
- 23 (I) ~~(g)~~—Fire suppression.
- 24 (J) ~~(h)~~—Specialty.

25 (4) As used in this section:

26 (a) "Armed forces" means that term as defined in section 2 of
27 the veteran right to employment services act, 1994 PA 39, MCL

1 35.1092.

2 (b) "Experience" includes experience acquired while serving in
3 the armed forces by an individual who was separated from that
4 service, and who provides to the department a form DD214, form
5 DD215, or any other form that is satisfactory to the department
6 that demonstrates that he or she was separated from that service,
7 with an honorable character of service or under honorable
8 conditions (general) character of service.

9 (5) An individual described in subsection (4)(b) shall submit
10 with his or her application for licensure an affidavit or letter
11 signed by a commanding officer, supervisor, or military superior
12 with direct knowledge of the applicant's service that describes his
13 or her experience as a contractor in 1 or more of the
14 classifications described in subsection (3).

15 (6) FOR PURPOSES OF THE 3-YEAR WORK EXPERIENCE REQUIREMENT
16 DESCRIBED IN SUBSECTION (2) (A), IF AN APPLICANT PROVIDES EVIDENCE
17 THAT IS SATISFACTORY TO THE DEPARTMENT THAT HE OR SHE GRADUATED
18 FROM A RECOGNIZED TRADE SCHOOL, COMMUNITY COLLEGE, OR UNIVERSITY
19 MECHANICAL CONTRACTOR PROGRAM WITH SPECIALIZATION IN HEATING,
20 VENTILATION, AIR CONDITIONING, AND REFRIGERATION THAT IS APPROVED
21 BY THE BOARD, THE APPLICANT SHALL RECEIVE A CREDIT TOWARD THE 3-
22 YEAR WORK EXPERIENCE REQUIREMENT. THE AMOUNT OF THE CREDIT SHALL
23 NOT EXCEED 1 YEAR OR 2,000 HOURS OF THE REQUIRED 3 YEARS OF
24 EXPERIENCE, AS DETERMINED BY DEPARTMENT.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.