

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Board of Mechanical Rules

5. Rule numbers or rule set range of numbers:

R 338.901 through R 338.911

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

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Address of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Skilled Trades Regulation Act, 2016 PA 407, repealed the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.971 to 338.988. The Mechanical Contractors Act is outdated and does not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses. This places a burden on the bureau administering the Mechanical Contractors Act and creates an inefficient use of resources. Additionally, many licensees who are cross-licensed in multiple trades have expressed dissatisfaction with conflicting provisions in separate licensing statutes. The Skilled Trades Regulation Act, 2016 PA 3407, streamlines the processes for all license types included while providing for modernized provisions such as electronic communication and third-party continuing education tracking options, and specifies violations for unlicensed activity as provided to other regulated professions. Because the Mechanical Contractors Act was repealed, the bureau plans to rescind the license examination procedure rules promulgated under that Act and create a new rule set to house all licensing rules regulated under the Skilled Trades Regulation Act, including the license examination procedure rules.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director and Boards & Commission.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Promulgation of the mechanical rules license examination procedures is authorized under the Skilled Trades Regulation Act, section 207 of 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous authority under 1984 PA 192, MCL 338.971 to 338.988.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are mandated through section 207 of 2016 PA 407, which states, the department, in consultation with the appropriate board, shall promulgate any rules it considers necessary and appropriate to implement and administer articles 1 to 6 and to enable the department to fulfill its responsibility under this act.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

There is no subject matter of these rules currently contained in any guideline, handbook, manual, instructional bulletin, form with the instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, these rules are listed in the department's annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional, or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

These rules do incorporate the recommendations received from the public regarding any complaints or comments regarding these rules. The comments or complaints from the public came from either the Public Informal Advisory Meeting or from the Proposed Rule/Code Change Request Form.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

This rule set was last amended about 3 years ago.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No