

**SUBSTITUTE FOR
HOUSE BILL NO. 5890**

A bill to amend 1967 PA 227, entitled

"An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts,"

by amending sections 15 and 16 (MCL 408.815 and 408.816).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) A person, firm, or corporation shall not
2 install or alter an elevator without first having obtained a
3 permit ~~therefor~~ from the department. A permit shall be issued
4 only to a person, firm, or corporation licensed by the director
5 as an elevator contractor. Elevator hoistway enclosures shall
6 meet the requirements of the standard. A permit to install a
7 stair climber type of incline lift in other than a private
8 residence shall not be issued unless special permission is

1 granted by the director. Detailed plans and specifications of
2 all elevator equipment and the elevator hoistway enclosure, in
3 triplicate, shall be submitted by the licensee to the department
4 and shall be approved by the department before the permit is
5 issued. Permit applications shall be made on forms furnished by
6 the department. The applicable fee shall be paid ~~prior to~~
7 **before** issuance of the permit. ~~In case of~~ **For** emergency
8 alterations, the permit shall be obtained within 72 hours from
9 the time of alteration.

10 (2) In a municipality maintaining its own approved elevator
11 inspection department, ~~such~~ **installation or alteration** plans
12 and specifications shall be submitted to ~~such~~ **that** department
13 for its approval and, if approved, a permit for the installation
14 or alteration of ~~such~~ **that** elevator shall be issued by the
15 municipality.

16 (3) Beginning the effective date of the amendatory act that
17 added this subsection, the department shall issue an initial or
18 renewal elevator contractor license or installation or alteration
19 permit not later than 90 days after the applicant files a
20 completed application. Receipt of the application is considered
21 the date the application is received by any agency or department
22 of the state of Michigan. If the application is considered
23 incomplete by the department, the department shall notify the
24 applicant in writing, or make the information electronically
25 available, within 30 days after receipt of the incomplete
26 application, describing the deficiency and requesting the
27 additional information. The 90-day period is tolled upon

1 notification by the department of a deficiency until the date the
2 requested information is received by the department. The
3 determination of the completeness of an application does not
4 operate as an approval of the application for the license or
5 permit and does not confer eligibility of an applicant determined
6 otherwise ineligible for issuance of a license or permit.

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

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

26 (a) The number of initial and renewal applications the
27 department received and completed within the 90-day time period

1 described in subsection (3).

2 (b) The number of applications denied.

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

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

13 Sec. 16. (1) Fees for the following matters shall be
14 determined by the board **subject to section 15:**

15 (a) Commission.

16 (b) Certificate of competency examination.

17 (c) Elevator contractor license.

18 (d) Contractor examination.

19 (e) Permit, each elevator or device.

20 (f) Certificate of operation.

21 (g) Appeal for hearing before board.

22 (h) Inspection by general inspector.

23 (i) Special.

24 (2) Fees shall be paid ~~by cash, money order or certified~~
25 ~~check~~ to the director. ~~Money orders or checks shall be made~~
26 ~~payable to "Treasurer State of Michigan".~~ Fees received by the
27 director shall be transmitted to the state treasurer for deposit

1 in the general fund. These funds shall be disbursed only as
2 appropriated by the legislature.