

SENATE BILL No. 577

October 21, 2015, Introduced by Senator BOOHER 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 section 10 (MCL 125.1510), as amended by 2013 PA 125.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) Except as otherwise provided in the code, before
2 construction of a building or structure, the owner, or the owner's
3 builder, architect, engineer, or agent, shall submit an application
4 in writing to the appropriate enforcing agency for a building
5 permit. The application shall be on a form prescribed by the
6 commission and shall be accompanied by payment of the fee
7 established by the enforcing agency. The application shall contain
8 ~~a~~ **OR BE SUBMITTED WITH ALL OF THE FOLLOWING:**

9 **(A)** A detailed statement in writing, verified by affidavit of

1 the individual 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. **SHOP DRAWINGS FOR A FIRE ALARM SYSTEM, AS**
4 **DEFINED IN SECTION 1A OF THE ELECTRICAL ADMINISTRATIVE ACT, 1956 PA**
5 **217, MCL 338.881A, ARE NOT REQUIRED TO BE PREPARED BY AN INDIVIDUAL**
6 **LICENSED UNDER ARTICLE 20 OF THE OCCUPATIONAL CODE, 1980 PA 299,**
7 **MCL 339.2001 TO 339.2014.**

8 (B) A site plan showing the dimensions, and the location of
9 the proposed building or structure and other buildings or
10 structures on the same premises. ~~, shall be submitted with the~~
11 ~~application. The application shall state in full the~~

12 (C) **THE FULL** name and residence, by street and number, of the
13 owner in fee of the land on which the building or structure will be
14 constructed, and the purposes for which it will be used.

15 (D) ~~(2)~~ If construction is proposed to be undertaken by a
16 person other than the owner of the land in fee, ~~the statement shall~~
17 ~~contain~~ the full name and residence, by street and number, of the
18 owner and also of the person proposing the construction.

19 (2) The affidavit **UNDER SUBSECTION (1) (A)** shall state that the
20 specifications and plans are true and complete and contain a
21 correct description of the building or structure, lot or parcel,
22 and proposed work. The statements and affidavits may be made by an
23 owner, or the owner's attorney, agent, engineer, architect, or
24 builder, by the person who proposes to make the construction or
25 alteration, or by that person's agent, engineer, architect, or
26 builder. A person shall not be recognized as the agent, attorney,
27 engineer, architect, or builder of another person unless the person

1 seeking recognition ~~files~~ **HAS FILED** with the enforcing agency a
2 written ~~instrument, which shall be an~~ architectural, engineering,
3 or construction contract, power of attorney, or letter of
4 authorization signed by that other person designating the person
5 seeking recognition as the agent, attorney, architect, engineer, or
6 builder and, ~~in case of~~ **FOR** a residential builder or maintenance
7 and alteration contractor, architect, or engineer, setting forth
8 the license number of the person seeking recognition and the
9 expiration date of the license.

10 (3) A person licensed or required to be licensed as a
11 residential builder or residential maintenance and alteration
12 contractor under the occupational code, 1980 PA 299, MCL 339.101 to
13 ~~339.2919,~~ **339.2677**, a plumbing contractor or master or journeyman
14 plumber ~~pursuant to~~ **UNDER** the state plumbing act, 2002 PA 733, MCL
15 338.3511 to 338.3569, an electrical contractor, master electrician,
16 or electrical journeyman ~~pursuant to~~ **UNDER** the electrical
17 administrative act, 1956 PA 217, MCL 338.881 to 338.892, or
18 ~~pursuant to~~ **UNDER** a local ordinance, or a mechanical contractor
19 ~~pursuant to~~ **UNDER** the Forbes mechanical contractors act, 1984 PA
20 192, MCL 338.971 to 338.988, who applies for a building permit to
21 perform work on a residential building or a residential structure
22 shall, in addition to any other information required ~~pursuant to~~
23 **UNDER** this act, provide on the building permit application all of
24 the following information:

25 (a) The occupational license number of the applicant and the
26 expiration date of the occupational license.

27 (b) One of the following:

1 (i) The name of each carrier providing worker's disability
2 compensation insurance to the applicant if the applicant is
3 required to be insured ~~pursuant to~~**UNDER** the worker's disability
4 compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

5 (ii) The reasons for exemption from the requirement to be
6 insured if the applicant is not required to be insured under the
7 worker's disability compensation act of 1969, 1969 PA 317, MCL
8 418.101 to 418.941.

9 (c) One of the following:

10 (i) The employer identification number, if the applicant is
11 required to have an employer identification number ~~pursuant to~~
12 **UNDER** section 6109 of the internal revenue code **OF 1986**, 26 USC
13 6109.

14 (ii) The reasons for exemption from the requirement to have an
15 employer identification number ~~pursuant to~~**UNDER** section 6109 of
16 the internal revenue code **OF 1986**, 26 USC 6109, if the applicant is
17 not required to have an employer identification number ~~pursuant to~~
18 **UNDER** that section.

19 (d) One of the following:

20 (i) The Michigan employment security commission employer
21 number, if the applicant is required to make contributions ~~pursuant~~
22 ~~to~~**UNDER** the Michigan employment security act, 1936 (Ex Sess) PA 1,
23 MCL 421.1 to 421.75.

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

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

4 "Section 23a of the state construction code act of 1972, 1972
5 PA 230, MCL 125.1523a, prohibits a person from conspiring to
6 circumvent the licensing requirements of this state relating to
7 persons who are to perform work on a residential building or a
8 residential structure. Violators of section 23a are subjected to
9 civil fines."

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

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

1 (7) A building permit is not required for ordinary repairs of
2 a building or structure.

3 (8) A building permit is not required for a building
4 incidental to the use for agricultural purposes of the land on
5 which the building is located if the building is not used in the
6 business of retail trade.

7 (9) A qualifying roadside stand is exempt from the plumbing
8 fixture requirements of this act and the code and is not required
9 to have electric power. However, a qualifying roadside stand that
10 has electric power must comply with the electrical code. This
11 subsection does not exempt a qualifying roadside stand from a
12 requirement to obtain a building permit. As used in this
13 subsection, "qualifying roadside stand" means a roadside stand that
14 meets all of the following requirements:

15 (a) Is used only for seasonal retail trade in agricultural
16 products.

17 (b) At least 50% of the agricultural products offered for sale
18 at the roadside stand are produced on a farm that is owned or
19 controlled by the person who owns the roadside stand.

20 (c) Is not larger than 400 square feet.

21 (d) Is securely anchored to the ground.

22 (10) A tent that meets the requirements of subsection (9)(a),
23 (b), and (c) is exempt from this act and the code.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.