

Act No. 2  
Public Acts of 1990  
Approved by the Governor  
February 9, 1990  
Filed with the Secretary of State  
February 12, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Hickner, DeMars, Scott, Leland, Gubow, DeBeaussaert, Ciaramitaro, Berman, Gire, Randall and Emerson

# **ENROLLED HOUSE BILL No. 4222**

AN ACT to amend the title and section 207 of Act No. 135 of the Public Acts of 1986, entitled "An act to provide for the licensing and regulation of asbestos abatement contractors; to create the asbestos abatement contractors licensing board; to establish the powers and duties of the department of public health and the asbestos abatement contractors licensing board; to provide for the promulgation of rules; to provide for certain fees; and to provide for penalties and civil fines," being section 338.3207 of the Michigan Compiled Laws; to add section 220; and to repeal certain acts and parts of acts.

*The People of the State of Michigan enact:*

Section 1. The title and section 207 of Act No. 135 of the Public Acts of 1986, being section 338.3207 of the Michigan Compiled Laws, are amended and section 220 is added to read as follows:

## **TITLE**

An act to provide for the licensing and regulation of asbestos abatement contractors; to create the asbestos abatement contractors licensing board; to establish the powers and duties of the department of public health and the asbestos abatement contractors licensing board; to create an asbestos abatement fund and to provide for expenditures from the fund; to provide for the promulgation of rules; to provide for certain fees; and to provide for penalties and civil fines.

Sec. 207. (1) Except as otherwise provided in subsection (2), an asbestos abatement contractor shall not engage in any activity involving the demolition, renovation, or encapsulation of friable asbestos materials without first receiving a license from the department.

(2) Until June 1, 1993, the licensing requirement of subsection (1) shall not apply to any of the following if engaged in an asbestos abatement project which is incidental to the primary licensed trade and involves not more than 160 square feet or 260 linear feet of friable asbestos materials:

(a) A person or business entity licensed under the electrical administrative act, Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws.

(b) A person or business entity licensed under the Forbes mechanical contractors act, Act No. 192 of the Public Acts of 1984, being sections 338.971 to 338.988 of the Michigan Compiled Laws.

(c) A person or business entity licensed under Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws.

(d) A person or business entity licensed as a residential builder or a residential maintenance and alteration contractor under article 24 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2401 to 339.2412 of the Michigan Compiled Laws.

Sec. 220. (1) Until June 1, 1993, an asbestos abatement contractor shall notify the department in writing of all of the following at least 10 days before beginning an asbestos abatement project exceeding 10 linear feet or 15 square feet, or both, of friable asbestos materials:

- (a) The name and address of the owner of the building or structure.
- (b) The location of the building or structure where the asbestos abatement project will be performed.
- (c) The schedule for the starting and completion of the asbestos abatement project which may not exceed 1 year in length.
- (d) The amount of friable asbestos materials that will be removed or encapsulated.

(2) Until June 1, 1993, if during the course of a project and after a written contract is executed, a person or business entity that is exempt from licensure under section 207(2) and whose primary licensed trade is not that of an asbestos abatement contractor discovers that the removal or encapsulation of asbestos in an amount exceeding 10 linear feet or 15 square feet, or both, is required, that person or business entity shall notify the department of the asbestos abatement project before asbestos removal begins. Not more than 10 days after the discovery, the person or business entity shall provide written notification to the department in the manner described in subsection (1)(a) to (d).

(3) Until June 1, 1993, a person providing written notification to the department pursuant to subsection (1) for an asbestos abatement project shall include a fee that shall be equal to 1% of the price of the contract for the asbestos abatement project and shall make available upon the request of the department a copy of the contract for the asbestos abatement project. All fees collected pursuant to this section shall be deposited in the asbestos abatement fund created in subsection (5).

(4) Until June 1, 1993, in the case of a person or business entity who provides notice under subsection (2) for an asbestos abatement project that is incidental to the person's or business entity's primary licensed trade and where asbestos is actually removed by that person or business entity, the primary licensed trade contractor shall include a fee of 1% of the asbestos abatement project portion of the contract price and shall make available upon the request of the department a copy of that portion of the contract covering the asbestos abatement. All fees collected pursuant to this section shall be deposited in the asbestos abatement fund created in subsection (5).

(5) The asbestos abatement fund is created and, until June 1, 1993, shall exist in the state treasury and shall receive revenue as provided in this act and other revenue as the legislature may provide. The state treasurer shall direct the investment of the fund. All interest and earnings of the fund shall be retained by the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(6) Money in the asbestos abatement fund created in subsection (5) shall be used by the department only for the asbestos-related responsibilities of the department under this act which shall include the inspection of asbestos abatement projects and the education of asbestos abatement contractors but shall not include use of the fund by the department for asbestos abatement projects on state owned property.

(7) Not later than October 1 of each year after the year of the effective date of the amendatory act that added this subsection and until June 1, 1993, the department shall report to the legislature and the applicable committees in the house of representatives and the senate on the amount of money generated by the fees charged under this section. The report shall include the number of asbestos abatement projects inspected and the number of citations issued for violations of this act and other applicable laws, rules, and regulations.

(8) Until June 1, 1993, emergency asbestos abatement projects resulting from equipment failure or malfunctions are exempt from the 10-day written advance notice imposed under this section. The written notice in emergency situations shall be provided within 48 hours after the commencement of the asbestos abatement project except that the person or business entity shall contact the department telephonically immediately or as soon as possible after the discovery of the emergency situation.

Section 2. Section 58f of Act No. 154 of the Public Acts of 1974, being section 408.1058f of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) House Bill No. 4223.
- (b) House Bill No. 4224.
- (c) House Bill No. 4225.
- (d) House Bill No. 4226.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.