STATE PLUMBING ACT
Act 733 of 2002

AN ACT to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts.

History: 2002, Act 733, Eff. Mar. 31, 2003.

The People of the State of Michigan enact:

338.3511 Short title.

Sec. 1. This act shall be known and may be cited as the “state plumbing act”.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3513 Definitions; A to C.

Sec. 3. As used in this act:

(a) “Apprentice plumber” means an individual registered under this act as an apprentice.

(b) “Board” means the state plumbing board created in section 13.

(c) “Building sewer” means that part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(d) “Censure” means an expression of disapproval of a licensee's or registrant's professional conduct, which conduct is not necessarily a violation of this act or a rule promulgated or an order issued under this act.

(e) “Code” means the state construction code provided for in section 4 of the Stille-DeRossett-Hale single state construction code act, MCL 125.1504, or a part of the code that is of limited application and includes a modification of or amendment to the code.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3515 Definitions; D to G.

Sec. 5. As used in this act:

(a) “Department” means the department of consumer and industry services.

(b) “Director” means the director of the department of consumer and industry services or an authorized representative of the director.

(c) “Domestic water treatment and filtering equipment” means residential water treatment and filtering equipment used in 1-family and 2-family dwellings.

(d) “Enforcing agency” means an enforcing agency as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, MCL 125.1502a.

(e) “Governmental subdivision” means a governmental subdivision as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, MCL 125.1502a.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3517 Definitions; J to M.

Sec. 7. As used in this act:

(a) “Journey plumber” means an individual, other than a plumbing contractor or master plumber, who is qualified to engage in the practical installation of plumbing and who is licensed as a journey plumber.

(b) “License” means the document issued to a person under this act enabling that person to use a designated title and practice an occupation, which practice would otherwise be prohibited by this act.

(c) “Licensee” means a person who has been issued a license under this act.

(d) “Master plumber” means an individual possessing the necessary skills and qualifications to plan and supervise the installation of plumbing and who is licensed as a master plumber.

(e) “Minor repair” means a repair which involves only the clearance of stoppages, repair, or replacement of a faucet, valve, reinstallation of that same plumbing fixture provided that no modifications are made to the plumbing system, or residential domestic water treatment and filtering equipment. Minor repair does not include any of the following:

(*i*) The repair or replacement of a backflow preventer and air admittance valves.

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(*ii*) A repair or replacement that is only a part of a larger or major renovation or repair.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3519 Definitions; P.

Sec. 9. As used in this act:

(a) "Person" means an individual, sole proprietor, partnership, association, corporation, governmental subdivision, public or private school, or public or private organization.

(b) "Plumbing" means the practice, materials, and fixtures, in or adjacent to a building, structure, or premises, used in the installation, maintenance, extension, or alteration of all piping, fixtures, plumbing appliances, plumbing appurtenances, as defined by the code, in connection with the sanitary drainage or storm drainage facilities, plumbing venting systems, medical gas systems, backflow preventers, and public or private water supply systems.

(c) "Plumbing contractor" means a licensed master plumber or a person who employs a licensed master plumber full-time to directly supervise the installation of plumbing as his or her representative engaged in the business of plumbing for a fixed sum, price, fee percentage, valuable consideration, or other compensation and who is licensed as a plumbing contractor.

(d) "Probation" means a sanction which permits a board to evaluate over a period of time a licensee's or registrant's fitness to practice an occupation regulated by this act.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3521 Definitions; R to W.

Sec. 11. As used in this act:

(a) "Restitution" means the requirement that a person found to be in violation of this act, a rule promulgated under this act, or an order issued under this act has caused monetary damage to another and that the violator will be required to compensate the injured party by an amount equal to the amount of the monetary damage caused.

(b) "Stille-DeRossett-Hale single state construction code act" means the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(c) "Water service pipe" means the pipe from the water main or other source of potable water supply to the water distributing system of the building served.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3523 State plumbing board; creation; membership; appointment; qualifications; terms; compensation; meetings; quorum; election of officers; public meeting; availability of writings; access to files; maintenance; rules; licensure examination.

Sec. 13. (1) There is created a state plumbing board within the department. The governor, with the advice and consent of the senate, shall appoint 5 United States citizens who are residents of the state, 2 of whom shall be licensed plumbing contractors who hold a master's license. One shall be a licensed master plumber securing permits, and 1 shall be a licensed journey plumber, each having 10 years' experience, and a person representative of the general public, who with the director of the department of environmental quality or his or her authorized representative, a member or employee of the drinking water and radiologic protection division of the department of environmental quality, selected by the director of the department of environmental quality as voting ex officio members, shall constitute the plumbing board. Upon the expiration of the term of office of each person so appointed, the governor shall, on or before July 1 in each year, appoint a successor to hold office for a term of 3 years.

(2) Per diem compensation of the members of the board, other than the director and the director of the department of environmental quality or their authorized representatives and the member or employee of the drinking water and radiologic protection division of the department of environmental quality, and the schedule for reimbursement of expenses shall be established annually by the legislature.

(3) The board shall meet as often as necessary to fulfill its duties under this act, but shall meet not less than 4 times a year. A majority of the members appointed and serving shall constitute a quorum. An approval, decision, or ruling of the board does not become effective unless supported by a majority of the members present constituting a quorum. A member of the board shall not vote by proxy.

(4) At the first meeting of each calendar year, the board shall elect 1 member as chairperson, another as vice-chairperson, another as secretary, and other officers as it determines appropriate, for the terms and with the duties and powers as the board determines. The chairperson, vice-chairperson, and secretary shall be elected from those members appointed to the board by the governor.

(5) The business which the board may perform shall be conducted at a public meeting of the board held in

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compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A member of the board who intentionally violates this subsection is subject to the penalties prescribed in the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The department shall maintain physical possession of the files of the board and shall ensure that applicable laws concerning public access to the files are met.

(7) The board shall recommend to the state construction code commission the promulgation of rules necessary for the safe design, construction, installation, alteration, and inspection of plumbing. The board may also recommend to the state construction code commission, after testing and evaluation, that it issue certificates of acceptability under the code for a material, product, method of manufacturing, or method of construction or installation of plumbing equipment.

(8) The department, in consultation with the board, shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of this act and to effectuate the purposes of this act including, but not limited to, the establishing of standards for license classifications under this act; the examination and licensing of plumbing contractors, master plumbers, and journey plumbers; and for the registration of plumbers' apprentices. Before an examination or other test required under this act is administered, the board, in consultation with the department, shall review and approve the form and content of the examination or test. Each examination for a license as a plumbing contractor, master plumber, or journey plumber shall be conducted by the board and the department, acting jointly.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3525 Plumbing; license required; exceptions.

Sec. 15. (1) A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless licensed or registered by the department. Except as provided in subsections (2), (3), (4), and (5), plumbing shall be performed by a licensed master or journey plumber. A licensed master plumber shall be in charge and responsible for proper installation and conformance with the code. Plumbing shall not be performed unless the plumbing contractor who is responsible has secured a permit from the state or a governmental subdivision authorized to issue permits.

(2) A license is not required for the following work:

(a) Minor repair work.

(b) The installation of a building sewer or water service pipe provided that a permit is secured from the responsible enforcing agency and inspections are performed. The installations shall comply with the applicable code.

(c) The installation of domestic water treatment and filtering equipment that requires modification to an existing cold water distribution supply and associated waste piping in buildings if a permit is secured, required inspections performed, and the installation complies with the applicable code. If the enforcing agency determines a violation exists, it shall be corrected by the responsible installer.

(3) A homeowner may install his or her own plumbing, building sewer, or private sewer in his or her single-family dwelling if a permit is secured.

(4) The installation of medical gas piping providing the installation shall be performed under the supervision of a licensed plumbing contractor.

(5) This act does not prevent a person from performing any activities within the scope of licensure or registration under any other licensure or registration act or applicable codes for that licensed or registered professional adopted pursuant to law.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3527 Plumbing contractor, master plumber, and journey plumber's examination.

Sec. 17. (1) The board shall grant licenses or registrations to qualified applicants for examination or registration. The character, experience, and fitness of an applicant for examination or registration shall also be taken into consideration. Each applicant shall be of good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.

(2) The plumbing contractor's examination shall consist of, but not be limited to, questions designed to test an individual's knowledge of this act, any rules promulgated under this act, the Stille-DeRossett-Hale single state construction code act, and the administration and enforcement procedures of the code. The department shall arrange for plumbing contractor examinations to be held in the months of March, June, September, and

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December of each year in the Lower Peninsula and shall arrange for at least 1 plumbing contractor examination to be held in the Upper Peninsula each year.

(3) The master plumber's examination shall consist of, but not be limited to, oral and written tests and shall cover the science and practice of plumbing, knowledge of the state plumbing code, laws, rules, regulations, interpretation of charts and blueprints, and plans of plumbing installations. The department shall arrange for master plumber examinations in the months of March, June, September, and December of each year in the Lower Peninsula and shall arrange for at least 1 master plumber's examination to be held in the Upper Peninsula each year.

(4) The journey plumber's examination shall consist of, but not be limited to, oral, written, and practical tests and shall cover the theory and practice of plumbing and knowledge of the state plumbing code, rules, and regulations. The department shall arrange for journey plumber examinations to be held in the months of March, June, September, and December of each year in the Lower Peninsula and shall arrange for at least 1 journey plumber's examination to be held in the Upper Peninsula each year.

(5) An application to take an examination shall be submitted to the department no later than 20 days before the date of the examination.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3529 Plumbing contractor, master, or journey licensure; conditions for examination.

Sec. 19. Applicants for plumbing contractor, master, or journey licensure under this act may sit for examination upon doing both of the following:

(a) Filing an application with the department, on a form provided by the department, with the appropriate nonrefundable examination fee prescribed in section 31.

(b) Establishing, in a manner satisfactory to the board, the experience requirement or an equivalent of that experience requirement for the particular class of licensure by use of a notarized statement from current and past employers and master plumbers.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3531 Plumbing contractor's license; issuance; conditions; requirements.

Sec. 21. (1) To qualify for a plumbing contractor license, the applicant must either hold a master plumber license or employ the holder of a master plumber license as his or her representative. Only an owner of a sole proprietorship or partnership, or an officer of a corporation or limited liability company, may apply for licensure as a plumbing contractor.

(2) The department shall issue a plumbing contractor's license to a person who does all of the following:

(a) Files a completed application on a form provided by the department that includes the following information:

(*i*) A statement listing the complete address of each place where the applicant has resided and has been engaged in business during the last 5 years including the length of residences and types of businesses engaged in or employments.

(*ii*) The name of the applicant, the name of the business, and the location of the place for which the license is desired.

(*iii*) The name of the business owner or president of the corporation and the name of the applicant, if different from the name of the business owner or president, and his or her title.

(*iv*) The name, residence address, and license number of the licensed master plumber who represents the person.

(b) Pays the examination fee prescribed in section 31 and passes an examination provided for by the board and the department.

(c) Pays the license fee prescribed in section 31.

(3) A licensed plumbing contractor may operate 1 or more branch offices in this state bearing the same firm name if a licensed master plumber is in charge and has the responsibility of supervision at each branch.

(4) If a license is issued to a plumbing contractor represented by a master plumber, the plumbing contractor and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this act, the rules promulgated under this act, and all other laws and rules related to the installation of plumbing.

(5) Both a person other than a plumbing contractor and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this act, the rules promulgated under this act, and all other laws and rules related to the installation of plumbing.

(6) If a plumbing contractor is represented by a licensed master plumber who ceases to represent the

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plumbing contractor, the plumbing contractor has 30 days thereafter in which to designate another licensed master plumber as the representative of the plumbing contractor. The plumbing contractor shall notify the department in writing of the change.

(7) A licensed plumbing contractor shall display in a conspicuous place at the entrance of the place of business a sign bearing the company name and the name of the licensed master plumber and license number in letters not less than 3 inches high.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2010, Act 150, Imd. Eff. Aug. 23, 2010.

338.3533 Master plumber's license; issuance; conditions; requirements.

Sec. 23. (1) The department shall issue a master plumber's license to a person not less than 18 years of age who does all of the following:

(a) Files a completed application on a form provided by the department.

(b) Pays the examination fee prescribed in section 31 and passes an examination provided for by the board and the department.

(c) Pays the license fee prescribed in section 31.

(d) Holds a journey plumber license issued under this act or former 1929 PA 266 and has gained 4,000 hours' experience in work as a journey plumber over a period of not less than 2 years immediately preceding the date of his or her application.

(2) As a condition of renewal of a master plumber's license, the master plumber shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code within 12 months after the update or change in that code. This requirement applies only during or after those years that the code is updated or changed.

(3) A licensed master plumber shall represent only 1 plumbing contractor at any given time.

(4) A master plumber who is also a plumbing contractor is only liable for payment of the plumbing contractor license fee.

(5) If a master plumber representing a plumbing contractor ceases to represent the plumbing contractor, the master plumber shall notify the department in writing within 30 days after the representation ceases.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3535 Journey plumber's license; issuance; conditions; affidavit stating amount of experience; renewal; "armed forces" defined.

Sec. 25. (1) The department shall issue a journey plumber's license to an individual who is at least 18 years of age and who does all of the following:

(a) Files a completed application on a form provided by the department.

(b) Pays the examination fee required under section 31 and passes an examination provided for by the board and the department.

(c) Pays the license fee required under section 31.

(d) Meets either of the following:

(*i*) Has at least 6,000 hours' experience gained over a period of at least 3 years as an apprentice plumber in the practical installation of plumbing under the supervision of a master plumber.

(*ii*) While on active duty as a member of the armed forces, served as a plumber or in an equivalent job classification; was honorably discharged from that military service in the 1-year period preceding the date the license application is filed; and has, and provides with his or her application an affidavit signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service that states that he or she has, at least 6,000 hours of entry-level experience in and basic knowledge of each of the following:

(A) The terminology of the plumbing trade and the ability to make practical calculations.

(B) Knowledge related to drainage systems.

(C) Knowledge related to plumbing fixtures.

(D) Knowledge related to water and backflow protection.

(E) Knowledge related to storm and special wastewater disposal.

(F) Knowledge related to testing and inspections of plumbing.

(G) Knowledge related to venting.

(2) If an applicant who otherwise meets the requirements of subsection (1)(d)(*ii*) has not attained 6,000 hours of entry-level experience or does not have basic knowledge in each of the areas described in subsection (1)(d)(*ii*)(A) to (G), he or she may provide with his or her application an affidavit signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service that states the amount of experience the applicant has attained and of which of the areas described in subsection (1)(d)(*ii*)(A) to (G)

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the applicant has basic knowledge, and the department may in its discretion grant the applicant credit toward the 6,000-hour experience requirement of subsection (1)(d)(*i*) based on the applicant's experience.

(3) As a condition of renewal of a journey plumber's license, the journey plumber shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code within 12 months after the update or change in that code. This requirement applies only during or after those years that the code is updated or changed.

(4) As used in this section, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2012, Act 380, Imd. Eff. Dec. 19, 2012.

338.3537 Apprentice plumber; registration; requirements.

Sec. 27. (1) An individual employed as an apprentice plumber shall register with the department on a form provided by the department within 30 days after employment.

(2) An apprentice registration is invalid after 5 years from the date of initial registration unless the registered apprentice applies for and takes the examination for journey license. The registration remains valid until either a license is issued or the apprentice fails to take the exam.

(3) Upon request by the apprentice to the board, the board may grant an extension of an apprentice registration for a period of time as determined appropriate by the board.

(4) An apprentice plumber shall, as his or her principal occupation, be engaged in learning and assisting in the installation of plumbing under the direct on-site jobsite supervision of a journey or master plumber.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3539 Master plumber; inactive license; issuance as active; holding active master and journey plumber license.

Sec. 29. (1) A person licensed as a master plumber may request that the master plumber license be retained by the department as an inactive license for a period not to exceed 3 years.

(2) An inactive master plumber license shall be issued as active upon the request of the licensee and the payment of the reinstatement fee as described in section 31 as long as the individual holds a journey plumber license and the individual's journey plumber license has been renewed each year.

(3) A person shall not simultaneously hold an active master and journey plumber license. An individual holding an active master plumber license may work as a journey plumber.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3541 License or apprentice registration; renewal; fees; master plumber or plumbing contractor license; receipt of completed application; time period for issuance; report; waiver of fee; “completed application” defined.

Sec. 31. (1) A license or apprentice registration issued under this act must be renewed not more than 60 days after the renewal date. It is the responsibility of a licensee or registrant to renew a license or registration. The department shall send a renewal application to the last known address of a licensee or registrant on file with the department. Every holder of a license or registration issued under this act shall promptly notify the department of a change in his or her business or residence address. The failure of a licensee or registrant to notify the department of a change of address does not extend the expiration date of a license or registration. The department may issue licenses for up to 3 years in duration.

(2) The annual fees for initial licensure, apprentice plumber registration, or renewal of a license and registration issued under this act are as follows:

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(a)  If paid after September 30, 2019:
(i)  Journey plumber..................  $  20.00.
(ii) Apprentice plumber...............  $   5.00.
(b)  If paid on or before September 30, 2019:
(i)  Journey plumber..................  $  40.00.
(ii) Apprentice plumber...............  $  15.00.
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(3) A license or apprentice registration that is not renewed within 60 days of expiration may be reinstated only by applying to the board for reinstatement and the payment of the annual renewal fee and the following reinstatement fee:

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(a)  If paid after September 30, 2019:
(i)  Journey plumber..................  $  25.00.
(ii) Apprentice plumber...............  $  10.00.
(b)  If paid on or before September 30, 2019:
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(*i*) Journey plumber..... $ 50.00.
(*ii*) Apprentice plumber..... $ 20.00.

(4) An individual who is requesting renewal of a license under subsection (3) within 3 years after the license is expired is not subject to reexamination for the license but is required to pay the reinstatement fee and the annual renewal fee for each year the license was not renewed. An individual who fails to renew a license for more than 3 consecutive years is required to meet the experience and other requirements and take an examination for the class of license requested.

(5) Examination fees under this act are as follows:

(a) If paid after September 30, 2019:
(*i*) Plumbing contractor..... $ 50.00.
(*ii*) Master plumber..... $ 50.00.
(*iii*) Journey plumber..... $ 50.00.
(b) If paid on or before September 30, 2019:
(*i*) Plumbing contractor..... $ 100.00.
(*ii*) Master plumber..... $ 100.00.
(*iii*) Journey plumber..... $ 100.00.

(6) The department shall issue an initial master plumber or plumbing contractor license for a period of up to 3 years. A master plumber or plumbing contractor license is renewable for periods of 3 years. If an individual is applying for initial or reinstatement license at a time other than between April 30 and June 30 of the year in which the department issues renewal licenses, the department shall compute and charge the license fee on a yearly prorated basis beginning the year of application until the last year of the 3-year license period.

(7) The initial and renewal fee for a master plumber or plumbing contractor license issued under this act are as follows:

(a) If paid after September 30, 2019:
(*i*) Plumbing contractor..... $ 200.00.
(*ii*) Master plumber..... $ 200.00.
(b) If paid on or before September 30, 2019:
(*i*) Plumbing contractor..... $ 300.00.
(*ii*) Master plumber..... $ 300.00.

(8) A plumbing contractor or master plumber license that is not renewed within 60 days of expiration may be reinstated only by applying to the board and paying the renewal fee and, if paid after September 30, 2019, an $85.00 reinstatement fee, and $100.00 if paid on or before September 30, 2019.

(9) The department shall issue an initial or renewal license for a master plumber or a plumbing contractor under this act not later than 90 days after the applicant files a completed application. The date of filing of the application is considered the date the application is received by any agency or department of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available to the applicant, within 30 days after the date of filing of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date of 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.

(10) If the department fails to issue or deny a license within the time required under this section, 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 the department shall place that application, when completed, 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 on the fact that the license fee was refunded or discounted under this subsection.

(11) The director 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 90-day time period described in subsection (9).

(b) The number of applications denied by the department.

(c) The number of applicants who were not issued a license within the 90-day time period and the amount of money returned to licensees under subsection (10).

(12) The department shall waive any fee otherwise required under this section or section 35 if the person

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responsible for paying the fee meets any of the following:

(a) If the person is an individual, he or she is, and provides proof satisfactory to the department that he or she is, an honorably discharged veteran of the armed forces of the United States.

(b) If the person is a nonprofit corporation organized on a membership or directorship basis, a majority of the members or directors, as applicable, are, and the person provides proof satisfactory to the department that a majority of the members or directors are, honorably discharged veterans of the armed forces of the United States.

(c) If the person is not an individual or a nonprofit corporation described in subdivision (b), a majority of the shares or other ownership interests of the person are, and the person provides proof satisfactory to the department that those interests are, held by 1 or more honorably discharged veterans of the armed forces of the United States.

(13) As used in this section, "completed application" means an application that is complete on its face and submitted with any applicable licensing fees and 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 this state.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2004, Act 268, Imd. Eff. July 23, 2004;—Am. 2008, Act 370, Imd. Eff. Dec. 23, 2008;—Am. 2012, Act 311, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 74, Eff. Oct. 1, 2015.

338.3543 Licensure without examination; reciprocity.

Sec. 33. Upon payment of the required fee in section 31, the board may license without examination applicants licensed under the laws of other states having requirements for licensing plumbers and for regulating plumbing that the board determines are equivalent to the requirements of this state conditional upon that state offering reciprocity.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3545 Lost or destroyed license or registration; fee.

Sec. 35. If a license or registration is lost or destroyed, the department shall issue a new license or registration, without examination, if a fee of $20.00 is paid after September 30, 2015, and a fee of $30.00 is paid on or before September 30, 2015, and an application for a new license or registration is submitted, accompanied by a written statement made by the licensee or registrant that the license or registration was lost or destroyed.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2008, Act 370, Imd. Eff. Dec. 23, 2008;—Am. 2012, Act 311, Imd. Eff. Oct. 1, 2012.

338.3547 Disposition of license fees and income.

Sec. 37. All fees and money received by the department from the licensing of plumbers and any other income the board may receive under this act shall be paid into the state construction code fund as created by section 22 of the Stille-DeRossett-Hale single state construction code act, MCL 125.1522.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3549 Plumbing inspector; prohibited conduct.

Sec. 39. An individual licensed under this act employed or acting as a plumbing inspector shall not engage in, or be directly or indirectly connected with, the plumbing business including, but not limited to, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building or the preparation of plans or specifications for the construction, alteration, or maintenance of a building and shall not engage in any work that conflicts with his or her official duties.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3551 Plumbing permits; issuance by state or governmental subdivision.

Sec. 41. (1) A governmental subdivision may not exempt itself from the licensing requirements of this act and may not engage in or require local licensing.

(2) Except as otherwise provided in subsection (3) and section 15(2), (3), (4), and (5), the state or a governmental subdivision shall issue a plumbing permit only to a licensed plumbing contractor. The state or a governmental subdivision shall require the plumbing contractor to record his or her current plumbing contractor license number on the permit application. A licensed plumbing contractor shall designate 1 or more licensed master plumbers employed full-time who directly supervise the installation of plumbing to obtain permits using the license number of the plumbing contractor. The master plumber's license number must also be recorded on the permit application.

(3) In those instances where business or industrial procedure requires the regular employment of a

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full-time licensed master plumber, a licensed master plumber shall be authorized to secure permits for installations of plumbing on the premises owned or occupied and used by the business provided the licensed master plumber physically supervises the plumbing work and represents only the business or industrial employer. An annual affidavit furnished by the department shall be signed by both the employer and the licensed master plumber and shall be kept on file in the department. The filing fee for an affidavit shall be determined by the department. A new affidavit must be filed before permits will be issued if the licensed master plumber's employment is terminated. The affidavit shall contain the following:

(a) The name and business address of the person employing the licensed master plumber.

(b) The name, address, and license number of the licensed master plumber.

(c) A statement to the effect that the employer and licensed master plumber will comply with the provisions of the act regulating installation of plumbing in this state.

(4) A plumbing contractor licensed under this act who performs work in a governmental subdivision shall register his or her license with the enforcing agency which issues permits and provides inspection services if required by the enforcing agency. The registration is valid until the expiration date of the plumbing contractor license. Registration shall be granted by all governmental subdivisions in this state to a plumbing contractor licensed under this act upon payment of a fee not to exceed $15.00.

(5) Master plumbers, journey plumbers, and apprentice plumbers are required to carry their licenses and a photo-identification. Upon the request of an enforcing agency, licensees and apprentice registrants shall present their license or registration and photo-identification.

(6) If the plumbing, reconstruction, alteration, or repair of pipes, tanks, or fixtures is performed without compensation by a person licensed under this act for or on behalf of a charitable organization, the permit required under subsection (2) may be obtained by the owner of the property on which the work is performed. This subsection applies only to the reconstruction, renovation, or remodeling of a 1-family to 4-family dwelling. As used in this subsection, “charitable organization” means a not-for-profit tax-exempt religious, educational, or humane organization.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3553 Investigations; hearings; board action; grounds; prohibited activity.

Sec. 43. (1) The department may investigate the activities of a person licensed or registered under this act that are related to the person's licensure or registration as a plumbing contractor, master plumber, journey plumber, or apprentice plumber for activities that include, but are not limited to, the grounds described in subsection (2)(a) through (f). The department may hold hearings pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and shall report its findings to the board.

(2) After an administrative hearing, the board shall proceed under section 47 against a person if the board finds that 1 or more of the following grounds for board action exist:

(a) The practice of fraud or deceit in obtaining a license or registration under this act.

(b) The practice of fraud or deceit in the performance of work for which a license or registration is required under this act.

(c) An act of gross negligence.

(d) False advertising.

(e) An act that demonstrates incompetence.

(f) A violation of this act or a rule promulgated under this act.

(3) Activity regulated under this act shall not be performed by a person whose license or registration has been suspended or revoked or whose license or registration has expired.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2010, Act 150, Imd. Eff. Aug. 23, 2010.

338.3555 Violation of asbestos abatement contractors licensing act.

Sec. 45. The board shall review the license of a person upon notice by the department that the person has violated the asbestos abatement contractors licensing act, 1986 PA 135, MCL 338.3101 to 338.3319, and may suspend or revoke that person's license for a knowing violation of that act.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3557 Sanctions.

Sec. 47. (1) After finding the existence of a violation described in section 43 and after an opportunity for a hearing, the board, except as otherwise provided in section 45, shall impose 1 or more of the following sanctions for a violation:

(a) Suspension of the license or registration.

(b) Denial of the license or registration.

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(c) Denial of renewal of a license or registration.
(d) Censure.
(e) Probation.
(f) Revocation of the license or registration.
(g) Restitution.
(2) If restitution is required to be made under this section, the license or registration of the person required to make restitution may be suspended until restitution is made.

History: 2002, Act 733, Eff. Mar. 31, 2003;—Am. 2010, Act 150, Imd. Eff. Aug. 23, 2010.

338.3559 Violation as misdemeanor; penalty.

Sec. 49. A person licensed or registered under this act who commits a violation of this act, or a person not licensed or registered under this act who is performing any activity regulated by this act and is not exempt from licensure or registration under this act, is guilty of a misdemeanor punishable by a fine of not less than $1,000.00 per day for each day the violation occurs except that a fine shall not exceed $5,000.00 in total per violation or punishable by imprisonment for not more than 90 days, or both.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3561 Enforcement action.

Sec. 51. The attorney general, a local prosecuting attorney, or an attorney representing a governmental subdivision may initiate an action to enforce this act or rules promulgated under this act.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3563 Provision in conflict with Stille-DeRossett-Hale single state construction code act.

Sec. 53. Any provision of this act which is inconsistent or in conflict with the Stille-DeRossett-Hale single state construction code act is superseded by that act to the extent of the inconsistency.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3565 References to other acts.

Sec. 55. (1) Any proceedings pending before the plumbing board under the authority of former 1929 PA 266 shall be continued and be conducted and determined in accordance with the former statute.
(2) A person licensed or registered under former 1929 PA 266 on the day immediately preceding the effective date of this act is considered licensed or registered until the expiration of the licensure or registration under that act.
(3) A reference in any other act to former 1929 PA 266 or 1901 PA 222 is considered a reference to this act.
(4) Those rules promulgated under former 1929 PA 266 and 1901 PA 222 remain in effect under this act.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3567 Liability.

Sec. 57. This act shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling, or installing plumbing for damages to persons or property caused by any defect in the plumbing, and the state of Michigan is not to be held as assuming any such liability by reason of the inspection or the examination authorized in that plumbing, the certificate of approval, or the license and certificate issued under this act.

History: 2002, Act 733, Eff. Mar. 31, 2003.

338.3569 Repeal of MCL 338.901 to 338.917 and 338.951 to 338.965.

Sec. 59. The following acts are repealed:
(a) 1929 PA 266, MCL 338.901 to 338.917.
(b) 1901 PA 222, MCL 338.951 to 338.965.

History: 2002, Act 733, Eff. Mar. 31, 2003.

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