

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Skilled Trades Regulation Rules

5. Rule numbers or rule set range of numbers:

R 339.5101 to R 339.5699

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5101 to MCL 339.6133, repealed the following acts:

- The Boiler Act, 1965 PA 290, MCL 408.751 to 408.776.
- The State Plumbing Act, 2002 PA 733, MCL 338.3511 to 338.3569.
- The Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.971 to 338.988.
- The Electrical Administrative Act, 1956 PA 217, MCL 338.881 to 338.892.
- The Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313.

The repealed acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses. This places a burden on the bureau administering these acts and creates an inefficient use of resources. Additionally, many licensees who are cross-licensed in multiple trades have expressed dissatisfaction with conflicting provisions in separate statutes. The Skilled Trades Regulation Act, 2016 PA 407, streamlines the processes for all license types included while providing for modernized provisions, such as electronic communication and third-party continuing education tracking options, and specifies violations for unlicensed activity as provided to other regulated professions. While the Skilled Trades Regulation Act repealed the five Acts that regulated certain skilled trades, this new Act includes provisions to regulate those same skilled trades. Consequently, the bureau is promulgating a new rule set to regulate these skilled trades, as provided under the new Act. In addition, the bureau has submitted separate RFRs to rescind the current rules that were promulgated under the authority of the five Acts that have been repealed.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director and Boards & Commission.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Promulgation of the Skilled Trades Regulation rules is authorized under section 207 of the Skilled Trades Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous rules promulgation authority under the five repealed Acts.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Some of the rules are mandated pursuant to MCL 339.5207(1)-(3), which states that the department shall, in consultation with the appropriate board, promulgate rules that the department considers necessary and appropriate to implement and administer articles 1-6 and that enable the department to fulfill its responsibilities under the act; that establish fees for licenses, exams, and inspections; and that establish the fee schedules for other items, including, but not limited to, variance requests, product approvals, or special inspections.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional or federal government.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

There is no subject matter of these rules currently contained in any guideline, handbook, manual, instructional bulletin, form with the instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, these rules are listed in the department's annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

These rules do incorporate the recommendations received from the public regarding any complaints or comments regarding these rules. The comments or complaints from the public came from either the Public Informal Advisory Meeting or from the Proposed Rule/Code Change Request Form.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

This is a new rule set.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No