

Act No. 283  
Public Acts of 2020  
Approved by the Governor  
December 29, 2020  
Filed with the Secretary of State  
December 29, 2020  
EFFECTIVE DATE: March 24, 2021

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

**Introduced by Reps. Maddock, Berman, Vaupel, Allor, Green, Miller, Crawford, Steven Johnson,  
Huizenga, Paquette, Meerman, Bellino, Howell, Hornberger, Yaroch, LaFave and Markkanen**

## **ENROLLED HOUSE BILL No. 5197**

AN ACT to amend 1992 PA 116, entitled “An act to designate and regulate the method and medium for the storage and reproduction of certain records; to provide for the certification of certain records; and to prescribe the powers and duties of certain governmental entities and officials,” (MCL 24.401 to 24.406) by adding section 2a.

*The People of the State of Michigan enact:*

Sec. 2a. (1) A municipality may reproduce in any electronic or digital file format a construction document that is or has been presented to a building official or department of that municipality if all of the following conditions are met:

- (a) The electronic or digital file format used by the municipality captures the entire construction document.
- (b) The accuracy of the construction document to be reproduced in an electronic or digital file format is confirmed by a building official of that municipality, the planning commission of that municipality, or a signed affidavit from the individual who created the construction document.
- (c) The construction document reproduced in an electronic or digital file format is easily accessible and publicly available at the clerk’s office and on the municipality’s website.
- (d) In addition to the electronic or digital file format used by the municipality, the construction document is also reproduced in a portable document format (PDF) or another widely used secure electronic format.
- (e) A physical copy of the construction document reproduced in an electronic or digital file format is available from the clerk of the municipality, or his or her designee, for a reasonable fee.
- (f) A redundant copy of the construction document reproduced in an electronic or digital file is kept at a bonded third-party digital storage vendor.

(2) Except as otherwise provided in this subsection, if a municipality electronically or digitally reproduces a construction document as provided in subsection (1), the original construction document may be disposed of or destroyed as authorized under section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811. If the original construction document reproduced in an electronic or digital file format is for or involves a historic site, the original construction document must be retained by the municipality and may not be disposed of or destroyed.

(3) As used in this section:


(a) "Bonded third-party digital storage vendor" means a business that provides digital storage and that maintains liability insurance against negligence with a minimum policy limit of \$500,000.00 per occurrence.

(b) "Construction document" includes, but is not limited to, the specifications, bid documents, instructions to bidders, contract, bonds, drawings, blueprints, permits, site plans, change work orders, or stop work orders for a construction project.

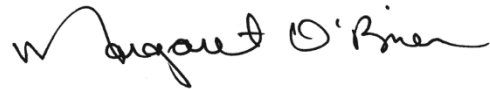
(c) "Historic site" means any building recognized under federal or state law as being a historic site including, but not limited to, any historic site listed on the state register of historic sites that is maintained under section 4 of the Governor John B. Swainson Michigan historical markers act, 1955 PA 10, MCL 399.154.

(d) "Municipality" means a county, city, village, or township.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5198 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor

**Compiler's note:** House Bill No. 5198, referred to in enacting section 1, was filed with the Secretary of State December 29, 2020, and became 2020 PA 284, Eff. Mar. 24, 2021.