

**SUBSTITUTE FOR
SENATE BILL NO. 1223**

A bill to amend 1986 PA 135, entitled
"Asbestos abatement contractors licensing act,"
by amending sections 209 and 211 (MCL 338.3209 and 338.3211),
section 209 as amended by 1993 PA 55 and section 211 as amended
by 1998 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 209. (1) To apply for or renew a license, an asbestos
2 abatement contractor shall do all of the following:
- 3 (a) Submit a completed application to the department on forms
4 provided by the department. The asbestos abatement contractor
5 shall state on the application whether or not the asbestos
6 abatement contractor has liability insurance.
- 7 (b) Pay the fee required by subsection (2).
- 8 (c) Submit proof of Michigan workers' disability compensation
9 insurance.

1 (d) Submit proof that all employees and agents of an asbestos
 2 abatement contractor who are responsible for, or are involved in,
 3 an asbestos abatement project have received training and become
 4 accredited as asbestos abatement workers or asbestos abatement
 5 contractors and supervisors as required under the asbestos
 6 workers accreditation act, ~~Act No. 440 of the Public Acts of~~
 7 ~~1988, being sections 338.3401 to 338.3418 of the Michigan~~
 8 ~~Compiled Laws~~ **1988 PA 440, MCL 338.3401 to 338.3418.**

9 (2) ~~A~~ **Subject to section 211,** a license or renewal fee
 10 shall be paid as follows:

11 Number of employees

12 to be engaged in

13 <u>asbestos abatement projects</u>	<u>License fee</u>	<u>License renewal fee</u>
14 4 or less	\$200.00	\$100.00
15 5 or more	\$400.00	\$300.00

16 Sec. 211. (1) Within 15 working days after receiving a
 17 license application, the department shall acknowledge receipt of
 18 the application and notify the applicant **in writing, or make the**
 19 **information electronically available,** of any deficiency in the
 20 application. **Receipt of the application is considered the date**
 21 **the application is received by any agency or department of the**
 22 **state of Michigan.** Within 60 calendar days after receiving a
 23 completed application, including all additional information
 24 requested by the department, the department shall issue a license
 25 or deny the license application. **The 60-day time period is**
 26 **tolled upon notification by the department of a deficiency until**
 27 **the date the requested information is received by the**

1 department. The determination of the completeness of an
2 application does not operate as an approval of the application
3 for the license and does not confer eligibility of an applicant
4 determined otherwise ineligible for issuance of a license. The
5 license shall contain a statement in bold print that the issuance
6 of a license does not ~~infer~~ **imply** asbestos indemnification
7 coverage.

8 (2) The department shall deny a license application if the
9 department determines that the applicant has not demonstrated the
10 ability to comply with either of the following:

11 (a) The applicable requirements and procedures established by
12 the department and the board under this act.

13 (b) Other state and federal law pertaining to the health and
14 safety aspects of asbestos demolition, renovation, and
15 encapsulation.

16 (3) Beginning the effective date of the amendatory act that
17 added this subsection and notwithstanding any other provision of
18 this act, if the department fails to issue or deny a license
19 within the time required by this section, the department shall
20 return the license fee and shall reduce the license fee for the
21 applicant's next renewal application, if any, by 15%. The
22 failure to issue a license within the time required under this
23 section does not allow the department to otherwise delay the
24 processing of the application, and that application, upon
25 completion, shall be placed in sequence with other completed
26 applications received at that same time. The department shall
27 not discriminate against an applicant in the processing of the

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1 application based upon the fact that the license fee was refunded
2 or discounted under this subsection.

3 (4) Beginning October 1, 2005, the director of the department
4 shall submit a report by December 1 of each year to the standing
5 committees and appropriations subcommittees of the senate and
6 house of representatives concerned with asbestos and regulatory
7 issues. The director shall include all of the following
8 information in the report concerning the preceding fiscal year:

9 (a) The number of initial and renewal applications the
10 department received and completed within the time period
11 described in this section.

12 (b) The number of applications denied.

13 (c) The number of applicants not issued a license within the
14 <<60-day>> time period and the amount of money returned to licensees
15 under subsection (3).

16 (5) ~~-(3)-~~ If the department denies a license, the department
17 shall return to the applicant the application fee, less \$25.00
18 subject to subsection (3).

19 (6) ~~-(4)-~~ Proceedings for the denial of a license under this
20 act shall be in accordance with the administrative procedures act
21 of 1969.

22 (7) As used in this section and section 209, "completed
23 application" means an application complete on its face and
24 submitted with any applicable licensing fees as well as any other
25 information, records, approval, security, or similar item
26 required by law or rule from a local unit of government, a
27 federal agency, or a private entity but not from another

1 department or agency of the state of Michigan.