

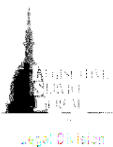
# HOUSE BILL NO. 5663

March 17, 2020, Introduced by Reps. Maddock, Wozniak and Eisen 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 2016 PA 409.

**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



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1 established by the enforcing agency. The application shall contain  
2 a detailed statement in writing, verified by affidavit of the  
3 individual making it, of the specifications for the building or  
4 structure, and full and complete copies of the plans drawn to scale  
5 of the proposed work. A site plan showing the dimensions, and the  
6 location of the proposed building or structure and other buildings  
7 or structures on the same premises, shall be submitted with the  
8 application. The application shall state in full the name and  
9 residence, by street and number, of the owner in fee of the land on  
10 which the building or structure will be constructed, and the  
11 purposes for which it will be used.

12 (2) If construction is proposed to be undertaken by a person  
13 other than the owner of the land in fee, the statement shall  
14 contain the full name and residence, by street and number, of the  
15 owner and also of the person proposing the construction. The  
16 affidavit ~~shall~~**must** state that the specifications and plans are  
17 true and complete and contain a correct description of the building  
18 or structure, lot or parcel, and proposed work. The statements and  
19 affidavits may be made by an owner, or the owner's attorney, agent,  
20 engineer, architect, or builder, by the person ~~who~~**that** proposes to  
21 make the construction or alteration, or by that person's agent,  
22 engineer, architect, or builder. A person shall not be recognized  
23 as the agent, attorney, engineer, architect, or builder of another  
24 person unless the person seeking recognition files with the  
25 enforcing agency a written instrument, which shall be an  
26 architectural, engineering, or construction contract, power of  
27 attorney, or letter of authorization signed by that other person  
28 designating the person seeking recognition as the agent, attorney,  
29 architect, engineer, or builder and, in case of a residential



1 builder or maintenance and alteration contractor, architect, or  
 2 engineer, ~~setting forth and~~ **providing** the license number of the  
 3 person seeking recognition and the expiration date of the license.

4 (3) A person licensed or required to be licensed as a  
 5 residential builder or residential maintenance and alteration  
 6 contractor under the occupational code, 1980 PA 299, MCL 339.101 to  
 7 ~~339.2919, 339.2677~~, a plumbing contractor or master or ~~journeyman~~  
 8 **journey** plumber under article 11 of the skilled trades regulation  
 9 act, MCL 339.6101 to 339.6133, an electrical contractor, master  
 10 electrician, or electrical journeyman under article 7 of the  
 11 skilled trades regulation act, MCL 339.5701 to 339.5739, or  
 12 pursuant to a local ordinance, or a mechanical contractor under  
 13 article 8 of the skilled trades regulation act, MCL 339.5801 to  
 14 339.5819, who applies for a building permit to perform work on a  
 15 residential building or a residential structure shall, in addition  
 16 to any other information required ~~pursuant to~~ **under** this act,  
 17 provide on the building permit application all of the following  
 18 information:

19 (a) The occupational license number of the applicant and the  
 20 expiration date of the occupational license.

21 (b) One of the following:

22 (i) The name of each carrier providing worker's disability  
 23 compensation insurance to the applicant if the applicant is  
 24 required to be insured ~~pursuant to~~ **under** the worker's disability  
 25 compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

26 (ii) The reasons for exemption from the requirement to be  
 27 insured if the applicant is not required to be insured under the  
 28 worker's disability compensation act of 1969, 1969 PA 317, MCL  
 29 418.101 to 418.941.



1 (c) One of the following:

2 (i) The employer identification number, if the applicant is  
3 required to have an employer identification number pursuant to  
4 section 6109 of the internal revenue code, 26 USC 6109.

5 (ii) The reasons for exemption from the requirement to have an  
6 employer identification number pursuant to section 6109 of the  
7 internal revenue code of 1986, 26 USC 6109, if the applicant is not  
8 required to have an employer identification number pursuant to that  
9 section.

10 (d) One of the following:

11 (i) The Michigan employment security commission employer  
12 number, if the applicant is required to make contributions pursuant  
13 ~~to~~**under** the Michigan employment security act, 1936 (Ex Sess) PA 1,  
14 MCL 421.1 to 421.75.

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

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

22 "Section 23a of the state construction code act of 1972, 1972  
23 PA 230, MCL 125.1523a, prohibits a person from conspiring to  
24 circumvent the licensing requirements of this state relating to  
25 persons who are to perform work on a residential building or a  
26 residential structure. Violators of section 23a are subjected to  
27 civil fines."

28 (5) The application for a building permit shall be filed with  
29 the enforcing agency and the application and any other writing



1 prepared, owned, used, in the possession of, or retained by the  
 2 enforcing agency in the performance of an official function shall  
 3 be made available to the public in compliance with the freedom of  
 4 information act, 1976 PA 442, MCL 15.231 to 15.246. An application  
 5 shall not be removed from the custody of the enforcing agency after  
 6 a building permit has been issued.

7 (6) This section ~~shall be construed to allow~~ **allows** the  
 8 imposition of requirements in the code, or in other laws or  
 9 ordinances, for additional permits for particular kinds of work,  
 10 including plumbing and electrical, or in other specified  
 11 situations. The requirements of the code may provide for issuance  
 12 of construction permits for certain of the systems of a structure  
 13 and allow construction to commence on those systems approved under  
 14 that permit even though the design and approval of all the systems  
 15 of the structure have not been completed and subsequent  
 16 construction permits have not been issued.

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

19 (8) A building permit is not required for a building  
 20 incidental to the use for agricultural purposes of the land on  
 21 which the building is located if the building is not used in the  
 22 business of retail trade.

23 (9) A qualifying roadside stand is exempt from the plumbing  
 24 fixture requirements of this act and the code and is not required  
 25 to have electric power. ~~However,~~ **If** a qualifying roadside stand  
 26 ~~that~~ has electric power, **it** must comply with the electrical code.  
 27 This subsection does not exempt a qualifying roadside stand from a  
 28 requirement to obtain a building permit. As used in this  
 29 subsection, "qualifying roadside stand" means a roadside stand that



1 meets all of the following requirements:

2 (a) Is used only for seasonal retail trade in agricultural  
3 products.

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

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

8 (d) Is securely anchored to the ground.

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

11 **(11) If an enforcing agency requires an applicant for a**  
12 **building permit to provide an inspection bond with the submission**  
13 **of a building permit application and the work for which the permit**  
14 **is granted is not completed by the date on which the permit**  
15 **expires, the enforcing agency may declare the amount of the bond**  
16 **forfeited and deposit that amount in the general fund of the**  
17 **permitting jurisdiction.**

