

HOUSE BILL No. 4006

January 11, 1989, Introduced by Rep. Ouwinga and referred to the Committee on Urban Affairs.

A bill to amend the title and section 10 of Act No. 230 of the Public Acts of 1972, entitled as amended "State construction code act of 1972," being section 125.1510 of the Michigan Compiled Laws; and to add section 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 10 of Act No. 230 of the
2 Public Acts of 1972, being section 125.1510 of the Michigan
3 Compiled Laws, are amended and section 23a is added to read as
4 follows:

5	TITLE
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6 An act to create a construction code commission and pre-
7 scribe its functions; to authorize the commission to promulgate
8 rules with recommendations from each affected board relating to
9 the construction, alteration, demolition, occupancy, and use of

1 buildings and structures; to provide for statewide approval of
2 premanufactured units; to provide for the testing of new devices,
3 materials, and techniques for the construction of buildings and
4 structures; to define the classes of buildings and structures
5 affected by the act; to provide that governmental subdivisions
6 may with exceptions elect not to be subject to certain parts of
7 this act; to provide for administration and enforcement of the
8 act; to create a state construction code fund; TO PROHIBIT CER-
9 TAIN CONDUCT; to establish remedies and fix penalties for viola-
10 tions of the act; to repeal certain acts and parts of acts; and
11 to provide an appropriation.

12 Sec. 10. (1) Except as otherwise provided in the code,
13 before construction of a building or structure, the owner, or the
14 owner's builder, architect, engineer, or agent, shall submit an
15 application in writing to the appropriate enforcing agency for a
16 building permit. The application shall be on a form prescribed
17 by the commission and shall be accompanied by payment of the fee
18 established by the enforcing agency. The application shall con-
19 tain a detailed statement in writing, verified by affidavit of
20 the person making it, of the specifications for the building or
21 structure, and full and complete copies of the plans drawn to
22 scale of the proposed work. A site plan showing the dimensions,
23 and the location of the proposed building or structure and other
24 buildings or structures on the same premises, shall be submitted
25 with the application. The application shall state in full the
26 name and residence, by street and number, of the owner in fee of

1 the premises on which the building or structure will be
2 constructed, and the purposes for which it will be used.

3 (2) If construction is proposed to be undertaken by a person
4 other than the owner of the land in fee, the statement shall con-
5 tain the full name and residence, by street and number, of the
6 owner and also of the person proposing the construction. The
7 affidavit shall state that the specifications and plans are true
8 and complete and contain a correct description of the building or
9 structure, lot, and proposed work. The statements and affidavits
10 may be made by an owner, or the owner's attorney, agent, engi-
11 neer, architect, or builder, by the person who proposes to make
12 the construction or alteration, or by that person's agent, engi-
13 neer, architect, or builder. A person shall not be recognized as
14 the agent, attorney, engineer, architect, or builder of another
15 person unless the person files with the enforcing agency a writ-
16 ten instrument, which shall be an architectural, engineering or
17 construction contract, power of attorney, or letter of authoriza-
18 tion signed by that other person designating the person as the
19 agent, attorney, architect, engineer, or builder and, in case of
20 a builder, setting forth the builder's building license number.

21 (3) A PERSON LICENSED OR REQUIRED TO BE LICENSED AS A RESI-
22 DENTIAL BUILDER OR RESIDENTIAL MAINTENANCE AND ALTERATION CON-
23 TRACTOR UNDER THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC
24 ACTS OF 1980, BEING SECTIONS 339.101 TO 339.2721 OF THE MICHIGAN
25 COMPILED LAWS, A MASTER OR JOURNEYMAN PLUMBER PURSUANT TO ACT
26 NO. 266 OF THE PUBLIC ACTS OF 1929, BEING SECTIONS 338.901 TO
27 338.917 OF THE MICHIGAN COMPILED LAWS, AN ELECTRICAL CONTRACTOR

1 OR MASTER OR JOURNEYMAN ELECTRICIAN PURSUANT TO THE ELECTRICAL
2 ADMINISTRATIVE ACT, ACT NO. 217 OF THE PUBLIC ACTS OF 1956, BEING
3 SECTIONS 338.881 TO 338.892 OF THE MICHIGAN COMPILED LAWS, OR
4 PURSUANT TO A LOCAL ORDINANCE, OR AS A MECHANICAL CONTRACTOR PUR-
5 SUANT TO THE FORBES MECHANICAL CONTRACTORS ACT, ACT NO. 192 OF
6 THE PUBLIC ACTS OF 1984, BEING SECTIONS 338.971 TO 338.988 OF THE
7 MICHIGAN COMPILED LAWS, WHO APPLIES FOR A BUILDING PERMIT TO PER-
8 FORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE
9 OTHER THAN HIS OR HER OWN RESIDENTIAL BUILDING OR RESIDENTIAL
10 STRUCTURE SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED
11 PURSUANT TO THIS ACT, PROVIDE ON THE BUILDING PERMIT APPLICATION,
12 ALL OF THE FOLLOWING INFORMATION:

13 (A) THE OCCUPATIONAL LICENSE NUMBER OF THE APPLICANT.

14 (B) ONE OF THE FOLLOWING:

15 (i) THE NAME OF EACH CARRIER PROVIDING WORKER'S DISABILITY
16 COMPENSATION INSURANCE TO THE APPLICANT IF THE APPLICANT IS
17 REQUIRED TO BE INSURED PURSUANT TO THE WORKER'S DISABILITY COM-
18 PENSATION ACT OF 1969, ACT NO. 317 OF THE PUBLIC ACTS OF 1969,
19 BEING SECTIONS 418.101 TO 418.941 OF THE MICHIGAN COMPILED LAWS.

20 (ii) THE REASONS FOR EXEMPTION FROM THE REQUIREMENT TO BE
21 INSURED PURSUANT TO ACT NO. 317 OF THE PUBLIC ACTS OF 1969, IF
22 THE APPLICANT IS NOT REQUIRED TO BE INSURED PURSUANT TO ACT
23 NO. 317 OF THE PUBLIC ACTS OF 1969.

24 (C) ONE OF THE FOLLOWING:

25 (i) THE EMPLOYER IDENTIFICATION NUMBER, IF THE APPLICANT IS
26 REQUIRED TO HAVE AN EMPLOYER IDENTIFICATION NUMBER PURSUANT TO
27 SECTION 6109 OF THE INTERNAL REVENUE CODE.

1 (ii) THE REASONS FOR EXEMPTION FROM THE REQUIREMENT TO HAVE
2 AN EMPLOYER IDENTIFICATION NUMBER PURSUANT TO SECTION 6109 OF THE
3 INTERNAL REVENUE CODE IF THE APPLICANT IS NOT REQUIRED TO HAVE AN
4 EMPLOYER IDENTIFICATION NUMBER PURSUANT TO SECTION 6109 OF THE
5 INTERNAL REVENUE CODE.

6 (4) THE BUILDING PERMIT APPLICATION FORM SHALL CONTAIN THE
7 FOLLOWING STATEMENT IN 8-POINT BOLDFACE TYPE IMMEDIATELY ABOVE
8 THE LOCATION FOR THE APPLICANT'S SIGNATURE:

9 "YOU SHOULD BE AWARE THAT IT IS UNLAWFUL FOR A
10 PERSON OTHER THAN A LICENSED CONTRACTOR TO PER-
11 FORM THE WORK OF A LICENSED CONTRACTOR. A
12 PERSON WHO KNOWINGLY EMPLOYS AN UNLICENSED
13 PERSON TO PERFORM THE WORK OF A LICENSED CON-
14 TRACTOR MAY BE SUBJECT TO A CIVIL FINE OF NOT
15 LESS THAN \$100.00, NOR MORE THAN \$500.00.
16 BEFORE YOU BEGIN A CONSTRUCTION PROJECT, YOU
17 SHOULD BE FAMILIAR WITH THE CONSTRUCTION LAWS OF
18 THIS STATE AND OF THE LOCAL UNIT OF GOVERNMENT
19 IN WHICH YOU INTEND TO BEGIN CONSTRUCTION. YOU
20 SHOULD ALSO BE SURE THAT YOU HAVE THE SKILL AND
21 KNOWLEDGE TO COMPLETE YOUR PROJECT IN AN APPRO-
22 PRIATE MANNER. IF YOU ARE NOT FAMILIAR WITH THE
23 CONSTRUCTION LAWS OF THIS STATE AND OF THE LOCAL
24 UNIT OF GOVERNMENT IN WHICH YOU INTEND TO BEGIN
25 CONSTRUCTION, OR IF YOU ARE UNSURE WHETHER YOU
26 HAVE THE SKILL AND KNOWLEDGE NECESSARY TO
27 COMPLETE YOUR CONSTRUCTION PROJECT, YOU SHOULD

1 CONSIDER HIRING A LICENSED CONTRACTOR TO PERFORM
2 THE WORK FOR YOU. YOU MAY INCUR PERSONAL
3 LIABILITY FOR INJURY TO PERSONS OR PROPERTY FOR
4 YOUR NEGLIGENCE IN COMPLETING THE CONSTRUCTION
5 PROJECT."

6 (5) The application for a building permit shall be filed
7 with the enforcing agency and the application and any other writ-
8 ing prepared, owned, used, in the possession of, or retained by
9 the enforcing agency in the performance of an official function
10 shall be made available to the public in compliance with THE
11 FREEDOM OF INFORMATION ACT, Act No. 442 of the Public Acts of
12 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED
13 LAWS. An application shall not be removed from the custody of
14 the enforcing agency after a building permit has been issued.

15 (6) ~~(3) Subsection (1)~~ THIS SECTION shall be construed to
16 allow the imposition of requirements in the code, or in other
17 laws or ordinances, for additional permits for particular kinds
18 of work, including plumbing and electrical, or in other specified
19 situations. The requirements of the code may provide for issu-
20 ance of construction permits for certain of the systems of a
21 structure and allow construction to commence on those systems
22 approved under that permit even though the design and approval of
23 all the systems of the structure have not been completed and sub-
24 sequent construction permits have not been issued.

25 (7) ~~(4)~~ Notwithstanding ~~subsection (1)~~ THIS SECTION, a
26 building permit is not required for ordinary repairs of a
27 building and structure.

1 SEC. 23A. (1) A PERSON SHALL NOT KNOWINGLY EMPLOY A PERSON
2 WHO IS NOT LICENSED AS A RESIDENTIAL BUILDER OR RESIDENTIAL MAIN-
3 TENANCE AND ALTERATION CONTRACTOR, OR AS A MASTER OR JOURNEYMAN
4 PLUMBER, AN ELECTRICAL CONTRACTOR OR MASTER OR JOURNEYMAN ELEC-
5 TRICIAN, OR A MECHANICAL CONTRACTOR TO PERFORM THE WORK OF A RES-
6 IDENTIAL BUILDER OR RESIDENTIAL MAINTENANCE AND ALTERATION CON-
7 TRACTOR, MASTER OR JOURNEYMAN PLUMBER, ELECTRICAL CONTRACTOR OR
8 MASTER OR JOURNEYMAN ELECTRICIAN, OR MECHANICAL CONTRACTOR ON A
9 RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. A PERSON WHO
10 VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL VIOLATION, AND
11 SHALL BE FINED NOT LESS THAN \$100.000 NOR MORE THAN \$500.00.

12 (2) THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH THE RES-
13 IDENTIAL BUILDING OR RESIDENTIAL STRUCTURE IS LOCATED OR THE
14 ATTORNEY GENERAL MAY ENFORCE THIS SECTION.