

Act No. 149
Public Acts of 2010
Approved by the Governor
August 23, 2010
Filed with the Secretary of State
August 23, 2010
EFFECTIVE DATE: August 23, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Durhal

ENROLLED HOUSE BILL No. 5832

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 sections 6, 11, and 16 (MCL 338.976, 338.981, and 338.986), section 6 as amended by 2004 PA 271 and section 11 as amended by 1990 PA 5.

The People of the State of Michigan enact:

Sec. 6. (1) Upon the filing of an application on a form prescribed by the department and payment of the examination fee prescribed in section 10, the department shall conduct examinations to establish the qualifications and competency of applicants seeking licensing for the category for which the application is submitted and shall issue licenses to those who pass the examinations and pay the initial issuance fee, except as otherwise provided for in this act. An applicant who seeks licensure in more than 1 work classification listed in subsection (3) on a single application shall only be required to pay 1 examination fee and 1 initial issuance fee as provided in section 10.

(2) An applicant is not considered eligible for examination unless the applicant is of good moral character, as defined in section 1 of 1974 PA 381, MCL 338.41, and has a minimum of 3 years of experience or an equivalent of that experience acceptable to the board, upon proper showing to the department, in 1 or more of the work classifications listed in subsection (3).

(3) A contractor's license obtained shall be classified and limited as 1 or more of the following:

- (a) Hydronic heating and cooling and process piping.
- (b) HVAC equipment.
- (c) Ductwork.
- (d) Refrigeration.
- (e) Limited service, heating or refrigeration.
- (f) Unlimited service, heating or refrigeration.
- (g) Fire suppression.
- (h) Specialty.

Sec. 11. (1) The department may investigate the activities of a licensee related to the licensee's activities as a contractor. The department may hold hearings, administer oaths, and order relevant testimony to be taken and shall report its findings to the board. The board shall proceed under section 16 if the board finds that any of the following grounds exist:

- (a) The practice of fraud or deceit in obtaining a license under this act.
- (b) The practice of fraud or deceit in the performance of work for which a license is required under this act.
- (c) An act of gross negligence.
- (d) The practice of false advertising.
- (e) An act that demonstrates incompetence.
- (f) A violation of this act or a rule promulgated under this act.

(2) The department shall conduct a review upon notice by the department of public health that the licensee has violated the asbestos abatement contractors licensing act, 1986 PA 135, MCL 338.3101 to 338.3319, and may suspend or revoke that person's license for a knowing violation of that act.

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

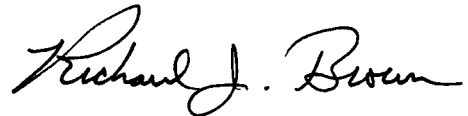
(4) The installation, alteration, or servicing of heating, cooling, ventilating, or refrigerating equipment or systems shall not be performed under a license that has been suspended, revoked, or has expired. A license, other than a license issued under this act, shall not be recognized for securing permits to install, alter, or service heating, cooling, ventilating, or refrigerating equipment or systems.

Sec. 16. After finding the existence of 1 or more of the grounds for board action described in section 11(1) and after an opportunity for a hearing, the board shall impose 1 or more of the following sanctions for each violation:

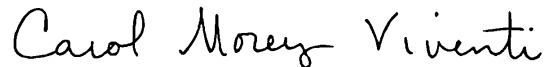
- (a) Suspension of the license issued under this act.
- (b) Denial of the license required under this act.
- (c) Revocation of the license issued under this act.
- (d) A requirement that restitution be made.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5830 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor

Compiler's note: House Bill No. 5830, referred to in enacting section 1, was filed with the Secretary of State August 23, 2010, and became 2010 PA 147, Imd. Eff. Aug. 23, 2010.