

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION
CONTRACTORS

Filed with the Secretary of State on January 4, 2019

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the board by section 308 of 1980 PA 299, MCL 339.308, and on the director of the department of licensing and regulatory affairs by sections 205 and 2404b of 1980 PA 299, MCL 339.205 and 339.2404b, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 338.1551, R 338.1560, and R 338.1564 of the Michigan Administrative Code are amended, R 338.1565 is added to the Code, and R 338.1555 is rescinded as follows:

PART 1. GENERAL

R 338.1551 Complaints; filing.

Rule 51. (1) A complaint must be submitted in a form specified by the department.

(2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

(3) If the complaint or the information submitted by the complaining party is incomplete or disputed by the licensee, the department may require the complaining party to furnish additional information. The report must indicate what steps, if any, have been taken by the complaining party, including involvement by any other governmental agency, or any other pertinent information regarding the subject matter of the complaint. Before the department takes any further action, it may obtain a report from local building officials or proper local authorities, and if the department cannot obtain a report from the local building official or proper local authorities, then a person authorized by the department may make an inspection to determine if the complaint is justified.

(4) Failure or refusal by the licensee to correct a structural matter that is materially deficient, dangerous, or hazardous to the owners is presumed to be dishonest or unfair dealing.

(5) All construction, renovations, alterations, or repairs must comply with the Michigan construction code.

June 25, 2018

R 338.1555 Rescinded.

PART 6. EDUCATION

R 338.1560 Instructor qualifications.

Rule 60. (1) An instructor of prelicensure courses shall possess either of the following qualifications:

(a) Be qualified under the requirements of section 2404b(4) of the Occupational Code, MCL 339.2404b(4).

(b) Be qualified by experience, education, or both, to supervise and instruct a prelicensure course required under MCL 339.2404b, including at least 1 of the following:

(i) Properly licensed, certified, or approved instructor at a high school, intermediate school district, community college, university, the bureau of construction codes, the Michigan occupational safety and health administration, other government agency, or a proprietary school licensed by the department.

(ii) Currently licensed as a residential builder or maintenance and alteration contractor with at least 3 years of experience in the subject matter being taught.

(iii) Possess equivalent qualifications or relevant expertise in the subject matter being taught.

(2) An individual seeking approval as a prelicensure course instructor shall submit to the department an application on a form provided by the department. In order for the applicant to be approved as a prelicensure course instructor, the application must be approved by the department.

R 338.1564. Continuing competency; activities; courses; alternate activities; proof of compliance.

Rule 64. (1) Activities demonstrating continuing competency as required under section 2404b of the Occupational Code, MCL 339.2404b, such as courses and alternate activities, may include any of the following:

	Activity and Proof Required	Number of Hours Earned for Activity
a.	Completing any construction code update course approved by the bureau of construction codes and any fire safety or workplace safety course approved or sponsored by the department, and any continuing competency course or activity, regardless of the format in which it is offered, if it is approved or offered for continuing competency credit by either of the following: · Another state board of residential builders or alteration and maintenance	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.

	<p>contractors, other than this state.</p> <ul style="list-style-type: none"> · Any national, regional or local home builder association or home builder professional organization. <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the course or activity sponsor or organization showing the licensee's name, number of hours attended, sponsor name, or the name of the organization that approved the continuing competency course or activity, and the date or dates on which the course was held or the activity completed.</p>	
b.	<p>Successful completion of a college or university course.</p> <p>If audited, a licensee shall submit a copy of the transcript issued by the college or university showing the number of completed credit hours for the academic course.</p>	<p>A minimum of 15 continuing competency hours may be earned for each semester credit hour earned and a minimum of 12 continuing competency hours earned for each quarter credit hour earned.</p>
c.	<p>Successful completion of a comprehensive examination being administered by the department or by a third party under contract with the department to offer prelicensure examinations.</p> <p>If audited, a licensee shall submit proof of a passing score on the examination.</p>	<p>Five continuing competency hours may be earned for proof of a passing score on the examination.</p>
d.	<p>Participation in a school-sponsored mentoring program.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the school showing the licensee's name, name of the school, the date or dates on which the mentoring program was held and attended by the licensee.</p>	<p>Two continuing competency hours may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.</p>
e.	<p>Presenting or attending a seminar, in-house course, workshop, or technical</p>	<p>One continuing competency hour may be earned for each qualifying</p>

	<p>presentation made at a meeting, convention, or conference by a trade association, research institute, risk management entity, manufacturer, supplier, governmental agency, consulting agency, or other entity.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the sponsor or organizer of the seminar, in-house course, workshop, or technical presentation made at a meeting, convention or conference showing the licensee's name, sponsor name, or the name of the organization, and the date or dates on which the activity was held and attended by the licensee.</p>	<p>hour of attendance satisfactorily documented by the sponsor or organization.</p>
f.	<p>Successfully completing a distance learning course, consistent with the requirements of R 338.1566.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the sponsor or organization of the distance learning course, showing the licensee's name, number of hours attended, sponsor name or the name of the organization that approved the distance learning course, and the date or dates on which the course was held, or the course was completed by the licensee.</p>	<p>One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.</p>
g.	<p>Teaching, instructing, or presenting a department approved prelicensure course or other course approved under this rule, which is not a part of the licensee's regular job description.</p> <p>If audited, a licensee shall submit a letter issued by the course or activity sponsor or organization confirming a licensee as the teacher, instructor, or presenter of a course, together with a copy of the course syllabus, or other program documentation, showing that</p>	<p>One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.</p>

	licensee is the instructor, the name of the course, and the date or dates the course took place.	
h.	<p>Publication of an article in a trade journal or a regional magazine as an expert in the field.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the publication and the publication acceptance letter showing licensee's name, article name, and date of publication.</p>	Five continuing competency hours may be earned for publishing an article as an expert in the field.
i.	<p>Active participation in an occupational or technical society, state advisory, or review committee.</p> <p>If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's active participation at the meeting.</p>	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance.
j.	<p>Serving as a member or attending a state residential builders and maintenance and alteration contractors board meeting.</p> <p>If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's attendance at the board meeting.</p>	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance at a state residential builders and maintenance and alteration contractors board meeting.
k.	<p>Serving as a member or attending a state construction code commission meeting.</p> <p>If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's attendance at the commission meeting.</p>	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance at a state construction code commission meeting.
l.	<p>Participating in a company-sponsored seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of</p>	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.

	completion issued by the company or organization presenting the seminar or training on its behalf, showing the licensee's name, company name or the name of the organization presenting the seminar or training on behalf of the company, subject of the seminar or training, and the date or dates on which the above-referenced seminar or training was held and completed by the licensee.	
m.	Participating in research conducted in conjunction with a college or university, trade association, or manufacturer. If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's participation in research conducted in conjunction with a college or university, trade association, or manufacturer.	One continuing competency hour may be earned for each qualifying hour of attendance certified by the sponsor or organization.
n.	Participating in a code hearing conducted by the International Code Council or bureau of construction codes. If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's participation in the code hearing.	One continuing competency hour may be earned for each qualifying hour of attendance at the code hearing.

(2) The subject matter of courses and alternate activities chosen by a licensee must meet the minimum requirements of section 2404b(2) of the Occupational Code, MCL 339.2404b(2), and must be relevant to the licensed occupation, and may include any of the following:

(a) Prelicensure courses in the areas of competency listed in section 2404b(1)(c) of the Occupational Code, MCL 339.2404b(1)(c).

(b) The residential maintenance and alteration contractor crafts and trades listed in section 2404(3) of the Occupational Code, MCL 339.2404(3).

(c) Accounting and safekeeping for monies received from a customer, including requirements of section 1 of 1931 PA 259, MCL 570.151, regarding building contract fund.

(d) Accounting, finance, and taxes.

(e) Personnel management.

(f) Communication and customer service.

(g) Environmental or land use analysis.

(h) Life safety.

(i) Green or sustainable building practices; the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, which may include construction, operation, maintenance, renovation and deconstruction.

(j) Zoning and governance policies and procedures.

(k) Mold, lead, asbestos, or other hazardous material mitigation.

(3) Under section 2404(6) of the Occupational Code, MCL 339.2404(6), the licensee shall maintain documentation that is sufficient to verify participation in a course or activity, and time spent in meeting the continuing competency requirements under the act.

(4) Unless otherwise specified in the rules, the department shall give continuing competency credit based on the length of a qualifying program, with 50 minutes of continuous instruction constituting 1 qualifying hour. One-half-credit of continuing competency will be granted for every additional 25 minutes of instruction, after the first hour of credit is earned. As used in this subrule, "continuous instruction" means education time, not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.

R 338.1565 Waiver of continuing competency.

Rule 65. A request for waiver of continuing competency pursuant to section 204(2) of 1980 PA 299, MCL 339.204(2), must be received by the department prior to the expiration date of the license cycle.