

HOUSE BILL No. 4222

February 16, 1989, Introduced by Reps. Hickner, DeMars, Scott, Leland, Gubow, DeBeaussaert, Ciaramitaro, Berman, Gire, Randall and Emerson and referred to the Committee on Labor.

A bill to amend the title and section 207 of Act No. 135 of the Public Acts of 1986, entitled "Asbestos abatement contractors licensing act," being section 338.3207 of the Michigan Compiled Laws; to add sections 220, 221, 222, 223, and 224; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 207 of Act No. 135 of the
2 Public Acts of 1986, being section 338.3207 of the Michigan
3 Compiled Laws, are amended and sections 220, 221, 222, 223, and
4 224 are added to read as follows:

5 TITLE

6 An act to provide for the licensing and regulation of
7 asbestos abatement contractors; to create the asbestos abatement
8 contractors licensing board; to establish the powers and duties

1 of the department of public health and the asbestos abatement
2 contractors licensing board; TO CREATE AN ASBESTOS ABATEMENT FUND
3 AND TO PROVIDE FOR EXPENDITURES FROM THE FUND; to provide for the
4 promulgation of rules; to provide for certain fees; and to pro-
5 vide for penalties and civil fines.

6 Sec. 207. (1) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-
7 TION (2), AN asbestos abatement contractor shall not engage in
8 any activity involving the demolition, renovation, or encapsula-
9 tion of friable asbestos materials without first receiving a
10 license from the department.

11 (2) THE LICENSING REQUIREMENT OF SUBSECTION (1) SHALL NOT
12 APPLY FOR THE FOLLOWING PERSONS IF ENGAGED IN AN ASBESTOS ABATE-
13 MENT PROJECT INVOLVING A RESIDENTIAL STRUCTURE HOUSING NOT MORE
14 THAN 2 FAMILIES WHICH IS INCIDENTAL TO THE PERSON'S PRIMARY
15 LICENSED TRADE:

16 (A) A PERSON LICENSED UNDER THE ELECTRICAL ADMINISTRATIVE
17 ACT, ACT NO. 217 OF THE PUBLIC ACTS OF 1956, BEING SECTIONS
18 338.881 TO 338.892 OF THE MICHIGAN COMPILED LAWS.

19 (B) A PERSON LICENSED UNDER THE FORBES MECHANICAL CONTRAC-
20 TORS ACT, ACT NO. 192 OF THE PUBLIC ACTS OF 1984, BEING SECTIONS
21 338.971 TO 338.988 OF THE MICHIGAN COMPILED LAWS.

22 (C) A PERSON LICENSED UNDER ACT NO. 266 OF THE PUBLIC ACTS
23 OF 1929, BEING SECTIONS 338.901 TO 338.917 OF THE MICHIGAN
24 COMPILED LAWS.

25 (D) A PERSON LICENSED AS A RESIDENTIAL BUILDER OR A RESIDEN-
26 TIAL MAINTENANCE AND ALTERATION CONTRACTOR UNDER ARTICLE 24 OF
27 THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980,

1 BEING SECTIONS 339.2401 TO 339.2412 OF THE MICHIGAN COMPILED
2 LAWS.

3 SEC. 220. A PERSON WHO PERFORMS AN ASBESTOS ABATEMENT
4 PROJECT, EXCEPT FOR A HOMEOWNER WHO PERFORMS HIS OR HER OWN
5 IN-HOUSE WORK, SHALL NOTIFY THE DEPARTMENT IN WRITING AT LEAST 10
6 DAYS BEFORE BEGINNING AN ASBESTOS ABATEMENT PROJECT EXCEEDING 6
7 LINEAR FEET OR 5 SQUARE FEET, OR BOTH, OF FRIABLE ASBESTOS
8 MATERIALS. EACH NOTIFICATION SHALL INCLUDE THE NAME AND ADDRESS
9 OF THE OWNER OF THE BUILDING OR STRUCTURE, THE LOCATION OF THE
10 BUILDING OR STRUCTURE WHERE THE ASBESTOS ABATEMENT PROJECT WILL
11 BE PERFORMED, THE SCHEDULE FOR STARTING AND COMPLETION OF THE
12 ASBESTOS ABATEMENT PROJECT, AND THE AMOUNT OF FRIABLE ASBESTOS
13 MATERIALS THAT WILL BE REMOVED OR ENCAPSULATED. EACH NOTIFICA-
14 TION INVOLVING THE REMOVAL OF FRIABLE ASBESTOS MATERIALS SHALL
15 ALSO INCLUDE THE APPROPRIATE PROJECT FEE AS PRESCRIBED BY
16 SECTION 221.

17 SEC. 221. A PERSON PROVIDING NOTIFICATION TO THE DEPARTMENT
18 FOR AN ASBESTOS ABATEMENT PROJECT PURSUANT TO SECTION 220 SHALL
19 INCLUDE A FEE THAT SHALL BE EQUAL TO 10 CENTS PER LINEAR FOOT OR
20 SQUARE FOOT, OR BOTH, FOR EACH ASBESTOS ABATEMENT PROJECT. THE
21 FEE FOR ANY 1 PROJECT SHALL NOT BE LESS THAN \$25.00 NOR MORE THAN
22 \$1,000.00. ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE
23 DEPOSITED IN THE ASBESTOS ABATEMENT FUND CREATED IN SECTION 222.

24 SEC. 222. (1) THE ASBESTOS ABATEMENT FUND IS CREATED IN THE
25 STATE TREASURY AND SHALL RECEIVE REVENUES AS PROVIDED IN THIS ACT
26 AND OTHER REVENUE AS THE LEGISLATURE MAY PROVIDE. THE STATE
27 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. ALL INTEREST

1 AND EARNINGS OF THE FUND SHALL BE RETAINED BY THE FUND. MONEY IN
2 THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND
3 AND SHALL NOT REVERT TO THE GENERAL FUND.

4 (2) MONEY IN THE FUND CREATED IN SUBSECTION (1) SHALL BE
5 USED BY THE DEPARTMENT ONLY FOR THE ASBESTOS-RELATED RESPONSIBIL-
6 ITIES OF THE DEPARTMENT UNDER THIS ACT AND AS OTHERWISE PROVIDED
7 BY LAW.

8 SEC. 223. IF A PERSON DESCRIBED IN SECTION 207(2)(A) TO (D)
9 VIOLATES THIS ACT, THE DEPARTMENT SHALL NOTIFY PROMPTLY THAT
10 PERSON'S LICENSING BOARD OF THE VIOLATION.

11 SEC. 224. BEFORE CONTRACTING TO PERFORM AN ASBESTOS ABATE-
12 MENT PROJECT, AN ASBESTOS ABATEMENT CONTRACTOR SHALL DISCLOSE IN
13 WRITING TO THE PERSON OR BUSINESS ENTITY FOR WHOM THE ASBESTOS
14 ABATEMENT PROJECT IS BEING PERFORMED THE EXISTENCE OR NONEXIS-
15 TENCE OF LIABILITY INSURANCE COVERAGE.

16 Section 2. Section 58f of Act No. 154 of the Public Acts of
17 1974, being section 408.1058f of the Michigan Compiled Laws, is
18 repealed.

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

22 (a) Senate Bill No. _____ or House Bill No. 4223 (request
23 no. 01406'89 a).

24 (b) Senate Bill No. _____ or House Bill No. 4224 (request
25 no. 01406'89 b).

26 (c) Senate Bill No. _____ or House Bill No. 4225 (request
27 no. 01406'89 c).

1 (d) Senate Bill No. _____ or House Bill No. 4226 (request
2 no, 01406'89 d).