

Act No. 246
Public Acts of 1990
Approved by the Governor
October 11, 1990
Filed with the Secretary of State
October 11, 1990

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

Introduced by Reps. Joe Young, Jr., Hoffman, Profit, Varga, Martin, Joe Young, Sr., Harrison, Stupak, Jacobetti, Mathieu, Knight, Hickner, Emerson, Berman, Scott, Clack, Hart, DeMars and Terrell

ENROLLED HOUSE BILL No. 5168

AN ACT to amend the title and sections 1, 3, 6, 6a, 8b, 8c, and 10 of Act No. 217 of the Public Acts of 1956, entitled as amended "An act to safeguard persons and property; to provide for licensing of electricians and electrical contractors and the inspection of electrical wiring; to create an electrical administrative board; to exempt certain townships unless the township elects to be covered by this act; and to prescribe penalties for violations of the provisions of this act," sections 1 and 3 as amended by Act No. 104 of the Public Acts of 1989 and section 8c as added by Act No. 492 of the Public Acts of 1980, being sections 338.881, 338.883, 338.886, 338.886a, 338.888b, 338.888c, and 338.890 of the Michigan Compiled Laws; to add sections 3a, 3b, 3c, 3d, 3e, 7a, 8e, 8f, and 8g; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 3, 6, 6a, 8b, 8c, and 10 of Act No. 217 of the Public Acts of 1956, sections 1 and 3 as amended by Act No. 104 of the Public Acts of 1989 and section 8c as added by Act No. 492 of the Public Acts of 1980, being sections 338.881, 338.883, 338.886, 338.886a, 338.888b, 338.888c, and 338.890 of the Michigan Compiled Laws, are amended and sections 3a, 3b, 3c, 3d, 3e, 7a, 8e, 8f, and 8g are added to read as follows:

TITLE

An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act.

Sec. 1. As used in this act:

(a) "Electrical wiring" means all wiring, generating equipment, fixtures, appliances, and appurtenances in connection with the generation, distribution, and utilization of electrical energy, within or on a building, residence, structure, or properties, and including service entrance wiring as defined by the code.

(b) "Electrical contractor" means a person, firm, or corporation engaged in the business of erecting, installing, altering, repairing, servicing, or maintaining electrical wiring, devices, appliances, or equipment.

(c) "Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to supervise the installation of electrical wiring and equipment in accordance with the standard rules and regulations governing that work.

(d) "Electrical journeyman" means a person other than an electrical contractor who, as his or her principal occupation, is engaged in the practical installation or alteration of electric wiring. An electrical contractor or master electrician may also be an electrical journeyman .

(e) "Apprentice electrician" means an individual other than an electrical contractor, master electrician, or electrical journeyman, who is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment under the direct personal supervision of an electrical journeyman or master electrician.

(f) "Jobsite" means the immediate work area within the property lines of a single construction project, alteration project, or maintenance project where electrical construction or alteration of electrical wiring is in progress.

(g) "Municipality" means a city, village, or township.

(h) "Minor repair work" means electrical wiring not in excess of a valuation of \$100.00.

(i) "State construction code act of 1972" means Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

(j) "Code" means the state construction code provided for in section 4 of the state construction code act of 1972, or a part of that code which is of limited application, and includes a modification of or amendment to the code, or a nationally recognized model electrical code adopted by a governmental subdivision pursuant to section 8 of that act.

(k) "Enforcing agency" means the enforcing agency responsible for the administration and enforcement of the electrical code pursuant to section 8 or 9 of the state construction code act of 1972.

Sec. 3. (1) The board shall grant annual licenses and certificates to qualified applicants, make orders and promulgate rules necessary for the enforcement and carrying out of this act, and enforce and carry out this act. The rules shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) The examination fee for licensure as a master electrician, electrical contractor, or an electrical journeyman shall be \$25.00.

(3) The fee for initial licensure, apprentice electrician registration, or renewal of a license issued under this act shall be as follows:

(a) Electrical contractor	\$75.00
(b) Master electrician	25.00
(c) Electrical journeyman	20.00
(d) Apprentice electrician	5.00

(4) A license issued under this act shall expire on December 31 of each year and is renewable not more than 60 days after that date upon application and payment of the appropriate fee as described in subsection (3).

(5) An apprentice electrician registration will expire on August 31 of each year and shall be renewable within 30 days after that date upon payment of a \$10.00 renewal fee. An applicant shall submit proof of a sponsoring employer for initial or renewal registration.

(6) After March 1 of each year, a license not renewed shall be considered void and may be reinstated only upon application for reinstatement and payment of the appropriate license fee for the appropriate class.

(7) The board shall provide for an examination to be given to an applicant seeking licensure under this act for a specific class of license. The board and department of labor, acting jointly, may develop an examination or contract for the use of an examination developed by another governmental subdivision or any other entity which the department of labor and the board, acting jointly, review and determine is designed to test the qualifications and competency of applicants seeking licensure under this act. The examination for electrical journeymen and master electricians shall include, but not be limited to, questions designed to test an individual's knowledge of this act, any rules promulgated under this act, the state construction code act of 1972, and any code adopted pursuant to section 4 of that act and any code adopted pursuant to section 8 of that act as well as the theory relative to those codes. In the case of the examination for an electrical contractor's license, the examination shall include, but not be limited to, questions designed to test an individual's knowledge of this act, any rules promulgated under this act, the state construction code act of 1972, and the administration and enforcement procedures of any code adopted pursuant to section 8 or 9 of that act. Examinations shall be offered at locations throughout the state as determined by the board. The department of labor in consultation with the board may designate a person to give the examination at any location. Copies of examinations developed by a governmental subdivision shall be presented for board approval and shall remain the property

of the governmental subdivision and shall be returned to that governmental subdivision without having been copied or reproduced in any manner.

(8) Not later than January 1, 1991, the department of labor shall report to the appropriate house and senate committees on the increase in the number of inspectors employed as a result of the 1989 amendatory act that increased the fees contained in this section.

(9) The department of labor shall annually submit to the members of the legislature a comprehensive report detailing the expenditure of the additional money resulting from the 1989 amendatory act that increased the fees contained in this section.

(10) There is created a joint legislative committee whose purpose is to examine the scope of this act and any code involving electrical applications including, but not limited to, low voltage applications. The committee shall consist of the chairs of the labor committee and the state affairs committee in the House of Representatives and the chairs of the committees dealing with the issues of labor and state affairs in the Senate. The committee shall publish a written report and present it to the legislature not later than June 1, 1991.

Sec. 3a. An applicant for licensure under this act may sit for an examination upon the applicant doing all of the following:

(a) Filing a completed application form provided by the department of labor for the particular class of licensure.

(b) Paying the examination fee prescribed in section 3.

(c) Establishing, in a manner satisfactory to the board, the experience requirement or an equivalent of that experience requirement for the particular class of licensure by use of a notarized statement from current and past employers.

Sec. 3b. (1) The department of labor shall issue an electrical contractor's license to a person who does all of the following:

(a) Holds a master electrician's license or has not less than 1 master electrician residing in this state who is in his or her full-time employ. That master electrician shall be actively in charge of and responsible for code compliance of all installations of electrical wiring and equipment.

(b) Files a completed application on a form provided by the department of labor.

(c) Pays the examination fee and passes an examination provided for by the board and the department of labor.

(d) Pays the license fee prescribed in section 3.

(2) A person applying for an electrical contractor's license under this act shall also pay the amount required to be paid under the construction lien act, Act No. 497 of the Public Acts of 1980, being sections 570.1101 to 570.1305 of the Michigan Compiled Laws, which amount shall be paid to the department of licensing and regulation for deposit into the homeowner construction lien recovery fund. A person shall not be required to pay more than \$50.00 in an assessment period under Act No. 497 of the Public Acts of 1980, regardless of the number of licenses applied for or held.

Sec. 3c. (1) The department of labor shall issue a master electrician's license to a person not less than 22 years of age who does all of the following:

(a) Files a completed application form provided by the department of labor.

(b) Pays the examination fee prescribed in section 3 and passes an examination provided for by the board and the department of labor.

(c) Pays the license fee prescribed in section 3.

(d) Has not less than 12,000 hours of experience obtained over a period of not less than 6 years related to electrical construction, the maintenance of buildings, or electrical wiring or equipment under the supervision of a master electrician.

(e) Has held an electrical journeyman's license for not less than 2 years.

(2) Upon failure to pass the master electrician examination 2 times within a period of 2 years, an applicant shall be ineligible to sit for another examination until a period of not less than 1 year from the date of failure of the second examination, at which time he or she shall present to the board proof of the successful completion of a course on code, electrical fundamentals, or electrical theory, approved by the board, in order to become eligible to again sit for an examination.

(3) As a condition of renewal of a master electrician's license, the master electrician shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code within 12 months after the update or change in that code. This requirement applies only during or after those years that the code is updated or changed.

(4) A holder of a master electrician's license shall not qualify for more than 1 electrical contractor's license.

Sec. 3d. (1) The department of labor shall issue an electrical journeyman's license to a person not less than 20 years of age who does all of the following:

(a) Files a completed application form provided by the department of labor.

(b) Pays the examination fee prescribed in section 3 and passes an examination provided for by the board and the department of labor.

(c) Pays the license fee prescribed in section 3.

(d) Has not less than 8,000 hours of experience obtained over a period of not less than 4 years related to electrical construction or maintenance of buildings or electrical wiring or equipment under the direct supervision of a person licensed under this act.

(2) Upon failure to pass the electrical journeyman examination 2 times within a period of 2 years, an applicant shall be ineligible to sit for another examination until a period of not less than 1 year from the date of failure of the second examination, at which time he or she shall present to the board proof of the successful completion of a course on code, electrical fundamentals, or electrical theory, approved by the board, in order to become eligible again to sit for an examination.

(3) As a condition of renewal of an electrical journeyman's license, the electrical journeyman shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code within 12 months after the update or change in that code. This requirement applies only during or after those years that the code is updated or changed.

Sec. 3e. (1) An individual employed as an apprentice electrician shall register with the board on a form provided by the board within 30 days after employment.

(2) The department of labor shall issue a certificate of registration to a person seeking registration upon satisfactory proof of the person's participation in a bona fide apprenticeship training program approved by the board. This program shall be equivalent to the requirements of those imposed by the United States department of labor bureau of apprenticeship and training, subject to subsection (3).

(3) Except as otherwise provided in subsection (4), the ratio of electrical journeymen or master electricians to registered apprentice electricians shall be on the basis of 1 electrical journeyman or master electrician to 1 registered apprentice electrician. The department of labor or an enforcing agency shall enforce the ratio on a jobsite basis.

(4) Notwithstanding subsection (3), in the case of a residential single family dwelling or a multifamily dwelling not exceeding 8 units per building, the department of labor or an enforcing agency shall enforce the apprentice electrician ratio on the basis of 1 electrical journeyman or master electrician to 2 registered apprentice electricians on a jobsite basis.

Sec. 6. (1) This act, except as otherwise provided for in this section, shall not apply within the jurisdiction of a city, village, or township which has adopted or hereafter adopts an ordinance providing standards for the examination and licensing of master electricians, electrical contractors, and electrical journeymen and the registration of apprentice electricians which are not less than those prescribed by this act; providing for enforcement that is substantially similar to this act; providing for civil and criminal penalties and a citation system for minor violations substantially similar to section 8c; providing for the issuance of an identification card that substantially complies with the requirements imposed in section 8c; and providing for the inspection of electrical wiring and equipment.

(2) This act shall not be construed as limiting the power of a municipality to enact such an ordinance, to provide for the licensing of persons, firms, or corporations as contractors who have a place of business located in the municipality, or to provide for the licensing of journeymen electricians who reside in the municipality except that the ordinance shall not require the procurement of a license or permit to execute the classes of work specified in section 7(c), (d), (e), and (f).

(3) Licenses or registrations issued by the board under this act and licenses issued by a municipality having standards for licensing not less than those established by the board shall be recognized by all municipalities.

(4) A municipality providing for electrical inspection by local ordinance may require all electrical contractors and classes of electricians doing work in the municipality to register in accordance with its local ordinance.

(5) Municipal registration requirements shall be reciprocal between the municipalities and between municipalities and the board as to registration requirements and fees, except that licensed electrical journeymen shall not be required to register to work in municipalities under the jurisdiction of the board. All licenses and registrations issued under this act shall be officially recognized by any municipality.

Sec. 6a. A municipality providing standards for electric wiring and making provisions for inspection and licensing in accordance with this act may require by ordinance that all electrical contractors, master electricians and electrical journeymen coming within its licensing jurisdiction shall apply to and be licensed by the board in accordance with the rules and regulations of the board.

Sec. 7a. (1) A governmental subdivision shall appoint as an inspector an individual who shall be licensed as an electrical journeyman or master electrician.

(2) An electrical inspector may request that a person licensed under this act produce the identification card described in section 8c and not less than 1 piece of identification containing the individual's picture.

(3) An inspector shall register under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986, being sections 338.2301 to 338.2313 of the Michigan Compiled Laws.

Sec. 8b. (1) The department of labor shall have the authority to investigate the activities of a person licensed or registered under this act which are related to the person's licensure or registration as an electrical contractor, master electrician, electrical journeyman, or apprentice electrician, which activities include, but are not limited to, the grounds described in subsection (2)(a) through (d). The department of labor may hold hearings pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, and shall report its findings to the board.

(2) After a hearing under Act No. 306 of the Public Acts of 1969, the board shall proceed under section 8e against a person if the board finds that 1 or more of the following grounds for board action exist:

(a) Fraud or deceit in obtaining a license or registration under this act.

(b) The willful violation of a code.

(c) False advertising.

(d) A violation of this act or rules promulgated under this act except in the case of minor violations as described in section 8c.

(3) Notwithstanding section 8e, the board, upon recommendation of the department of labor, shall suspend or revoke the license of a person whose failure to pay a lien claimant results in a payment being made from the homeowner construction lien recovery fund pursuant to the construction lien act, Act No. 497 of the Public Acts of 1980, being sections 570.1101 to 570.1305 of the Michigan Compiled Laws. The license shall not be renewed and a new license shall not be issued until that person has made full restitution to the fund, including the costs of litigation and interest at the rate set by section 6013 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.6013 of the Michigan Compiled Laws.

(4) The board, after a hearing, shall recommend to a governmental subdivision licensing authority that it revoke or suspend the license or registration issued by it to a person.

(5) Activity regulated under this act shall not be performed by a person whose license or registration has been suspended or revoked or whose license or registration has expired.

Sec. 8c. (1) The licensing and registration provisions of this act shall be enforced by the board, an enforcing agency, and the department of labor.

(2) The board, not later than 12 months after the effective date of the 1990 amendatory act that added this section, shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, doing all of the following:

(a) Defining minor violations.

(b) Outlining a fine schedule for minor violations of this act.

(c) Establishing a citation system for minor violations of this act.

(3) The board shall provide that the department issue a card designed for use as identification of a person licensed or registered under this act. The card shall indicate the class and year of licensure or registration and shall be not larger than 3-1/2 inches by 2 inches in size.

(4) An individual licensed or registered under this act shall carry the identification card described in subsection (3) at all times while engaged in activity that is subject to licensure or registration under this act and shall also carry not less than 1 piece of identification containing the individual's picture. The individual, upon request of an inspector, shall produce the identification card described in subsection (3) as well as the picture identification. An individual who fails to produce the card described in subsection (3) is not considered in violation of this subsection if he or she produces the card within 24 hours after being requested by an inspector and presents it to the enforcing agency. Failure to produce any identification upon the request of an inspector shall be considered a violation of this act by the electrical contractor supervising the jobsite.

Sec. 8e. (1) After finding the existence of a violation described in section 8b and after an opportunity for a hearing, the board, except as otherwise provided in section 8b(3) or 8d, shall impose 1 or more of the following sanctions for a violation:

- (a) Suspension of the license or registration issued under this act.
- (b) Denial of the license or registration required under this act.
- (c) Revocation of the license or registration issued under this act.
- (d) Restitution.

(2) After finding the existence of 2 violations of this act within a period of 2 years, the board may double the fine imposed under this act.

(3) After finding the existence of 3 violations of this act within a period of 3 years, the board shall revoke the person's license or registration and permanently deny the person's reapplication for a license or registration of the class revoked.

(4) For purposes of this section, 1 or more violations occurring or reported on the same date on the same jobsite shall be considered 1 violation.

(5) If restitution is required to be made by a licensee or registrant under this section, the board may suspend the license or registration of the person required to make the restitution until restitution is made.

Sec. 8f. The attorney general or a local prosecuting attorney may initiate an action to enforce this act or rules promulgated under this act.

Sec. 8g. Any provision of this act which is inconsistent or in conflict with the state construction code act of 1972 is superseded to the extent of the inconsistency or conflict.

Sec. 10. (1) Except as provided for in subsection (2), a person licensed or registered under this act who commits a violation of this act that is not a minor violation as described in section 8c or a person not licensed or registered under this act who is performing any activity regulated by this act and is not exempt from licensure or registration under this act is guilty of a civil violation, punishable by a fine of not less than \$1,000.00 per day for each day the violation occurs except that a fine shall not exceed \$5,000.00 in total per violation. A second or subsequent violation is punishable by a fine of not less than \$2,000.00 per day for each day the violation occurs except that a fine shall not exceed \$10,000.00 in total per violation.

(2) A member of the board who intentionally violates section 2(3) shall be subject to the penalties prescribed in the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

Section 2. Sections 4, 8, and 8a of Act No. 217 of the Public Acts of 1956, being sections 338.884, 338.888, and 338.888a of the Michigan Compiled Laws, are repealed.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

