

SENATE BILL NO. 42

January 26, 2021, Introduced by Senator VICTORY 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~~**must** be on a form prescribed by the
6 commission and ~~shall~~**must** be accompanied by payment of the fee

1 established by the enforcing agency. The application ~~shall~~**must**
2 contain a detailed statement in writing, verified by affidavit of
3 the 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~~**must** be submitted with
8 the application. The application ~~shall~~**must** state in full the name
9 and residence, by street and number, of the owner in fee of the
10 land on which the building or structure will be constructed, and
11 the 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~~**must**
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~~**must** be an
26 architectural, engineering, or construction contract, power of
27 attorney, or letter of authorization signed by that other person
28 ~~designating~~**that designates** the person seeking recognition as the
29 agent, attorney, architect, engineer, or builder and, in case of a

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

5 (3) A person licensed or required to be licensed as a
 6 residential builder or residential maintenance and alteration
 7 contractor under the occupational code, 1980 PA 299, MCL 339.101 to
 8 ~~339.2919, 339.2677~~, a plumbing contractor or master or journeyman
 9 plumber under article 11 of the skilled trades regulation act, **2016**
 10 **PA 407**, MCL 339.6101 to 339.6133, an electrical contractor, master
 11 electrician, or electrical journeyman under article 7 of the
 12 skilled trades regulation act, **2016 PA 407**, MCL 339.5701 to
 13 339.5739, or ~~pursuant to a~~ local ordinance, or a mechanical
 14 contractor under article 8 of the skilled trades regulation act,
 15 **2016 PA 407**, MCL 339.5801 to 339.5819, who applies for a building
 16 permit to perform work on a residential building or a residential
 17 structure shall, in addition to any other information required
 18 ~~pursuant to~~ **under** this act, provide on the building permit
 19 application all of the following information:

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

22 (b) One of the following:

23 (i) ~~The~~ **If the applicant is required to be insured under the**
 24 **worker's disability compensation act of 1969, 1969 PA 317, MCL**
 25 **418.101 to 418.941, the** name of each carrier providing worker's
 26 disability compensation insurance to the applicant. ~~if the~~
 27 ~~applicant is required to be insured pursuant to the worker's~~
 28 ~~disability compensation act of 1969, 1969 PA 317, MCL 418.101 to~~
 29 ~~418.941.~~

1 (ii) ~~The~~ **If the applicant is not required to be insured under**
 2 **the worker's disability compensation act of 1969, 1969 PA 317, MCL**
 3 **418.101 to 418.941, the** reasons for exemption from the requirement
 4 to be insured. ~~if the applicant is not required to be insured under~~
 5 ~~the worker's disability compensation act of 1969, 1969 PA 317, MCL~~
 6 ~~418.101 to 418.941.~~

7 (c) One of the following:

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

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

20 (d) One of the following:

21 (i) ~~The~~ **If the applicant is required to make contributions**
 22 **under the Michigan employment security act, 1936 (Ex Sess) PA 1,**
 23 **MCL 421.1 to 421.75, the** Michigan employment security commission
 24 employer number. ~~, if the applicant is required to make~~
 25 ~~contributions pursuant to the Michigan employment security act,~~
 26 ~~1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.~~

27 (ii) **If the applicant is not required to make contributions**
 28 **under the Michigan employment security act, 1936 (Ex Sess) PA 1,**
 29 **MCL 421.1 to 421.75, the** reasons for ~~exemptions~~ **exemption** from the

1 requirement to make contributions. ~~under the Michigan employment~~
2 ~~security act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.~~

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

6 "Section 23a of the ~~Stille-DeRossett-Hale~~ **single** state
7 construction code act, ~~of 1972,~~ 1972 PA 230, MCL 125.1523a,
8 prohibits a person from ~~conspiring to circumvent~~**circumventing** the
9 licensing requirements of this state ~~relating to~~**for** persons who
10 are to perform work on a residential building or a residential
11 structure. Violators of section 23a are ~~subjected~~**subject** to civil
12 fines."

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

21 (6) This section ~~shall be construed to allow~~**allows** the
22 imposition of requirements in the code, or in other laws or
23 ordinances, for additional permits for particular kinds of work,
24 including plumbing and electrical, or in other specified
25 situations. The requirements of the code may provide for issuance
26 of ~~a construction permits~~**permit** for ~~a certain of the systems~~
27 **system** of a structure and allow construction to commence on ~~those~~
28 ~~systems that~~ **system if** approved under ~~that~~**the** permit even though
29 the design and approval of all the systems of the structure have

1 not been completed and subsequent construction permits have not
2 been issued.

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

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

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

17 (a) Is used only for seasonal retail trade in agricultural
18 products.

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

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

23 (d) Is securely anchored to the ground.

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

26 **(11) A building or structure, whether temporary or permanent,**
27 **incidental to the use for agricultural purposes of the land on**
28 **which the building is located that is used for agricultural tourism**
29 **activities is exempt from this act and the code if the total**

1 revenue generated from those activities is less than 50% of the
2 total revenue generated by all farm operations and the building is
3 used for those activities for a period not exceeding 6 months in a
4 calendar year. As used in this subsection:

5 (a) "Agricultural tourism activity" means an activity
6 conducted on a farm that provides an educational or entertainment
7 experience, directly or indirectly related to farm operations, to
8 the general public for the purpose of increasing the total revenue
9 of the farm business.

10 (b) "Farm" and "farm operation" mean those terms as defined in
11 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
12 286.472.