

Act No. 262
Public Acts of 2004
Approved by the Governor
July 22, 2004
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July 23, 2004
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Gilbert

ENROLLED SENATE BILL No. 1224

AN ACT to amend 1988 PA 440, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools, school buildings, and public and commercial buildings; to prescribe powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

The People of the State of Michigan enact:

Sec. 11. (1) A person desiring to sponsor a training course or refresher training course for those disciplines required to be accredited under this act may apply for department approval on forms supplied by the department. The department shall approve a training course or a refresher training course that meets the requirements for the course as prescribed by section 6.

(2) An applicant desiring to sponsor a training course shall submit for each course all of the following information and fees to the department:

(a) The course sponsor's name, address, and telephone number.

(b) A list of any states that currently approve the training course, including information as to whether the training course has been approved by the United States environmental protection agency.

(c) The course curriculum.

(d) A letter from the training course sponsor clearly indicating compliance of the course with the requirements of this act for all of the following:

(i) The length of training in days.

(ii) The amount and type of hands-on training.

(iii) The length, format, and passing score of the examination.

(iv) The topics covered in the course.

(e) A copy of all course materials, including student manuals, instructor notebooks, handouts, and all other materials that the department may request.

(f) A detailed statement about the development of the examination used in the course.

(g) The names and qualifications of course instructors.

(h) A description and example of the certificate of successful course completion issued to students who attend the course and pass the examination that satisfies the requirements of the asbestos model accreditation plan.

(i) An initial application fee of \$400.00 and, after the initial year, an annual renewal fee of \$200.00. If the application is for renewal, the application and annual fee shall be submitted not earlier than 90 days before the course expires but not later than 30 days before the course expires. An application for renewal that is submitted later than the time period specified in this subdivision shall be treated by the director as an initial application for course renewal and shall require payment of the initial application fee, rather than the renewal fee.

(3) An applicant desiring to sponsor a refresher training course in a discipline required to be accredited under this act shall supply all of the following information to the department:

- (a) The length of training.
- (b) The topics covered in the course.
- (c) A copy of all course materials.
- (d) The names and qualifications of course instructors.

(e) A description and an example of the certificate of successful completion of the training course that satisfies the requirements of the asbestos model accreditation plan.

(4) Within 60 calendar days after receipt of the appropriate fee and a completed application from a person desiring to sponsor training courses as specified in this section, the department shall make a determination as to the approval or denial of the application and shall notify the applicant in writing of its determination. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan.

(5) The instructor of a course offered under this section shall have academic credentials or field experience, or both, in asbestos abatement.

(6) Beginning the effective date of the amendatory act that added this subsection, the department shall issue an initial or renewal license within the time period prescribed by subsection (4). If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 15 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 60-day period described in subsection (4) is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(7) If the department fails to issue or deny a license within the time required by subsection (4), the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

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

- (a) The number of initial and renewal applications the department received and completed within the 60-day time period described in subsection (4).
- (b) The number of applications denied.
- (c) The number of applicants not issued a license within the 60-day time period and the amount of money returned to licensees and registrants under subsection (7).

(9) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

Sec. 14. (1) A person desiring accreditation or reaccreditation from the director under section 13 shall submit to the department an application for accreditation or reaccreditation on forms provided by the department. The applicant shall include, with the application, payment of the annual fee designated in subsection (3), subject to any refund or discount prescribed under section 11(7).

(2) If the application is for reaccreditation, the application and annual fee shall be submitted not earlier than 90 days before the accreditation expires but not later than 30 days before the accreditation expires. An application for reaccreditation that is submitted later than the time period specified in this subsection shall be treated by the director as an initial application for accreditation, and shall require payment of the accreditation fee, rather than the reaccreditation fee.

(3) The fee schedule for accreditation or reaccreditation is as follows:

	Accreditation	Reaccreditation
(a) Asbestos inspectors	\$150.00	\$75.00
(b) Asbestos management planners	\$150.00	\$75.00
(c) Asbestos abatement project designers	\$150.00	\$75.00
(d) Asbestos abatement contractors and supervisors	\$50.00	\$25.00
(e) Asbestos abatement workers	\$50.00	\$25.00

(4) Failure to submit the annual fee as part of the application for accreditation constitutes just cause for the director to deny issuance to a person of a certificate of accreditation or reaccreditation under section 13.

(5) All fees collected by the department under subsection (1) shall be deposited in the asbestos abatement fund created in section 220 of the asbestos abatement contractors licensing act, 1986 PA 135, MCL 338.3220.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor