

# HOUSE BILL No. 5819

March 20, 2002, Introduced by Reps. Kuipers, Raczkowski, Ehardt, Kowall, Bishop, Bisbee, Drolet, Vear, Palmer, DeRossett, Voorhees, Vander Veen and Patterson and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 2012 and 2014 (MCL 339.2012 and 339.2014),  
as amended by 1992 PA 103.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2012. (1) The following persons are exempt from the  
2 requirements of this article:

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

6       (b) A designer of a manufactured product, if the manufac-  
7 turer of the product assumes responsibility for the quality of  
8 the product.

9       (c) An owner doing architectural, engineering, or surveying  
10 work upon or in connection with the construction of a building on

1 the owner's property for the owner's own use to which employees  
2 and the public are not generally to have access.

3 (d) A person not licensed under this article who is plan-  
4 ning, designing, or directing the construction of a ~~residence~~  
5 RESIDENTIAL building not exceeding ~~3,500~~ 5,000 square feet in  
6 calculated floor area. ~~As used in this subdivision and section~~  
7 ~~2014(e), "calculated floor area" means that portion of the total~~  
8 ~~gross area, measured to the outside surfaces of exterior walls~~  
9 ~~intended to be habitable, including a heater or utility room, but~~  
10 ~~not including a crawl space; an unfinished and nonhabitable por-~~  
11 ~~tion of a basement or attic; or a garage, open porch, balcony,~~  
12 ~~terrace, or court.~~

13 (e) A person who is licensed to engage in the practice of  
14 architecture, professional engineering, or professional surveying  
15 in another state while temporarily in this state to present a  
16 proposal for services.

17 (2) AS USED IN THIS SECTION:

18 (A) "CALCULATED FLOOR AREA" MEANS THAT PORTION OF THE TOTAL  
19 GROSS AREA MEASURED TO THE OUTSIDE SURFACES OF EXTERIOR WALLS  
20 INTENDED TO BE HABITABLE SPACE.

21 (B) "HABITABLE SPACE" MEANS SPACE IN A BUILDING USED FOR  
22 LIVING, SLEEPING, EATING, OR COOKING. HABITABLE SPACE DOES NOT  
23 INCLUDE A HEATER OR UTILITY ROOM, A CRAWL SPACE, A BASEMENT, AN  
24 ATTIC, A GARAGE, AN OPEN PORCH, A BALCONY, A TERRACE, A COURT, A  
25 DECK, A BATHROOM, A TOILET ROOM, A CLOSET, A HALLWAY, A STORAGE  
26 SPACE, AND OTHER SIMILAR SPACES NOT USED FOR LIVING, SLEEPING,  
27 EATING, OR COOKING.

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

3           (a) Uses the term "architect", "professional engineer",  
4 "land surveyor", "professional surveyor", or a similar term in  
5 connection with the person's name unless the person is licensed  
6 in the appropriate practice under this article.

7           (b) ~~Presenting~~ PRESENTS or ~~attempting~~ ATTEMPTS to use as  
8 the person's own the license or seal of another.

9           (c) ~~Attempting~~ ATTEMPTS to use an expired, suspended, or  
10 revoked license.

11           (d) ~~Using~~ USES the words "architecture", "professional  
12 engineering", "land surveying", "professional surveying", or a  
13 similar term in a firm name without authorization by the appro-  
14 priate board.

15           (e) ~~Submitting~~ SUBMITS to a public official of this state  
16 or a political subdivision of this state for approval, a permit  
17 or a plan for filing as a public record, a specification, a  
18 report, or a land survey ~~which~~ THAT does not bear 1 or more  
19 seals of a licensee as required by this article. This subdivi-  
20 sion does not apply to a public work costing less than \$15,000.00  
21 or a residential building containing not more than ~~3,500~~ 5,000  
22 square feet of calculated floor area. AS USED IN THIS SUBDIVI-  
23 SION, "CALCULATED FLOOR AREA" MEANS THAT TERM AS DEFINED IN  
24 SECTION 2012(2)(A).