

HOUSE BILL No. 5787

April 30, 1992, Introduced by Rep. Leland and referred to the Committee on State Affairs.

A bill to amend sections 2001, 2012, and 2014 of Act No. 299 of the Public Acts of 1980, entitled as amended "Occupational code," section 2014 as amended by Act No. 83 of the Public Acts of 1981, being sections 339.2001, 339.2012, and 339.2014 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2001, 2012, and 2014 of Act No. 299 of
2 the Public Acts of 1980, section 2014 as amended by Act No. 83 of
3 the Public Acts of 1981, being sections 339.2001, 339.2012, and
4 339.2014 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 2001. As used in this article:

7 (a) "Architect" means a person who, by reason of knowledge
8 of mathematics, the physical sciences, and the principles of

1 architectural design, acquired by professional education and
2 practical experience, is qualified to engage in the practice of
3 architecture.

4 (b) "Firm" means a sole proprietorship, partnership, or cor-
5 poration through which a person licensed under this article
6 offers or provides a service to the public.

7 (C) "HABITABLE SPACE" MEANS SPACE IN A STRUCTURE FOR LIVING,
8 SLEEPING, EATING, OR COOKING. A BATHROOM, TOILET COMPARTMENT,
9 CLOSET, HALL, STORAGE, HEATING, COOLING, OR UTILITY SPACE, OR A
10 SIMILAR AREA, IS NOT CONSIDERED A HABITABLE SPACE. THE CALCULA-
11 TION OF HABITABLE SPACE FOR A WALKOUT-DAYLIGHT EXPOSED BASEMENT
12 SHALL BE 12 TIMES THE AVAILABLE EXPOSED GLASS AREA FOR NATURAL
13 LIGHT.

14 (D) ~~(c)~~ "Land surveyor" means a person who, by reason of
15 knowledge of law, mathematics, physical sciences, and techniques
16 of measuring land acquired by professional education and practi-
17 cal experience, is qualified to engage in the practice of land
18 surveying.

19 (E) "NONHABITABLE SPACE" MEANS SPACE NOT INTENDED FOR HUMAN
20 OCCUPANCY AND NOT REQUIRED TO COMPLY WITH LIGHT, VENTILATION,
21 EGRESS, AND INTERIOR FINISH PROVISIONS OF THE STATE CONSTRUCTION
22 CODE OR ANY UNFINISHED ROOM OR SPACE NOT INTENDED FOR HUMAN OCCU-
23 PANCY WITH HEADROOM CLEARANCE OF LESS THAN 6 FEET 9 INCHES.

24 (F) ~~(d)~~ "Person" means a natural person.

25 (G) ~~(e)~~ "Person in responsible charge" means a person
26 licensed under this article who determines technical questions of
27 design and policy; advises the client; supervises and is in

1 responsible charge of the work of subordinates; ~~is the person~~
2 whose professional skill and judgment are embodied in the plans,
3 designs, plats, surveys, and advice involved in the services; and
4 who supervises the review of material and completed phases of
5 construction.

6 (H) ~~(f)~~ "Practice of architecture" means professional
7 services, such as consultation, investigation, evaluation, plan-
8 ning, design, or review of material and completed phases of work
9 in construction, alteration, or repair in connection with a
10 public or private structure, building, equipment, works, or
11 project when the professional service requires the application of
12 a principle of architecture or architectural design.

13 (I) ~~(g)~~ "Practice of land surveying" means the surveying
14 of an area for its correct determination, description, and con-
15 veyancing, or for the establishment or reestablishment of a land
16 boundary and the plotting of land and subdivisions of land.

17 (J) ~~(h)~~ "Practice of professional engineering" means pro-
18 fessional services, such as consultation, investigation, evalu-
19 ation, planning, design, or review of material and completed
20 phases of work in construction, alteration, or repair in connec-
21 tion with a public or private utility, structure, building,
22 machine, equipment, process, work, or project, when the profes-
23 sional service requires the application of engineering principles
24 or data.

25 (K) ~~(i)~~ "Principal" means a sole proprietor, partner, or
26 the president, vice-president, secretary, treasurer, or director
27 of a corporation.

1 (l) ~~(j)~~ "Professional engineer" means a person who, by
 2 reason of knowledge of mathematics, the physical sciences, and
 3 the principles of engineering, acquired by professional education
 4 and practical experience, is qualified to engage in the practice
 5 of professional engineering.

6 (M) ~~(k)~~ "Services" means professional service offered or
 7 provided by an architect in the practice of architecture, a pro-
 8 fessional engineer in the practice of professional engineering,
 9 or a land surveyor in the practice of land surveying.

10 Sec. 2012. The following persons are exempt from the
 11 requirements of this article:

12 (a) A professional engineer employed by a railroad or other
 13 interstate corporation, whose employment and practice is confined
 14 to the property of the corporation.

15 (b) A designer of a manufactured product, if the manufac-
 16 turer of the product assumes responsibility for the quality of
 17 the product.

18 (c) An owner doing architectural, engineering, or surveying
 19 work upon or in connection with the construction of a building on
 20 the owner's property for the owner's own use to which employees
 21 and the public are not generally to have access.

22 (d) A person not licensed under this article who is plan-
 23 ning, designing, or directing the construction of a ~~residence~~
 24 RESIDENTIAL building not exceeding ~~3,500~~ 6,200 square feet in
 25 calculated floor area. As used in this subdivision and section
 26 2014(e), "calculated floor area" means that portion of the total
 27 gross area, measured to the outside surfaces of exterior walls

1 intended to be A habitable SPACE, BUT NOT including a heater, AIR
2 CONDITIONER, or utility room ~~, but not including~~ OR a crawl
3 space; ~~an~~ unfinished and nonhabitable ~~portion of~~ SPACE IN a
4 basement or attic; or a garage, open porch, balcony, terrace,
5 DECK, or court.

6 (e) A person who is licensed to engage in the practice of
7 architecture, professional engineering, or land surveying in
8 another state while temporarily in this state to present a pro-
9 posal for professional services.

10 Sec. 2014. A person is subject to the penalties set forth
11 in article 6 who commits 1 of the following:

12 (a) Uses the term "architect", "professional engineer",
13 "land surveyor", or a similar term in connection with the
14 person's name unless the person is licensed in the appropriate
15 practice under this article.

16 (b) Presenting or attempting to use as the person's own the
17 license or seal of another.

18 (c) Attempting to use an expired, suspended, or revoked
19 license.

20 (d) Using the words "architecture", "professional
21 engineering", "land surveying", or a similar term in a firm name
22 without authorization by the appropriate board.

23 (e) Submitting to a public official of this state or a
24 political subdivision of this state for approval, a permit or a
25 plan for filing as a public record, a specification, a report, or
26 a land survey which does not bear 1 or more seals of a licensee
27 as required by this article. This subdivision does not apply to

1 a public work costing less than ~~\$15,000.00~~ \$50,000.00 or a
2 residential building containing not more than ~~3,500~~ 6,200
3 square feet of calculated floor area.