



## Planning, Zoning & Construction Resources

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### License Requirements to Obtain Permits Home Owners and Contractors

#### Construction and Licensing Laws

The requirements for licensed contractors to be involved in construction activity comes from the public acts that regulate licensing in the State of Michigan. Those public acts include:

- 1972 PA 230 – The State Construction Code Act
- 1980 PA 299 – The Occupational Code
- 2016 PA 407 – The Skilled Trades Act

#### Home Owners

The regulations noted above all allow a home owner to obtain their own permits for construction on their own single family homes that they will occupy, as long as they are the party responsible for the construction. In addition, home owners of single family homes can act as their own general contractor, and sub contract the construction or installations to others. If the home owner chooses to sub-contract to other parties, those parties need to be licensed in their respective trade (Building, Electrical, Mechanical and/or Plumbing).

If the home owner chooses to act as their own general contractor, and obtain any required permits, they need to be aware of the responsibility that they are taking on. Responsibilities to understand include, but are not limited to:

- The home owner has a responsibility to assure that the parties they sub contract to are licensed and insured in their respective trade.
- The home owner has the responsibility to obtain all other applicable permits and approvals related to their construction/installation.
- The home owner has the responsibility to have a complete understanding and knowledge of the current codes related to the construction.
- The home owner has the responsibility to correct any code violations, even though others may have performed the construction/installation.
- The home owner can be held liable for any injury that may occur on the property related to the construction/installation project.
- The home owner is responsible for the completion of the construction/installation, even if the contractor being sub contracted to fails to complete the construction/installation.
- The Building Department cannot assist in any cause of action against a sub contracted party that has performed construction or installations.

Before taking on these responsibilities as a home owner, know what you are about to become responsible for and be prepared to take on those responsibilities. Persons found to be guilty of violation of these regulations are subject to prosecution, fines and legal costs.

The laws and regulations that require licensed contractor and installers are noted on Page 2, with excerpts from those laws and regulations noted below each. This information may only be specific to licensing requirements for residential construction and alterations. Other regulations may also apply.

**See Page 2 for Applicable Regulations**

## **1972 PA 230 – State Construction Code Act Section 10 (4)**

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

## **1980 PA 299 – Occupational Code – Residential and/or Maintenance and Alteration Contractor**

Sec. 2403. Notwithstanding article 6, a person may engage in the business of or act in the capacity of a residential builder or a residential maintenance and alteration contractor or salesperson in this state without a license under this article, if the person is 1 of the following:

- (a) An authorized representative of the United States government, this state, or a county, township, city, village, or other political subdivision of this state.
- (b) An owner of property, with reference to a structure on the property for the owner's own use and occupancy.
- (c) An owner of rental property, with reference to the maintenance and alteration of that rental property.
- (d) An officer of a court who is acting within the scope of that office.
- (e) A person other than the salesperson that engages solely in the business of performing work and services under contract with a residential builder or a residential maintenance and alteration contractor that is licensed under this article.
- (f) A person that is working on 1 undertaking or project by 1 or more contracts, if the aggregate contract price for the labor, material, and any other items for the undertaking or project is less than \$600.00. The exemption described in this subdivision does not apply if the work of a construction is only a part of a larger or major operation, whether undertaken by the same or a different residential builder or residential maintenance and alteration contractor, or in which a division of the operation is made in contracts of amounts less than \$600.00, to evade this act.
- (g) An electrical contractor that is licensed under article 7 of the skilled trades regulation act, MCL 339.5701 to 339.5739. The exemption described in this subdivision applies only to the electrical installation, electrical maintenance, or electrical repair work that is performed by the electrical contractor.
- (h) A plumbing contractor that is licensed under article 11 of the skilled trades regulation act, MCL 339.6101 to 339.6133. The exemption described in this subdivision applies only to plumbing installation, plumbing maintenance, or plumbing repair work that is performed by the plumbing contractor.
- (i) A mechanical contractor that is licensed under article 8 of the skilled trades regulation act, MCL 339.5801 to 339.5819. The exemption described in this subdivision applies only to mechanical installation, mechanical maintenance, or mechanical repair work that is performed by the mechanical contractor.

## **2016 PA 407 – Skilled Trades Act – Electrical, Mechanical and/or Plumbing Contractor**

### **Electrical Contractor**

Sec. 737. (1) Except as otherwise provided in this article or in subsection (3), a person shall not engage in the business of electrical contracting unless the person has received from the board or from the appropriate municipality an electrical contractor's license.

(2) Except as otherwise provided in this article or in subsection (3), an individual, other than an individual who is licensed under this article and employed by and working under the direction of a holder of an electrical contractor's license, shall not in any manner undertake to execute any electrical wiring.

(3) A licensee is not required to perform any of the following classes of work:

- (a) Minor repair work.
- (b) The installation, alteration, repairing, rebuilding, or remodeling of elevators, dumbwaiters, escalators,

or man lifts performed under a permit issued by an elevator inspection agency of this state or a municipality of this state.

(g) Any installation, alteration, or repair of electrical equipment by a homeowner in a single family home and accompanying outbuildings owned and occupied or to be occupied by the individual who is performing the installation, alteration, or repair of electrical equipment.

(i) Work performed by a person that is licensed as a mechanical contractor in a classification described in section 807(2)(a), (b), (d), (e), and (f), a person that is licensed as a plumbing contractor under article 11, and employees of those persons, while performing maintenance, service, repair, replacement, alteration, modification, reconstruction, or upgrading of control wiring circuits and electrical component parts in existing mechanical systems defined in the Michigan mechanical code and the Michigan plumbing code, including, but not limited to, energy management systems, relays and controls on boilers, water heaters, furnaces, air conditioning compressors and condensers, fan controls, thermostats and sensors, and all interconnecting wiring associated with the mechanical systems in buildings that are on the load side of the unit disconnect, that is located on or immediately adjacent to the equipment, except for life safety systems wiring.

(j) Electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single family dwelling to the first point of attachment in the house from the well, by a pump installer registered under part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(k) The installation, maintenance, or servicing of security alarm systems in a building or structure. As used in this subdivision, "security alarm system" means that term as defined in section 733(2)(c).

(l) The installation, maintenance, or servicing of listed residential and commercial lawn irrigation equipment, except any permanent wired connections exceeding 30 volts.

(m) The installation, maintenance, or servicing of listed landscape lighting systems and equipment, except any permanent wired connections exceeding 30 volts.

### **Mechanical**

Sec. 809. (1) Except as provided in subsection (3) or (4) and section 819, an individual or other person shall not perform installations, alterations, or servicing of work classifications under section 807(2) that are regulated under the Stille-DeRossett-Hale single state construction code act unless the person, if the person is an individual, or an employee of the person has received a mechanical contractor's license from the department that has not been revoked or suspended, the license is classified and limited under section 807, and the holder of the license has secured the appropriate permit from the enforcing agency charged with the responsibility of issuing permits.

Sec. 819. An individual who is the owner of a single family dwelling that is, or on completion will become, his or her place of residence may personally install a heating or refrigerating system in the dwelling if the individual in his or her application for a permit affirms that he or she is or will become the owner and occupant of the dwelling in which the installation is done is completed and that the applicant will install the equipment in the dwelling for which the permit is requested. The applicant shall apply for and secure the required permits from the enforcing agency of the municipality and shall obtain the required inspection after the installation is completed and the equipment is placed in operation.

### **Plumbing**

Sec. 1125. (2) Except as otherwise provided in subsections (3) and (6) and section 1107, the state or a governmental subdivision shall issue a plumbing permit only to a licensed plumbing contractor. The state or a governmental subdivision shall require the plumbing contractor to record his or her current plumbing contractor license number on the permit application. A licensed plumbing contractor shall designate 1 or more licensed master plumbers who are employed full-time who directly supervise the installation of plumbing to obtain permits using the license number of the plumbing contractor. The master plumber's license number must also be recorded on the permit application.