

HOUSE BILL No. 4892

September 7, 2011, Introduced by Rep. Kurtz and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending sections 10, 12, and 13 (MCL 125.1510, 125.1512, and
125.1513), section 10 as amended by 1999 PA 245.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) Except as otherwise provided in the code **OR IN**
2 **THIS ACT**, before construction of a building or structure, the
3 owner, or the owner's builder, architect, engineer, or agent, shall
4 submit an application in writing to the appropriate enforcing
5 agency for a building permit. The application shall be on a form
6 prescribed by the commission and shall be accompanied by payment of
7 the fee established by the enforcing agency. The application shall
8 contain a detailed statement in writing, verified by affidavit of

1 the person making it, of the specifications for the building or
2 structure, and full and complete copies of the plans drawn to scale
3 of the proposed work. A site plan showing the dimensions, and the
4 location of the proposed building or structure and other buildings
5 or structures on the same premises, shall be submitted with the
6 application. The application shall state in full the name and
7 residence, by street and number, of the owner in fee of the
8 premises on which the building or structure will be constructed,
9 and the purposes for which it will be used.

10 (2) If construction is proposed to be undertaken by a person
11 other than the owner of the land in fee, the statement **UNDER**
12 **SUBSECTION (1)** shall **ALSO** contain the full name and residence, by
13 street and number, of the ~~owner and also of the person~~ proposing
14 the construction. The affidavit **UNDER SUBSECTION (1)** shall state
15 that the specifications and plans are true and complete and contain
16 a correct description of the building or structure, lot, and
17 proposed work. The statements and affidavits may be made by an
18 owner ~~—or~~ the owner's attorney, agent, engineer, architect, or
19 builder, **OR** by the person who proposes to make the construction or
20 alteration ~~—or by~~ that person's agent, engineer, architect, or
21 builder. A person shall not be recognized as the agent, attorney,
22 engineer, architect, or builder of another person unless the person
23 **TO BE SO RECOGNIZED** files with the enforcing agency a written
24 ~~instrument, which shall be an architectural, engineering or~~
25 construction contract, power of attorney, or letter of
26 authorization signed by that other person designating the person as
27 the agent, attorney, architect, engineer, or builder and, in case

1 of a residential builder or maintenance and alteration contractor,
2 architect, or engineer, setting forth the person's license number
3 and the expiration date of the license.

4 (3) A person licensed or required to be licensed as a
5 residential builder or residential maintenance and alteration
6 contractor under the occupational code, 1980 PA 299, MCL 339.101 to
7 ~~339.2721~~**339.2919**, a master or ~~journeyman~~**JOURNEY** plumber pursuant
8 to ~~1929 PA 266, MCL 338.901 to 338.917~~**THE STATE PLUMBING ACT, 2002**
9 **PA 733, MCL 338.3511 TO 338.3569**, an electrical contractor or
10 master or journeyman electrician pursuant to the electrical
11 administrative act, 1956 PA 217, MCL 338.881 to 338.892, or
12 pursuant to a local ordinance, or as a mechanical contractor
13 pursuant to the forbes mechanical contractors act, 1984 PA 192, MCL
14 338.971 to 338.988, who applies for a building permit to perform
15 work on a residential building or a residential structure shall, in
16 addition to any other information required pursuant to this act,
17 provide on the building permit application all of the following
18 information:

19 (a) The occupational license number of the applicant and the
20 expiration date of the occupational license.

21 (b) One of the following:

22 (i) The name of each carrier providing worker's disability
23 compensation insurance to the applicant if the applicant is
24 required to be insured pursuant to the worker's disability
25 compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

26 (ii) The reasons for exemption from the requirement to be
27 insured if the applicant is not required to be insured under the

1 worker's disability compensation act of 1969, 1969 PA 317, MCL
2 418.101 to 418.941.

3 (c) One of the following:

4 (i) The employer identification number, if the applicant is
5 required to have an employer identification number pursuant to
6 section 6109 of the internal revenue code, **26 USC 6109**.

7 (ii) The reasons for exemption from the requirement to have an
8 employer identification number pursuant to section 6109 of the
9 internal revenue code, **26 USC 6109**, if the applicant is not
10 required to have an employer identification number pursuant to **THAT**
11 ~~section. 6109 of the internal revenue code.~~

12 (d) One of the following:

13 (i) The Michigan employment security commission employer
14 number, if the applicant is required to make contributions pursuant
15 to the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL
16 421.1 to 421.75.

17 (ii) If the applicant is not required to make contributions,
18 the reasons for exemptions from the requirement to make
19 contributions under the Michigan employment security act, 1936 (Ex
20 Sess) PA 1, MCL 421.1 to 421.75.

21 (4) The building permit application form shall contain the
22 following statement in 8-point boldfaced type immediately above the
23 location for the applicant's signature:

24 "Section 23a of the state construction code act of 1972, 1972
25 PA 230, MCL 125.1523a, prohibits a person from conspiring to
26 circumvent the licensing requirements of this state relating to
27 persons who are to perform work on a residential building or a

1 residential structure. Violators of section 23a are subjected to
2 civil fines."

3 (5) The application for a building permit shall be filed with
4 the enforcing agency and the application and any other writing
5 prepared, owned, used, in the possession of, or retained by the
6 enforcing agency in the performance of an official function shall
7 be made available to the public in compliance with the freedom of
8 information act, 1976 PA 442, MCL 15.231 to 15.246. An application
9 shall not be removed from the custody of the enforcing agency after
10 a building permit has been issued.

11 (6) This section shall be construed to allow the imposition of
12 requirements in the code, or in other laws or ordinances, for
13 additional permits for particular kinds of work, including plumbing
14 and electrical, or in other specified situations. The requirements
15 of the code may provide for issuance of construction permits for
16 certain of the systems of a structure and allow construction to
17 commence on those systems approved under that permit even though
18 the design and approval of all the systems of the structure have
19 not been completed and subsequent construction permits have not
20 been issued.

21 (7) Notwithstanding this section, a building permit is not
22 required for ~~ordinary~~ **ANY OF THE FOLLOWING:**

23 (A) **ORDINARY** repairs of a building and structure.

24 (B) ~~(8) Notwithstanding this section, a building permit is not~~
25 ~~required for a~~ **A** building incidental to the use for agricultural
26 purposes of the land on which the building is located if it is not
27 used in the business of retail trade.

1 (8) NOTWITHSTANDING THIS SECTION, A BUILDING PERMIT OR
2 OCCUPANCY PERMIT IS NOT REQUIRED FOR CONSTRUCTION WORK FOR WHICH
3 THE LABOR AND MATERIALS ARE VALUED AT LESS THAN \$10,000.00 AND THAT
4 IS UNDERTAKEN OR CONTRACTED FOR BY A STATE, LOCAL, OR FEDERAL
5 GOVERNMENT AGENCY.

6 Sec. 12. (1) An enforcing agency shall periodically inspect
7 all construction undertaken pursuant to a building permit issued by
8 it to ~~insure~~**ENSURE** that the construction is performed in
9 accordance with ~~conditions of~~ the building permit and is consistent
10 with requirements of the code and other applicable laws and
11 ordinances.

12 (2) The owner of premises on which a building or structure is
13 being constructed **PURSUANT TO A BUILDING PERMIT** is ~~deemed~~
14 **CONSIDERED** to have consented to inspection by the enforcing agency
15 and the commission of the entire premises and of any construction
16 being performed on it until a certificate of use and occupancy, **IF**
17 **APPLICABLE**, has been issued. An inspector, or team of inspectors,
18 on presentation of proper credentials, may enter and inspect the
19 premises and construction thereon, for purposes of ~~insuring~~
20 **ENSURING** compliance with the building permit ~~, AND~~ the code and
21 other applicable laws and regulations. An inspection shall be made
22 between 8 a.m. and 6 p.m. on business days, or when construction is
23 actually being undertaken, except if the enforcing agency has
24 probable cause to believe that an immediate danger to life, limb,
25 or property exists, or except with permission of an owner ~~, or his~~
26 **OR HER** agent, architect, engineer, or builder. An inspection
27 ~~pursuant to~~**UNDER** this section ~~shall be~~**IS** solely for purposes of

1 enforcing this act and other laws and ordinances related to
2 construction of buildings and structures. A person other than the
3 owner ~~—OR~~ his **OR HER** agent, architect, engineer, or builder shall
4 not accompany an inspector or team of inspectors on an inspection,
5 unless his **OR HER** presence is necessary for the enforcement of this
6 act ~~—or~~ other laws and ordinances related to construction of the
7 building or structure, or except with the consent of an owner ~~—or~~
8 his **OR HER** agent, architect, engineer, or builder.

9 (3) If construction is being undertaken contrary to a building
10 permit, this act, or other applicable laws or ordinances, the
11 enforcing agency shall give written notice to the holder of the
12 building permit, or if a permit has not been issued then to the
13 person doing the construction, notifying him **OR HER** of the
14 violation of this act, or other applicable laws and ordinances, and
15 to appear and show cause why the construction should not be
16 stopped. If the person doing the construction is not known, or
17 cannot be located with reasonable effort, the notice may be
18 delivered to the person in charge of, or apparently in charge of,
19 the construction. If the holder of the permit or the person doing
20 the construction fails to appear and show good cause within 1 full
21 working day after notice is delivered, the enforcing agency shall
22 cause a written order to stop construction to be posted on the
23 premises. A person shall not continue, or cause or allow to be
24 continued, construction in violation of a stop construction order,
25 except with permission of the enforcing agency to abate the
26 dangerous condition or remove the violation, or except ~~by~~ **PURSUANT**
27 **TO** court order. If an order to stop construction is not obeyed, the

1 enforcing agency may apply to the circuit court for the county in
2 which the premises are located for an order enjoining the violation
3 of the stop construction order. This remedy is in addition to, and
4 not in limitation of, any other remedy provided by law or ordinance
5 ~~and~~ does not prevent criminal prosecution for failure to obey the
6 order.

7 (4) Without limitation on other available remedies, an
8 interested person may apply for an order, enjoining the
9 continuation of construction undertaken in violation of a building
10 permit ~~OR~~ this act, the code, or other applicable laws or
11 ordinances, to the circuit court for the county in which the
12 premises are located.

13 Sec. 13. ~~A-EXCEPT AS OTHERWISE PROVIDED BY THIS ACT, A~~
14 building or structure ~~hereafter~~ constructed **AFTER DECEMBER 31, 1972**
15 shall not be used or occupied in whole or in part until a
16 certificate of use and occupancy has been issued by the appropriate
17 enforcing agency. ~~A-EXCEPT AS OTHERWISE PROVIDED BY THIS ACT, A~~
18 building or structure ~~hereafter~~ altered in whole or in part **AFTER**
19 **DECEMBER 31, 1972** shall not be used or occupied until ~~such a~~ **THE**
20 certificate has been issued, except that a use or occupancy in an
21 already existing building or structure that was not discontinued
22 during its alteration may be continued for 30 days after completion
23 of the alteration without issuance of a certificate of use and
24 occupancy. ~~A-IF REQUIRED, A~~ certificate of use and occupancy shall
25 be issued by the enforcing agency when the work covered by a
26 building permit has been completed in accordance with the permit ~~and~~
27 **AND** the code and other applicable laws and ordinances. On request

1 of a holder of a building permit, the enforcing agency may issue a
 2 temporary certificate of use and occupancy for a building or
 3 structure, or part thereof, before the entire work covered by the
 4 building permit has been completed, if the parts of the building or
 5 structure to be covered by the certificate may be occupied before
 6 completion of all the work in accordance with the permit ~~—AND~~ the
 7 code and other applicable laws and ordinances, without endangering
 8 the health or safety of the occupants or users. When a building or
 9 structure ~~is entitled thereto,~~ **QUALIFIES FOR A CERTIFICATE OF USE**
 10 **AND OCCUPANCY,** the enforcing agency shall issue a certificate of
 11 use and occupancy within 5 business days after receipt of a written
 12 application therefor on a form to be prescribed by the enforcing
 13 agency and payment of the fee to be established by it. The
 14 certificate of use and occupancy shall certify that the building or
 15 structure has been constructed in accordance with the building
 16 permit ~~—AND~~ the code and other applicable laws and ordinances. The
 17 application for a certificate of use and occupancy for a new
 18 dwelling with a unit or units for rent shall set forth the
 19 information required in an application for a certificate of
 20 compliance for such a dwelling ~~pursuant to the state~~ **UNDER SECTION**
 21 **131 OF THE** housing law **OF MICHIGAN, 1917 PA 167, MCL 125.531,** and
 22 the certificate of use and occupancy for ~~such a~~ **THAT** dwelling ~~shall~~
 23 ~~be deemed its~~ **IS THE DWELLING'S** initial certificate of compliance.
 24 The enforcing agency shall give the owner of the building or
 25 structure or his **OR HER** agent at least 12 hours' notice of the time
 26 of any final inspection ~~—by~~ the enforcing agency of the work
 27 covered by the building permit, pursuant to the application for a

1 certificate of use and occupancy.