

SENATE BILL No. 214

February 11, 2009, Introduced by Senators GLEASON and RICHARDVILLE and referred to the Committee on Commerce and Tourism.

A bill to regulate certain individuals engaged in residential carpentry; to provide for certain powers and duties of certain state departments and agencies; to impose fees and provide for remedies and penalties; and to promulgate rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "residential carpenter registration act".

3 Sec. 3. As used in this act:

4 (a) "Carpentry" means activity on a residential structure
5 involving the erecting, installing, framing, altering, or repairing
6 of structures and their structural parts including decks, walls,
7 doors, windows, ceilings, roofs, drywall, countertops, cabinets,

1 flooring, trim, and any components that make the framing of a
2 structure complete. For purposes of this subdivision, "wood
3 construction" and "wooden structure" include construction methods
4 utilizing substitute materials, including, but not limited to,
5 metal stud and composite framing and finish materials that replace
6 or are used in conjunction with traditional wood construction and
7 the preparation and installation of concrete foundation forms or
8 wood foundations that do not include trench footers. Carpentry does
9 not include minor repair or the construction, maintenance, or
10 repair of farm structures and their appurtenances, greenhouses,
11 fences, or structures used for the production or care of farm
12 plants and animals.

13 (b) "Department" means the department of energy, labor, and
14 economic growth.

15 (c) "Farm structure" means a farm building and its
16 appurtenances, a green house, a fence, or structure used for the
17 production or care of farm plants and animals.

18 (d) "Residential carpenter" means an individual engaged in
19 carpentry on a residential structure.

20 (e) "Residential structure" means 1- and 2-family residential
21 dwellings, including detached 1- and 2-family dwellings and
22 multiple single-family dwellings not more than 3 stories in height
23 with a separate means of egress, and their accessory structures.

24 Sec. 5. (1) An individual shall not engage in the business of,
25 or act as, a residential carpenter unless registered by the
26 department under this act or unless exempt from registration under
27 this act under subsection (2).

1 (2) Notwithstanding subsection (1), an individual who engages,
2 in whole or in part, in the activities of a residential carpenter
3 is exempt from registration under the following circumstances:

4 (a) The individual engages in or performs carpentry activities
5 pursuant to a license or registration issued under another act
6 where the carpentry activities are incidental to the scope of
7 practice of that other act.

8 (b) The individual engages in non-owner-occupied carpentry in
9 residential structures involving carpentry work not in excess of
10 \$600.00.

11 (c) The individual engages in or performs carpentry activities
12 for a charitable purpose.

13 (d) The individual is licensed or registered under the
14 commercial carpentry licensure act and engages in or performs
15 carpentry activities.

16 (e) An individual and a friend or relative of that individual
17 engage in carpentry on property owned by that individual, or that
18 upon completion becomes the individual's place of residence, so
19 long as he or she does not hold himself or herself out as a
20 registered carpenter. In such case, the owner or prospective owner
21 must, upon the application for the permit, affirm ownership and
22 occupancy upon completion. Any friend or relative helping the owner
23 must not be doing so for wages or compensation. The owners shall
24 apply for and obtain the appropriate permits and obtain the
25 required inspections.

26 (3) A person shall not use the term "registered carpenter"
27 unless registered under this act.

1 Sec. 7. (1) An individual seeking registration under this act
2 to act as a registered carpenter shall apply to the department in a
3 manner prescribed by the department and pay the 3-year registration
4 fee of \$15.00, and otherwise demonstrate qualification under
5 subsection (2). The department shall issue the registration for a
6 term of 3 years.

7 (2) An individual employed by a residential builder or
8 alteration and maintenance contractor as a residential carpenter
9 shall register with the department within 30 days of employment.
10 The department shall register an individual who demonstrates to the
11 department, on a form provided by the department, proof of
12 employment. An applicant is not required to demonstrate any
13 experience in carpentry, passage of any examination, or having
14 attained any educational level.

15 (3) The department shall issue the registration for a term of
16 3 years from the date of issuance.

17 (4) The department shall deposit any fees or other money it
18 receives under this act into the state construction code fund
19 created under section 22 of the Stille-DeRossett-Hale single state
20 construction code act, 1972 PA 230, MCL 125.1522.

21 (5) A registrant shall report any change of address within 60
22 days after that change. The failure of a registrant to notify the
23 department of the change of address does not extend the expiration
24 date of a registration.

25 Sec. 9. (1) The department shall issue a card designed for use
26 as identification of the individual registered under this act. The
27 card shall indicate the year of registration and shall be not

1 larger than 3-1/2 inches by 2 inches in size. The card shall state
2 in boldfaced type or font a statement indicating that the card
3 represents a carpenter registration and is not a builder's license
4 qualifying the person to perform construction on a person's home.

5 (2) An individual registered under this act shall carry the
6 identification card described in this section at all times while
7 engaged in activity that is subject to registration under this act
8 and shall also carry not less than 1 piece of identification
9 containing the individual's picture. The individual, upon request
10 of an inspector, enforcement agent, or department representative,
11 shall produce the identification card described in this section as
12 well as the picture identification. An individual who fails to
13 produce the card described in this section is not considered in
14 violation of this section if he or she produces the card within 24
15 hours after being requested by an authorized person and presents it
16 to the local enforcing agency or department. Failure to produce any
17 identification upon the request of an inspector, enforcement agent,
18 or department representative shall be considered a violation of
19 this act by the residential contractor supervising the jobsite.

20 (3) The department, on its website or under any other
21 circumstance, shall only disclose the name, registration number,
22 and date of registration of a registrant under this act and shall
23 not disclose the registrant's home address or business address,
24 which information is exempt from disclosure under the freedom of
25 information act, 1976 PA 442, MCL 15.231 to 15.246. However, this
26 subsection does not prevent the department from disclosing a
27 disciplinary final order or judgment.

1 Sec. 11. (1) The department may investigate the activities of
2 a registrant related to the registrant's activities as a carpenter.
3 The department may conduct an administrative hearing under the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328, as part of the investigation.

6 (2) The department may issue an appropriate sanction described
7 in subsection (3) for fraud and deceit in obtaining or maintaining
8 a registration under this act or for a violation of this act or any
9 rules promulgated under this act.

10 (3) The department may revoke or suspend the registration
11 issued under this act for an egregious violation of this act, or
12 rules adopted under this act, by the registrant, or may impose an
13 administrative fine of at least \$50.00 but not to exceed \$200.00
14 for any other violation.

15 Sec. 13. The department may promulgate rules under the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328, to enforce and administer this act.

18 Sec. 15. This act takes effect 12 months after the date it is
19 enacted into law.