

HOUSE BILL No. 4281

March 4, 2015, Introduced by Reps. Franz, Glenn, Kelly, Somerville, Lauwers and Goike and referred to the Committee on Regulatory Reform.

A bill to amend 1979 PA 152, entitled
"State license fee act,"
by amending section 39 (MCL 338.2239), as amended by 2012 PA 308.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 39. (1) Fees for a person licensed or seeking licensure
2 as a residential builder ~~or residential maintenance and~~
3 ~~alteration contractor, salesperson, or~~ branch office under
4 article 24 of the occupational code, MCL 339.2401 to 339.2412,
5 are as follows:

6	(a)	Application processing fee.....	\$ 15.00
7	(b)	Examination fees:	
8	(i)	Complete builder or maintenance and	
9		alteration contractor examination.....	50.00
10	(ii)	Law and rules portion.....	30.00

1	(iii)	Practice or trades portion.....	30.00
2	(iv)	Salesperson examination.....	30.00
3	(c)	Examination review.....	20.00
4	(d)	License fee only for the first license	
5		cycle of an initial or renewal licensee	
6		following the effective date of the	
7		amendatory act that added subsection (2),	
8		BEGINNING AFTER JUNE 1, 2008,	
9		per year	60.00
10	(e)	License fee, per year.....	50.00

11 (2) The builder enforcement fund is created in the state
 12 treasury. All of the following apply to the builder enforcement
 13 fund:

14 (a) The department **SHALL ADMINISTER THE FUND AND** is the
 15 administrator of the fund for auditing purposes.

16 (b) ~~A~~ **THE DEPARTMENT SHALL MAKE A** 1-time-only \$30.00
 17 allocation from ~~a~~ **EACH** license fee received by the department
 18 under subsection (1)(d) during a single 3-year license cycle
 19 ~~shall be deposited~~ **AND DEPOSIT THAT MONEY** into the ~~builder~~
 20 ~~enforcement fund. The~~ **HOWEVER, THE** department shall make ~~the~~ **ONLY**
 21 **ONE** \$30.00 allocation ~~only once~~ per licensee.

22 (c) Five dollars of the \$50.00 license fee paid under
 23 subsection (1)(e) shall be ~~deposited into~~ **ALLOCATED TO** the
 24 ~~builder enforcement fund. If~~ **HOWEVER, IF** on December 1 of any
 25 calendar year the department determines that the balance in the
 26 ~~builder enforcement fund~~ is more than \$3,000,000.00, the
 27 **DEPARTMENT SHALL NOT MAKE THE** \$5.00 allocation to the ~~builder~~
 28 ~~enforcement fund from the~~ **ANY** \$50.00 renewal fee **DESCRIBED IN**

1 **SUBSECTION (1) (E) THAT IS** due after January 1 of the following
2 year. ~~shall not be made.~~ If on any subsequent December 1 the
3 department determines that the balance in the fund is less than
4 \$750,000.00, the **DEPARTMENT SHALL RESUME MAKING THE \$5.00**
5 allocation ~~shall resume~~ for any renewal fee due after January 1
6 of the following year.

7 (d) The department shall utilize **MONEY IN** the ~~builder~~
8 ~~enforcement~~ fund only for the enforcement of article 24 of the
9 occupational code, MCL 339.2401 to 339.2412, regarding unlicensed
10 activity as further described in section 601(1) and (2) of the
11 occupational code, MCL 339.601, and to reimburse the attorney
12 general for the reasonable cost of services provided to the
13 department and for expenses incurred in prosecutions of
14 unlicensed activity or prosecuting attorney for expenses incurred
15 in conducting prosecutions of unlicensed practice.

16 (e) The state treasurer shall direct the investment of the
17 fund and shall credit to the fund interest and earnings from fund
18 investments.

19 (f) Money in the fund at the close of the fiscal year shall
20 remain in the fund and shall not lapse to the general fund.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. ____ or House Bill No. 4282 (request no.
25 00068'15) of the 98th Legislature is enacted into law.