

HOUSE BILL NO. 5908

June 24, 2020, Introduced by Reps. Cambensy, Crawford and LaFave and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 407, entitled
"Skilled trades regulation act,"
by amending sections 105, 109, 907, 943, and 945 (MCL 339.5105,
339.5109, 339.5907, 339.5943, and 339.5945) and by adding article
12; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 105. As used in this act:
- 2 (a) "Enforcing agency" means that term as defined in section



1 2a of the Stille-DeRossett-Hale single state construction code act,
2 MCL 125.1502a.

3 (b) "Formal complaint" means a document that states the
4 charges of each alleged violation and is prepared by the department
5 or the department of attorney general after a complaint is received
6 by the department.

7 (c) "Former act" means former 1956 PA 217, ~~former~~ 1984 PA
8 192, ~~former~~ 1986 PA 54, ~~former~~ 2002 PA 733, ~~or~~ former 1965 PA
9 290, **former 1976 PA 333, or former 1967 PA 227**, as applicable.

10 (d) "General public" means each individual who resides in this
11 state and is 18 years of age or older, other than an individual or
12 the spouse of an individual who is licensed or registered in the
13 occupation or who has a material financial interest in the
14 occupation that is regulated by the specific article in which the
15 term is used.

16 (e) "Good moral character" means good moral character as
17 defined in ~~section 1 of~~ **and determined under** 1974 PA 381, MCL
18 338.41 **to 338.47**.

19 (f) "Governmental subdivision" means a governmental
20 subdivision as defined in section 2a of the Stille-DeRossett-Hale
21 single state construction code act, MCL 125.1502a.

22 (g) "Incompetence" means a departure from, or a failure to
23 conform to, minimal standards of acceptable practice for an
24 occupation.

25 (h) "Knowledge and skill" means information, education,
26 practical experience, and the facility to apply that information,
27 education, and practical experience.

28 (i) "License" includes the whole or part of a governmental
29 permit, certificate, approval, registration, charter, or similar



1 form of permission required under a specific article of this act.

2 (j) "Licensee" means a person that is issued a license under
3 this act.

4 (k) "Limitation" means a condition, stricture, constraint,
5 restriction, or probation attached to a license that relates to the
6 scope of practice of that occupation by the licensee. The term
7 includes, but is not limited to, any of the following:

8 (i) A requirement that the licensee perform only specified
9 functions of the licensee's occupation.

10 (ii) A requirement that the licensee perform the licensee's
11 occupation only for a specified period of time.

12 (iii) A requirement that the licensee perform the licensee's
13 occupation only within a specified geographical area.

14 (iv) A requirement that restitution be made or certain work be
15 performed before a license is issued or renewed or the licensee is
16 relicensed.

17 (v) A requirement that a person file a financial statement
18 certified by an individual who is licensed as a certified public
19 accountant under article 7 of the occupational code, 1980 PA 299,
20 MCL 339.720 to 339.736, with the department at regular intervals.

21 (vi) A requirement that reasonably assures a licensee's
22 competence to perform the licensee's occupation.

23 (vii) A requirement that all contracts of a licensee are
24 reviewed by an attorney.

25 (viii) A requirement that a licensee have on file with the
26 department a bond issued by a surety insurer that is approved by
27 the department or cash in an amount determined by the department.

28 (ix) A requirement that a licensee deposit money received in an



escrow account from which money may be disbursed only under certain conditions as determined by the licensee and another party.

(x) A requirement that a licensee file reports with the department at intervals determined by the department.

Sec. 109. (1) ~~A-Except as provided in section 1207, a person that holds a license, registration, or certification issued under a former act on the day immediately preceding the effective date of this act~~ **April 3, 2017** is considered licensed, registered, or certified under this act until that license, registration, or certification expires, and the person may renew that license, registration, or certification in the manner described in this act.

(2) ~~A-Except as provided in section 1207, a board created in a former act shall continue as a board under this act, subject to the provisions of this act. The-Except as provided in section 1207, the~~ members of a board created under a former act serve as the initial members of the equivalent board under this act until their successors are appointed under this act or until the expiration of their respective terms, whichever occurs first.

(3) ~~Rules-Except as provided in section 1207, rules promulgated by the department or by a board under a former act and in effect on the day immediately preceding the effective date of this act~~ **April 3, 2017** continue in effect to the extent that they do not conflict with this act. The rules ~~shall~~ **must** be enforced by and may be amended or rescinded by the department or a board under this act.

(4) Any proceedings pending before the electrical administrative board under the authority of former 1956 PA 217, the board of mechanical rules under the authority of former 1984 PA 192, the board of boiler rules under the authority of former 1965



1 PA 290, the building officials advisory board under the authority
2 of former 1986 PA 54, or the state plumbing board under the
3 authority of former 2002 PA 733 ~~shall~~**must** be continued and be
4 conducted and determined in accordance with that former act.

5 (5) A reference in any other law of this state to a former act
6 is considered a reference to this act.

7 Sec. 907. (1) The department, in consultation with the board,
8 shall promulgate rules for the safe construction, installation,
9 inspection, alteration, servicing, operation, and repair of boilers
10 in this state. For purposes of this subsection, the department by
11 rule may adopt **and amend** an existing published codification or
12 national standards and any amendments and interpretations of the
13 codification or standards.

14 (2) A departure from the requirements of this section is
15 permitted in an unusual situation involving a boiler of special
16 design or construction if the board is satisfied that a proposed
17 facility will provide a degree of safety commensurate with the
18 intent of this article.

19 (3) If the department receives an application and the
20 appropriate fee, the board may without examination register an
21 applicant for the use of a title described in section 931 if the
22 applicant is a boiler operator or stationary engineer who is
23 licensed or registered as a boiler operator or stationary engineer
24 in another state or country or in a municipality whose requirements
25 for licensure or registration are, at a minimum, substantially
26 equivalent to the requirements of this state for registration, as
27 determined by the board, and that other state or country or that
28 municipality extends the same privileges through reciprocity to a
29 boiler operator or stationary engineer who is registered in this



1 state.

2 Sec. 943. A boiler used or proposed for use in this state
3 ~~shall~~**must** be thoroughly inspected as to the boiler's construction,
4 installation, and condition. All of the following apply for
5 purposes of this inspection requirement:

6 (a) A power boiler, process boiler, or high pressure high
7 temperature water boiler ~~shall~~**must** receive a certificate
8 inspection annually and ~~shall~~**must** be externally inspected
9 annually, while under pressure, within 6 months from the date of
10 the certificate inspection.

11 (b) A low pressure steam or vapor heating boiler, hot water
12 heating boiler, or hot water supply boiler ~~shall~~**must** receive a
13 certificate inspection biennially.

14 (c) A grace period of 2 months beyond the periods described in
15 subdivisions (a) and (b) may elapse between certificate inspections
16 ~~and the board may permit longer periods between certificate~~
17 ~~inspections.~~**or the board may, on a case-by-case basis, permit a**
18 **longer period of up to 36 months between certificate inspections.**

19 (d) The chief inspector, a deputy inspector, or a special
20 inspector shall perform the inspection of a boiler.

21 (e) If a hydrostatic test is considered necessary by the
22 inspector, the owner or user of the boiler shall perform that test.

23 (f) A boiler, other than a cast iron sectional boiler, that is
24 to be installed in this state ~~shall~~**must** be inspected during
25 construction, as required by the applicable rules of the board, by
26 an inspector who is licensed to inspect boilers in this state. If
27 the boiler was constructed outside of the state, the boiler ~~shall~~
28 **must** have been inspected by an inspector who holds a license as an
29 inspector of boilers for a state that has a standard of examination



1 substantially equal to that of this state or a license issued by
2 the National Board of Boiler and Pressure Vessel Inspectors.

3 Sec. 945. (1) Within 30 days following a boiler certificate
4 inspection required under this article, the chief inspector, a
5 deputy inspector, or the person that employs a special inspector
6 who performed the inspection shall file a report of the inspection
7 with the chief inspector, on a form approved by the board. A form
8 may be 1 of the forms recommended by the National Board of Boiler
9 and Pressure Vessel Inspectors. A report of an external inspection
10 is not required unless the external inspection discloses that a
11 boiler is in a dangerous condition.

12 (2) If a report filed under subsection (1) indicates that a
13 boiler complies with the rules of the board, the owner or user of
14 the boiler shall pay a fee, in an amount established by the
15 department under article 4, directly to the department and the
16 department shall issue to that owner or user an inspection
17 certificate that states the date of inspection and specifies the
18 maximum pressure under which the owner or user may operate the
19 boiler. An inspection certificate is valid for not more than 12
20 months for a power boiler, except that the certificate is valid
21 during ~~a the 2-month~~ grace period, ~~under section 943.~~ **or during the**
22 **duration of any extension of the grace period by the board, under**
23 **section 943(c).** An inspection certificate is valid for not more
24 than 24 months for a low pressure steam or vapor heating boiler,
25 hot water heating boiler, or hot water supply boiler, except that
26 the certificate is valid during ~~a the 2-month~~ grace period, ~~under~~
27 ~~section 943.~~ **or during the duration of any extension of the grace**
28 **period by the board, under section 943(c).** An owner or user of a
29 boiler shall post an inspection certificate under glass in the room



1 in which the boiler is located. If the boiler is not located within
2 the building, the owner or user ~~shall~~**must** post the certificate in
3 a location that is convenient to the boiler that was inspected or
4 in a place that is accessible to interested parties.

5 (3) An inspection certificate issued for an insured boiler by
6 a special inspector is not valid after the boiler for which the
7 certificate was issued ceases to be insured by a company authorized
8 by this state to carry the insurance, if the insurance was
9 terminated because of an unsafe condition or a violation of a rule
10 of the board.

11 (4) The chief inspector may suspend an inspection certificate
12 if, in his or her opinion, the boiler for which the certificate was
13 issued cannot be operated without harm to the public safety, or if
14 the boiler is found not to comply with the rules promulgated under
15 this article. A suspension of an inspection certificate ~~shall~~**must**
16 continue in effect until the boiler conforms to the rules of the
17 board and the inspection certificate is reinstated.

18 ARTICLE 12

19 ELEVATOR LICENSES, PERMITS, AND INSPECTIONS

20 Sec. 1201. As used in this article:

21 (a) "Alteration" means any change to equipment, including its
22 parts, components, or subsystems, other than maintenance, repair,
23 or replacement.

24 (b) "Board" means the elevator safety board created under
25 section 1204.

26 (c) "Certificate of operation" means a certificate of
27 operation that is issued by the department under section 1221.

28 (d) "Dormant elevator" means an elevator described in section
29 1229.



(e) "Elevator" means the machinery, construction, apparatus, and equipment of an incline lift, escalator, moving walk, or device that serves 2 or more landings and is used in raising and lowering a guided car, cage, or platform. The term includes a passenger elevator, freight elevator, gravity elevator, workmen's elevator, manlift, dumbwaiter, or other lifting or lowering apparatus that is guided. Elevator does not include any of the following:

(i) An elevating device that is subject to the authority of the inspectors of mines under 1911 PA 163, MCL 425.101 to 425.113.

(ii) A feeding machine or belted bucket, scoop, roller, or any similar type of freight conveyor.

(iii) A lubrication hoist or other similar mechanism.

(iv) A piling or stacking machine that is used within 1 story and does not penetrate a floor.

(v) A residential stairway chairlift or residential platform lift, or an incline lift that is located in a private, single-family dwelling.

(vi) An outside material hoist that is used for raising or lowering construction materials while a building or structure is under construction and is subject to the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, and the rules promulgated under that act.

(f) "Elevator contractor" means an individual who is licensed under this article and is engaged in the business of constructing, installing, maintaining, repairing, or altering elevators.

(g) "Elevator inspector" means an individual who holds a certificate of competency described in section 1211 and is employed by this state as an elevator inspector or in an elevator inspection supervisory capacity.



1 (h) "Elevator journey person" means an individual who is
2 qualified and licensed under this article to perform, or to provide
3 supervision in the performance of, the work of installation,
4 alteration, maintenance, repair, servicing, adjusting, or testing
5 of elevators.

6 (i) "Incline lift" means an elevator that is designed and
7 operated for the conveyance of individuals or material from 1 level
8 to another. The term does not include the enclosure or building in
9 which the incline lift is located, or a ski lift as that term is
10 defined in and is subject to the ski area safety act of 1962, 1962
11 PA 199, MCL 408.321 to 408.344.

12 (j) "Maintenance" means a process of routine examination,
13 lubrication, cleaning, and adjustment of parts, components, or
14 subsystems for the purpose of ensuring performance in accordance
15 with standards adopted by the Michigan elevator rules.

16 (k) "Michigan elevator rules" means R 408.7001 to R 408.8695
17 of the Michigan Administrative Code.

18 (l) "Repair" means the reconditioning or renewal of a part,
19 component, or subsystem necessary to keep equipment in compliance
20 with standards adopted by the Michigan elevator rules.

21 (m) "Replacement" means the substitution of a device,
22 component, or subsystem, in its entirety, with a unit that is
23 basically the same as the original device, component, or subsystem
24 for the purpose of ensuring performance in accordance with
25 standards adopted by the Michigan elevator rules.

26 (n) "Residential stairway chairlift" or "residential platform
27 lift" means an inclined stairway chairlift or inclined and vertical
28 platform lift in or at a private residence that is intended only
29 for transportation of an individual whose mobility is impaired and



1 is manufactured in compliance with the American Society of
2 Mechanical Engineers standard 18.1-2008 or any revision to that
3 standard approved by the department. The term does not include an
4 elevator, escalator, moving walkway, material lift, dumbwaiter,
5 personnel hoist, powered platform and equipment for exterior and
6 interior building maintenance, amusement device, or stage or
7 orchestra lift or any portable equipment used to lift or transport
8 individuals or material.

9 Sec. 1203. Except for an elevator located in a building owned
10 by this state, this article does not apply in the jurisdiction of a
11 city that has a population of 500,000 or more according to the most
12 recent federal decennial census and has adopted an ordinance that
13 includes requirements that are comparable to this article and the
14 rules promulgated under this article.

15 Sec. 1204. (1) The elevator safety board is created in the
16 department. The board shall consist of the director, or his or her
17 designee, and 11 additional members as follows:

18 (a) One member who is a holder of a certificate of operation
19 for an elevator.

20 (b) Two members who represent insurance companies that are
21 authorized to insure elevators in this state.

22 (c) Two members who represent the elevator constructors union.

23 (d) One member who represents a city in this state that has a
24 population of 500,000 or more according to the most recent federal
25 decennial census.

26 (e) One member who is a licensed architect or consulting
27 engineer.

28 (f) Two members who represent the manufacturers of elevators
29 used in this state.



1 (g) One member who represents the general public.

2 (2) In addition to those described in article 3, the board has
3 all of the following powers and duties:

4 (a) To grant a request, as submitted to the director, for an
5 exception or variation from the requirements of this act or the
6 rules promulgated by the board under this act. The board may grant
7 acceptance of the request, acceptance with condition, or denial.

8 (b) To hear and decide appeals referred to the board by the
9 director if requested to do so by a person aggrieved by an order or
10 act of the department, or its authorized representative.

11 (c) To adopt rules and procedures, in accordance with the
12 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
13 24.328, for appeals referred to the board under subdivision (b).

14 Sec. 1205. The director shall enforce this article and the
15 rules promulgated under this article. If, because of special
16 conditions, a literal enforcement of the rules will result in
17 unnecessary hardship or involve practical difficulties, the
18 director, on application in specific cases, may authorize
19 variations or modifications of the rules in a manner that is not
20 contrary to the public interest and so that the spirit of the rules
21 are observed, public safety is secured, and substantial justice is
22 done.

23 Sec. 1206. (1) Commencing with the 2019 national code cycle
24 change, not more than 180 days after the printed publication of the
25 latest edition of the American Society of Mechanical Engineers'
26 safety code for elevators and escalators code book is made
27 available to the general public, the director shall hold a public
28 meeting in Lansing and offer persons an opportunity to present data
29 and comments on the general need to update the Michigan elevator



1 rules. The department shall give 30 days' notice of a meeting under
2 this section on the department's website.

3 (2) Not more than 30 days after the public meeting under
4 subsection (1), the director, in consultation with the board, shall
5 issue a written determination whether to update the Michigan
6 elevator rules. The department shall post notice of the
7 determination on its website for at least 45 days. The department,
8 in consultation with the board, may adopt and amend the American
9 Society of Mechanical Engineers' safety code for elevators and
10 escalators, or any other similar code, in part or in whole. If the
11 director, in consultation with the board, makes the determination
12 not to update the Michigan elevator rules, a person may, within 45
13 days after the determination, request the director to promulgate a
14 rule to amend a section or sections of the Michigan elevator rules.

15 (3) Within 90 days after the filing of a request that the
16 director promulgate a rule to amend a section or sections of the
17 Michigan elevator rules under subsection (2), the director, in
18 consultation with the board, shall initiate the processing of a
19 rule or shall issue to the requestor a concise written statement of
20 the principal reasons for denial of the request and post the denial
21 statement on the department's website until the Michigan elevator
22 rules are next updated. The denial of a request is not subject to
23 judicial review.

24 Sec. 1207. (1) An individual who holds a license that was
25 issued under former 1967 PA 227 or former 1976 PA 333 on the day
26 immediately preceding the effective date of this article is
27 considered the holder of a license under this article until that
28 license under the former act would have expired. An individual who
29 holds a license described in this subsection may renew that license



1 in the manner described in this act.

2 (2) An individual who holds an inspector's certificate of
3 competency that was issued under former 1967 PA 227 on the day
4 immediately preceding the effective date of this article is
5 considered the holder of a certificate of competency as an elevator
6 inspector under this article until that certificate under the
7 former act would have expired.

8 (3) A certificate of operation for an elevator issued under
9 former 1967 PA 227 and in effect on the day immediately preceding
10 the effective date of the amendatory act that added this article is
11 considered a certificate of operation issued under this article
12 until that certificate expires. A person may renew a certificate of
13 operation described in this subsection in the manner described in
14 this article.

15 (4) The elevator safety board created in former 1967 PA 227 is
16 abolished. The members of the elevator safety board created in
17 former 1967 PA 227 shall serve as the initial members of the
18 elevator safety board created under this article until the members
19 of the elevator safety board are appointed under this article or
20 until the expiration of their respective terms, whichever occurs
21 first.

22 (5) Rules that were promulgated by the department or by the
23 elevator safety board under former 1967 PA 227 or former 1976 PA
24 333 and were in effect on the day immediately preceding the
25 effective date of the amendatory act that added this article shall
26 continue in effect to the extent that they do not conflict with
27 this article. The rules must be enforced by and may be amended or
28 rescinded by the department or the board.

29 Sec. 1209. (1) An individual must meet all of the following



1 requirements to obtain a license as an elevator journeyperson:

2 (a) Be at least 18 years of age.

3 (b) Have a high school diploma or its equivalent.

4 (c) Have passed the examination required by the department to
5 test the applicant's qualifications to perform, or to provide
6 supervision in the performance of, the work of installation,
7 alteration, maintenance, repair, servicing, adjusting, inspecting,
8 or testing of elevators.

9 (d) Provide evidence satisfactory to the department of at
10 least 3 years of continuous employment as an elevator constructor,
11 service person, maintenance person, or repair person. This
12 experience must consist of work performed in an apprenticeship
13 training program, as approved by the department, and that complies
14 with the requirements of this article and rules promulgated under
15 this article.

16 (2) An individual must meet all of the following requirements
17 to obtain a license as an elevator contractor:

18 (a) Be at least 18 years of age.

19 (b) Have a high school diploma or its equivalent.

20 (c) Have passed the examination required by the department to
21 test the applicant's qualifications to engage in constructing,
22 installing, maintaining, repairing, or altering elevators, or
23 provide equivalent proof of qualification acceptable to the
24 department.

25 (d) Provide evidence satisfactory to the department of at
26 least 5 years of experience as an elevator journeyperson, or
27 equivalent experience acceptable to the department.

28 (3) The department may consider a degree in electrical or
29 mechanical engineering from an accredited college or university as



1 the equivalent of 1 year of experience for purposes of subsection
2 (1) or (2).

3 (4) Only an individual who is licensed under this article is
4 allowed to work in the installation, alteration, maintenance,
5 repair, servicing, inspecting, adjusting, or testing of elevators.

6 Sec. 1211. The director may issue a certificate of competency
7 as an elevator inspector to an individual who meets all of the
8 following requirements:

9 (a) Holds a license as an elevator journeyman or elevator
10 contractor under this article.

11 (b) Completes and submits an application on a form furnished
12 by the department.

13 (c) Has passed the examination required by the department to
14 test the applicant's qualifications to inspect elevators.

15 (d) Provides evidence satisfactory to the department that he
16 or she has at least 3 years of experience as an elevator
17 journeyman, constructor, service person, mechanic, maintenance
18 person, or repair person.

19 Sec. 1213. (1) The work of installation, alteration,
20 maintenance, repair, servicing, inspecting, adjusting, or testing
21 of an elevator must be performed by an individual who is licensed
22 under this article.

23 (2) Except for an individual who is authorized in writing by
24 the holder of a certificate of operation, or other authorized
25 personnel, or, in an emergency, an individual who enters an
26 elevator hoistway, pit, machinery space, or machine room to perform
27 the work of installing, altering, maintaining, repairing,
28 servicing, inspecting, adjusting, or testing an elevator must be an
29 elevator inspector, an individual who is licensed under this



1 article, or an individual who is employed as an assistant and is
2 under the supervision of an individual who is licensed under this
3 article.

4 As used in this subsection, "authorized personnel" means those
5 individuals who have been instructed in the operation of the
6 equipment and designated by the owner of the elevator to use the
7 equipment.

8 (3) A holder of a certificate of operation shall ensure that
9 all keys to the elevator system that are required under the rules
10 promulgated under this article are made available to an elevator
11 inspector.

12 Sec. 1215. (1) An elevator must be constructed, equipped,
13 maintained, repaired, and used with respect to the supporting
14 members, car or platform, hoistways, guides, cables, doors and
15 gates, safety stops and mechanisms, electrical apparatus and
16 wiring, mechanical apparatus, counterweights, and all other
17 appurtenances, in a manner that complies with the requirements of
18 this article and the rules promulgated under this article.

19 (2) The construction standards that apply to a private
20 residential incline lift apply to an incline lift for the exclusive
21 use of members of a homeowners' association and their guests in
22 accessing the shoreline of a Great Lake or connecting waterway. A
23 homeowners' association shall maintain at least \$1,000,000.00 of
24 insurance coverage against liability arising from construction or
25 use of an incline lift constructed according to the standards that
26 apply to a private residential incline lift.

27 (3) As used in subsection (2), "homeowners' association" means
28 an incorporated organization of the owners or lessees of not more
29 than 20 residential dwellings.

1 Sec. 1217. (1) The holder of the certificate of operation for
2 an elevator shall permanently attach to the elevator in an approved
3 area an identification plate that shows the rated load and the
4 serial number of the elevator.

5 (2) The department shall furnish 1 serial number tag to the
6 holder of a certificate of operation for an elevator and the holder
7 shall permanently attach the tag to the elevator machine
8 controller.

9 (3) The holder may obtain a replacement elevator serial plate
10 or elevator tag number under section 1237(3).

11 Sec. 1219. (1) An individual shall not install or make an
12 alteration to an elevator without first obtaining a permit from the
13 department, except for an emergency alteration, in which case an
14 individual may obtain the permit not more than 72 hours after the
15 alteration is commenced.

16 (2) The department shall only issue a permit under this
17 section to an individual who holds a license as an elevator
18 contractor under this article and pays the appropriate fee.

19 (3) A permit issued under this section expires after 180 days
20 of inactivity. An individual may renew a permit, at the discretion
21 of the department, for 1 additional 180-day period if the
22 individual pays a permit renewal fee in the amount established by
23 department rule.

24 (4) An elevator hoistway enclosure must meet the requirements
25 of this article and the rules promulgated under this article.

26 (5) A licensee who applies for a permit under this section
27 shall submit detailed plans and specifications of the elevator and
28 the elevator hoistway enclosure to the department, and the
29 department shall not issue a permit unless it approves the plans



1 and specifications.

2 (6) An elevator must be approved for use by the department
3 before operation.

4 Sec. 1221. (1) The department may inspect any elevator that is
5 located in this state and shall issue a certificate of operation
6 for an elevator to the owner of the elevator in accordance with the
7 rules promulgated under this article.

8 (2) A certificate of operation is valid for 1 year and expires
9 1 year after the date of issuance.

10 (3) If the owner of an elevator has applied for a certificate
11 of operation, the department may issue a letter of conditional
12 compliance, by mail or electronically, that allows the owner to
13 operate the elevator until the inspection is completed. The
14 department may add an elevator for which it has issued a letter of
15 conditional compliance to its inspection schedule at any time. The
16 department may also issue a letter of conditional compliance under
17 this subsection to an owner for use by the owner as proof of
18 compliance with this section.

19 (4) If a holder of a certificate of operation does not submit
20 a renewal application and the renewal fee before the expiration
21 date of the certificate, the department may schedule the elevator
22 for an inspection, in which case the person must pay an additional
23 late fee, in the amount determined by department rule, before the
24 department issues a new certificate of operation.

25 Sec. 1223. (1) A holder of a certificate of operation shall
26 ensure that each elevator on the premises is serviced and examined
27 for defects by an elevator journeyperson as often as necessary, but
28 at least every 90 days, to maintain the equipment in a safe
29 operating condition. The department by rule shall establish minimum



1 requirements for maintenance and inspection.

2 (2) The holder of a certificate of operation for an elevator
3 shall keep on-site all documentation required by the Michigan
4 elevator rules.

5 (3) The department may request copies of any of the
6 documentation described in subsection (2) or perform a physical
7 inspection of those items at any time.

8 Sec. 1225. During reasonable hours, the director or his or her
9 designee may enter any premises in this state without hindrance for
10 the purpose of examining equipment covered by this article in
11 accordance with the rules promulgated under this article. The
12 holder of a certificate of operation shall provide any assistance
13 required by the director in making the inspection.

14 Sec. 1227. (1) The department, an elevator inspector, or an
15 elevator journeyperson at the direction of an elevator inspector
16 may seal an elevator out of service in accordance with the rules
17 promulgated under this article or if any of the following occur:

18 (a) In an emergency, if in the opinion of the elevator
19 journeyperson or elevator inspector the condition of the elevator
20 renders it unsafe for operation.

21 (b) A failure to obtain a permit, renew a permit, or pay a
22 fee.

23 (c) A failure to comply with an order issued by the
24 department.

25 (d) A failure to renew a certificate of operation.

26 (2) In addition to the penalties and remedies under article 6,
27 a person that operates or continues to operate an elevator that is
28 sealed out of service, without the approval of the director, is
29 subject to an administrative fine in an amount that does not exceed



1 \$25.00 for each day the elevator is operated without the director's
2 approval.

3 Sec. 1229. (1) If an intact elevator is sealed out of service
4 by the department for more than 1 year or the elevator is inactive
5 for more than 1 year, the holder of the certificate of operation
6 for the elevator shall make the elevator dormant by ensuring that
7 the elevator is entirely disconnected in a manner that complies
8 with the requirements of this article and the rules promulgated
9 under this article.

10 (2) A licensee shall first obtain a dormant elevator permit
11 and pay any associated fees before making an elevator dormant under
12 subsection (1).

13 (3) The department shall void the certificate of operation for
14 an elevator that is made dormant under subsection (1).

15 (4) An elevator must not be made dormant if the elevator is
16 required for the building to meet accessibility requirements
17 established under state or federal law.

18 (5) If a holder of a certificate of operation wishes to make a
19 dormant elevator operational, the holder shall apply for a new
20 certificate of operation, meet the requirements of this article and
21 the rules promulgated by the department or the board under this
22 article, and pay the applicable fees established by the department
23 under this act.

24 (6) The department may promulgate rules concerning the process
25 of making an elevator dormant and making a dormant elevator
26 operational under this article.

27 Sec. 1231. (1) The holder of a certificate of operation for an
28 elevator shall notify the department, on a form provided by the
29 department, not more than 24 hours after the holder knows of an



1 accident involving damage to the elevator or personal injury
2 requiring medical attention.

3 (2) The department, on receipt of an accident report under
4 subsection (1), shall review the accident report and determine if
5 an on-site examination of any device involved in the accident is
6 required.

7 (3) The holder of a certificate of operation shall keep a copy
8 of all accident reports for at least 3 years from the date of the
9 accident.

10 Sec. 1233. The department, in consultation with the board,
11 shall promulgate rules regarding periodic inspections by the
12 department, including, but not limited to, rules concerning
13 frequency of inspections, documentation, and required examinations.

14 Sec. 1235. An owner of an elevating device that is not subject
15 to this article may request the department to perform an inspection
16 of that device subject to the payment of a special inspection fee
17 as promulgated by the department by rule.

18 Sec. 1237. (1) The department shall promulgate rules to
19 establish the fees for certificates of operation and elevator
20 inspections. The fees must reflect the actual costs and expenses of
21 the department in issuing certificates of operation and conducting
22 elevator inspections. The fees in effect on the day immediately
23 preceding the effective date of the amendatory act that added this
24 article continue in effect until the department promulgates rules
25 under this subsection.

26 (2) If a license issued under this article is lost or
27 destroyed, the department shall issue a new license, without
28 examination, if the appropriate fee is paid and an application for
29 a new license is submitted, accompanied by a written statement made



1 by the licensee that the license was lost or destroyed.

2 (3) If the department receives a request in writing for a
3 replacement elevator serial plate or elevator tag number, and the
4 appropriate fee as established by department rule, the department
5 shall issue a replacement elevator serial plate or elevator tag
6 number.

7 Enacting section 1. The following acts and parts of acts are
8 repealed:

9 (a) 1976 PA 333, MCL 338.2151 to 338.2160.

10 (b) 1967 PA 227, MCL 408.801 to 408.824.

11 Enacting section 2. This amendatory act takes effect 90 days
12 after the date it is enacted into law.

