

HOUSE BILL NO. 4668

April 20, 2021, Introduced by Rep. Brann and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 497, entitled
"Construction lien act,"
by amending section 114 (MCL 570.1114), as amended by 2016 PA 415.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 114. **(1)** A contractor does not have a right to a
2 construction lien on the interest of an owner or lessee in a
3 residential structure unless the contractor has provided an
4 improvement to the residential structure under a written contract
5 between the owner or lessee and the contractor and any amendments

1 or additions to the contract are also in writing. The contract
2 required under this section ~~shall~~**must** contain a statement, in type
3 no smaller than that of the body of the contract, stating all of
4 the following:

5 (a) That a residential builder or a residential maintenance
6 and alteration contractor is required to be licensed under article
7 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412.
8 That an electrician is required to be licensed under article 7 of
9 the skilled trades regulation act, **2016 PA 407**, MCL 339.5701 to
10 339.5739. That a plumbing contractor is required to be licensed
11 under article 11 of the skilled trades regulation act, **2016 PA 407**,
12 MCL 339.6101 to 339.6133. That a mechanical contractor is required
13 to be licensed under article 8 of the skilled trades regulation
14 act, **2016 PA 407**, MCL 339.5801 to 339.5819.

15 (b) If the contractor is required to be licensed to provide
16 the contracted improvement, that the contractor is licensed and the
17 contractor's license number.

18 **(2) A contractor who is required to be licensed, as described**
19 **in this section, shall display the contractor's license and, if the**
20 **contractor is an individual, the contractor's personal**
21 **identification when recording a claim of lien under section 111. If**
22 **the claim of lien is not presented in person, the contractor shall**
23 **attach to the claim of lien copies of the contractor's license and**
24 **personal identification.**

25 **(3) If a contractor is required to be licensed, as described**
26 **in this section, a register of deeds shall not accept a claim of**
27 **lien to be recorded from the contractor unless the contractor**
28 **displays the contractor's license and personal identification, or**
29 **attaches copies of the contractor's license and personal**

1 identification to the claim of lien, as required by subsection (2).

2 (4) A contractor who violates this section is guilty of a
3 misdemeanor punishable by imprisonment for not more than 90 days or
4 a fine of not more than \$500.00, or both.

5 (5) As used in this section, "personal identification" means
6 an operator's license, chauffeur's license, enhanced driver
7 license, official state personal identification card, or enhanced
8 official state personal identification card issued by this state.

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