

SENATE BILL No. 547

May 7, 2009, Introduced by Senators GARCIA, BASHAM, JANSEN and GLEASON and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1980 PA 497, entitled
"Construction lien act,"
by amending section 106 (MCL 570.1106), as amended by 2006 PA 497.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 106. (1) "Person" means an individual, corporation,
2 partnership, sole proprietorship, association, other legal entity,
3 or any combination thereof.

4 (2) "Project" means the aggregate of improvements contracted
5 for by the contracting owner.

6 (3) "Qualifying officer" means an individual designated as a
7 qualifying officer of the contractor or subcontractor in the
8 records of the department under article 24 of the occupational
9 code, 1980 PA 299, MCL 339.2401 to 339.2412.

10 (4) "Residential structure" means an individual residential

1 condominium unit or a residential building containing not more than
2 2 residential units, the land on which it is or will be located,
3 and all appurtenances, ~~in which the~~ **TO WHICH BOTH OF THE FOLLOWING**
4 **APPLY:**

5 (A) **THE** owner or lessee contracting for the improvement is
6 residing, or will reside upon completion of the improvement, **IN THE**
7 **CONDOMINIUM UNIT OR RESIDENTIAL BUILDING.**

8 (B) **AT THE TIME OF THE IMPROVEMENT THERE IS, BETWEEN THE OWNER**
9 **OR LESSEE AND THE CONTRACTOR, AN ENFORCEABLE AGREEMENT FOR THE**
10 **PURCHASE OF, OR A CONTRACT FOR AN IMPROVEMENT TO, THE CONDOMINIUM**
11 **UNIT OR RESIDENTIAL BUILDING.**

12 (5) "Subcontractor" means a person, other than a laborer or
13 supplier, who pursuant to a contract between himself or herself and
14 a person other than the owner or lessee performs any part of a
15 contractor's contract for an improvement.

16 (6) "Supplier" means a person who, pursuant to a contract with
17 a contractor or a subcontractor, leases, rents, or in any other
18 manner provides material or equipment that is used in the
19 improvement of real property.

20 (7) "Wages" means all earnings of an employee whether
21 determined on the basis of time, task, piece, commission, or other
22 method of calculation for labor or services except fringe benefits
23 and withholdings.