

Act No. 67
Public Acts of 2024
Approved by the Governor
July 8, 2024
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Liberati, Bierlein, Scott, Neeley, Steckloff, Brenda Carter, Filler, Witwer, Tisdell, Young, Dievendorf, Tyrone Carter and Whitsett

ENROLLED HOUSE BILL No. 4603

AN ACT to amend 1937 PA 306, entitled “An act to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 1, 1a, and 2 (MCL 388.851, 388.851a, and 388.852), section 1 as amended by 2004 PA 510 and section 2 as amended by 2002 PA 627.

The People of the State of Michigan enact:

Sec. 1. (1) A school building, public or private, or any additions to a school building, must not be constructed or remodeled in this state unless all plans and specifications for buildings are prepared by any of the following:

- (a) An architect or a professional engineer who is licensed in this state.
- (b) An architect or a professional engineer who is licensed in this state working in conjunction with a design-builder. The architect or professional engineer and the design-builder described under this subdivision may form a design-build team.

(2) A school building, or any addition to the school building, constructed or remodeled in accordance with subsection (1) must comply with the Stille-DeRosett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the rules promulgated under section 4 of the Stille-DeRosett-Hale single state construction code act, 1972 PA 230, MCL 125.1504.

(3) The director of the department shall promulgate rules that establish standards and requirements for the relocation and reuse of used modular classrooms. The rules shall require an inspection of a relocated used modular classroom at its original location, at its new location, or at any location where repairs are made to the used modular classroom.

(4) As used in this section, “department” means the department of licensing and regulatory affairs.

Sec. 1a. As used in this act:

(a) “Addition” means added space that results in additional cubic contents to an existing school building.

(b) “Construction” means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(c) “Design-build construction services” means a project delivery method that meets all of the following requirements:

(i) A school district engages the services of a design-criteria developer, an architect, or a professional engineer who is licensed in this state and is not employed by the design-builder to do both of the following:

(A) Assist the school district in the selection and compensation of a design-build team or design-builder.

(B) Provide for the scope of the services of a design-build team or design-builder.

(ii) A school district contracts with a single entity for both design services and construction services.

(iii) Design and construction of the project is either of the following:

(A) Sequential, with the entire design complete before construction commences.

(B) Concurrent, with the design produced in 2 or more phases and construction of some phases commencing before the entire design is complete.

(iv) Selection is a single-phase selection using price and qualification to determine best value.

(d) “Design build team” means a team that consists of both of the following:

(i) A design-builder.

(ii) An architectural or engineering firm providing professional services in accordance with section 2010 of the occupational code, 1980 PA 229, MCL 339.2010.

(e) “Design-builder” means an individual, a partnership, a joint venture, a corporation, or other legal entity that meets both of the following conditions:

(i) Furnishes design and general contracting services for a project.

(ii) Completes design services in accordance with article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, or through a subcontract with a design firm that complies with article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(f) “Design-criteria developer” means an individual or firm that meets both of the following requirements:

(i) Is a licensed architect or a licensed professional engineer in this state.

(ii) Is responsible for preparing a design-criteria package, and may provide construction inspection services.

(g) “Design-criteria package” means a set of documents that provides sufficient information to permit a design-builder to prepare a proposal in response to a school district’s request for proposals.

(h) “Remodeling” means the alteration, construction, or remodeling of partitions, hallways, stairways, and means of egress, and the replacement, relocation, or reconstruction of heating, ventilating, and sanitary equipment.

(i) “School building” means a building used for school purposes.

(j) “Total cost” means the monetary worth of the building when ready for occupancy, regardless of the source of funds, labor, or material and includes the cost of general construction, plumbing, heating and ventilation, electrical work, all fixed equipment, and the cost of architects, engineers, and building superintending services.

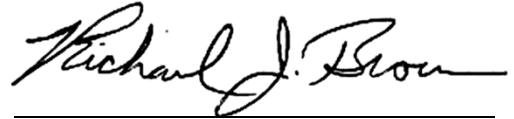
Sec. 2. (1) The architect, professional engineer, design-build team, or design-builder described in section 1 preparing the plans and specifications of a school building is responsible for assuring that the design documents provide for a structure with sufficient structural strength and fire resistance and that the building will meet all applicable codes, standards, and regulations.

(2) The person supervising the construction of a school building is responsible for the construction of the school building in conformance with the approved plans and specifications prepared by the architect, professional engineer, design-build team, or design-builder described in section 1.

(3) A person that violates this section is subject to all of the following:

(a) A state civil infraction punishable by a civil fine of not more than \$10,000.00.

(b) If the person knowingly violated this section, a misdemeanor punishable by a fine of not more than \$10,000.00 or imprisonment for not more than 180 days, or both.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor