

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 463

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 1, 2, 4, 7, 8, [9,] 10, and 22 (MCL 125.1501, 125.1502, 125.1504, 125.1507, 125.1508, [125.1509,] 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, [section 9 as amended by 1994 PA 22,] section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to create a construction code commission and pre-
scribe its functions; to authorize the ~~commission~~ DIRECTOR to
promulgate rules with recommendations from each affected board
relating to the construction, alteration, demolition, occupancy,

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1 and use of buildings and structures; to prescribe energy
2 conservation standards for the construction of certain buildings;
3 to provide for statewide approval of premanufactured units; to
4 provide for the testing of new devices, materials, and techniques
5 for the construction of buildings and structures; to define the
6 classes of buildings and structures affected by the act; ~~to pro-~~
7 ~~vide that governmental subdivisions may with exceptions elect not~~
8 ~~to be subject to certain parts of the act;~~ to provide for admin-
9 istration and enforcement of the act; to create a state construc-
10 tion code fund; to prohibit certain conduct; to establish
11 PENALTIES, remedies, and sanctions for violations of the act; to
12 repeal acts and parts of acts; and to provide an appropriation.

13 Sec. 1. This act shall be known and may be cited as the
14 ~~"state construction code act of 1972"~~ "STILLE-DEROSSETT-HALE
15 SINGLE STATE CONSTRUCTION CODE ACT".

16 Sec. 2. (1) As used in this act:

17 (a) "Agricultural or agricultural purposes" means of, or
18 pertaining to, or connected with, or engaged in agriculture or
19 tillage which is characterized by the act or business of culti-
20 vating or using land and soil for the production of crops for the
21 use of animals or humans, and includes, but is not limited to,
22 purposes related to agriculture, farming, dairying, pasturage,
23 horticulture, floriculture, viticulture, and animal and poultry
24 husbandry.

25 (b) "Application for a building permit" means an application
26 for a building permit submitted to an enforcing agency pursuant
27 to this act and plans, specifications, surveys, statements, and

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1 other material submitted to the enforcing agency together or in
2 connection with the application.

3 (c) "Barrier free design" means design complying with legal
4 requirements for architectural designs which eliminate the type
5 of barriers and hindrances that deter persons with disabilities
6 from having access to and free mobility in and around a building
7 or structure.

8 (d) "Board of appeals" means the construction board of
9 appeals of a governmental subdivision provided for in section
10 14.

11 (e) "Boards" means the state plumbing and electrical admin-
12 istrative boards and the barrier free design board created in
13 section 5 of 1966 PA 1, MCL 125.1355.

14 (f) "Building" means a combination of materials, whether
15 portable or fixed, forming a structure affording a facility or
16 shelter for use or occupancy by persons, animals, or property.
17 ~~The term BUILDING does not include a building, WHETHER TEMPO-~~
18 ~~RARY OR PERMANENT, incidental to the use for agricultural pur-~~
19 ~~poses of the land on which the building is located if it is not~~
20 ~~used in the business of retail trade. ~~The term shall be con-~~~~
21 ~~strued as though followed by the words~~ BUILDING INCLUDES THE
22 MEANING "or part or parts of the building and all equipment in
23 the building" unless the context clearly requires a different
24 meaning.

25 (g) "Building envelope" means the elements of a building
26 which enclose conditioned spaces through which thermal energy may
27 be transferred to or from the exterior.

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1 (h) "Business day" means a day of the year, exclusive of a
2 Saturday, Sunday, or legal holiday.

3 (i) "Chief elected official" means the chairperson of the
4 county board of commissioners, the city mayor, the village presi-
5 dent, or the township supervisor.

6 (j) "Code" means the state construction code provided for in
7 section 4 or a part ~~thereof~~ OF THAT CODE of limited application
8 ~~—~~ and includes a modification of or amendment to the code.

9 (k) "Commission" means the state construction code commis-
10 sion created by section 3.

11 (l) "Construction" means the construction, erection, recon-
12 struction, alteration, conversion, demolition, repair, moving, or
13 equipping of buildings or structures.

14 (m) "Construction regulation" means a law, act, rule, reso-
15 lution, regulation, ordinance, or code, general or special, or
16 compilation thereof, ~~heretofore or hereafter~~ enacted or adopted
17 BEFORE OR AFTER JANUARY 1, 1973, by this state or a county, city,
18 village, or township including a department, board, bureau, com-
19 mission, or other agency thereof, relating to the design, con-
20 struction, or use of buildings and structures and the installa-
21 tion of equipment in the building or structure. Construction
22 regulation does not include a zoning ordinance or rule issued
23 pursuant to a zoning ordinance and related to zoning.

24 (N) "COST EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND
25 (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND
26 REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF
27 THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL

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1 EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED
2 RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE
3 FOLLOWING PROVISIONS APPLY:

4 (i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPEC-
5 TIVE OF A TYPICAL FIRST-TIME HOME BUYER.

6 (ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A
7 7-YEAR TIME PERIOD.

8 (iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN
9 EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

10 (iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO
11 QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY
12 EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME
13 AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION
14 FEATURES.

15 (v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL,
16 INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER
17 AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL
18 ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED
19 ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE
20 EXISTING ENERGY EFFICIENCY RULES.

21 (O) ~~(n)~~ "Department" means the department of ~~labor~~
22 CONSUMER AND INDUSTRY SERVICES.

23 (P) ~~(o)~~ "Director" means the director of ~~labor~~ THE
24 DEPARTMENT or an authorized representative of the director.

25 (Q) ~~(p)~~ "Energy conservation" means the efficient use of
26 energy by providing building envelopes with high thermal
27 resistance and low air leakage, and the selection of energy

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1 efficient mechanical, electrical service, and illumination
2 systems, equipment, devices, or apparatus.

3 (R) ~~(q)~~ "Enforcing agency" means the enforcing agency, in
4 accordance with section 8 or 9, which is responsible for adminis-
5 tration and enforcement of a nationally recognized model code or
6 this act and the code within a governmental subdivision, except
7 for the purposes of section 19 enforcing agency means the agency
8 in a governmental unit principally responsible for the adminis-
9 tration and enforcement of applicable construction regulations.

10 (S) ~~(r)~~ "Equipment" means plumbing, heating, electrical,
11 ventilating, air conditioning, and refrigerating equipment.

12 ~~(s) "Executive director" means the director of the bureau
13 of construction codes as set forth under section 7.~~

14 (t) "Governmental subdivision" means a county, city, vil-
15 lage, or township which in accordance with section 8 or 9 has
16 assumed responsibility for ~~the~~ administration and enforcement
17 of a nationally recognized model code or this act and the code
18 within its jurisdiction.

19 (u) "Mobile home" means a vehicular, portable structure
20 built on a chassis PURSUANT TO THE NATIONAL MANUFACTURED HOUSING
21 CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI OF THE
22 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383,
23 42 U.S.C. 5401 TO 5426, and designed to be used without a per-
24 manent foundation as a dwelling when connected to required utili-
25 ties and which is, or is intended to be, attached to the ground,
26 to another structure, or to a utility system on the same premises
27 for more than 30 consecutive days.

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1 (v) "Other laws and ordinances" means other laws and
2 ordinances ~~—~~ whether enacted by this state or by a county,
3 city, village, or township and the rules issued ~~thereunder~~
4 UNDER THOSE LAWS AND ORDINANCES.

5 (w) "Owner" means the owner of the freehold of the premises
6 or lesser estate in the premises, a mortgagee or vendee in pos-
7 session, an assignee of rents, receiver, executor, trustee,
8 lessee, or any other person, sole proprietorship, partnership,
9 association, or corporation directly or indirectly in control of
10 a building, structure, or real property or his or her duly autho-
11 rized agent.

12 (x) "Person with disabilities" means a individual whose
13 physical characteristics have a particular relationship to that
14 individual's ability to be self-reliant in the individual's move-
15 ment throughout and use of the building environment.

16 (y) "Premanufactured unit" means an assembly of materials or
17 products intended to comprise all or part of a building or struc-
18 ture, and which is assembled at other than the final location of
19 the unit of the building or structures by a repetitive process
20 under circumstances intended to insure uniformity of quality and
21 material content. Premanufactured unit includes a mobile home.

22 (z) "Structure" means that which is built or constructed, an
23 edifice or building of any kind, or a piece of work artificially
24 built up or composed of parts joined together in some definite
25 manner. Structure does not include a structure incident to the
26 use for agricultural purposes of the land on which the structure
27 is located and does not include works of heavy civil construction

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1 including, ~~without limitation~~ BUT NOT LIMITED TO, a highway,
2 bridge, dam, reservoir, lock, mine, harbor, dockside port facili-
3 ty, an airport landing facility and facilities for the generation
4 or transmission, or distribution of electricity. Structure
5 ~~shall be construed as though followed by the words~~ INCLUDES THE
6 MEANING "or part or parts of the structure and all equipment in
7 the structure" unless the context clearly ~~indicates otherwise~~
8 REQUIRES A DIFFERENT MEANING.

9 (2) Unless the context clearly indicates otherwise,
10 ~~references~~ A REFERENCE to this act, or to this act and the
11 code, ~~shall refer to~~ MEANS this act and rules promulgated pur-
12 suant to this act including the code.

13 SEC. 2A. (1) AS USED IN THIS ACT:

14 (A) "AGRICULTURAL OR AGRICULTURAL PURPOSES" MEANS OF, OR
15 PERTAINING TO, OR CONNECTED WITH, OR ENGAGED IN AGRICULTURE OR
16 TILLAGE WHICH IS CHARACTERIZED BY THE ACT OR BUSINESS OF CULTI-
17 VATING OR USING LAND AND SOIL FOR THE PRODUCTION OF CROPS FOR THE
18 USE OF ANIMALS OR HUMANS, AND INCLUDES, BUT IS NOT LIMITED TO,
19 PURPOSES RELATED TO AGRICULTURE, FARMING, DAIRYING, PASTURAGE,
20 HORTICULTURE, FLORICULTURE, VITICULTURE, AND ANIMAL AND POULTRY
21 HUSBANDRY.

22 (B) "APPLICATION FOR A BUILDING PERMIT" MEANS AN APPLICATION
23 FOR A BUILDING PERMIT SUBMITTED TO AN ENFORCING AGENCY PURSUANT
24 TO THIS ACT AND PLANS, SPECIFICATIONS, SURVEYS, STATEMENTS, AND
25 OTHER MATERIAL SUBMITTED TO THE ENFORCING AGENCY TOGETHER OR IN
26 CONNECTION WITH THE APPLICATION.

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1 (C) "BARRIER FREE DESIGN" MEANS DESIGN COMPLYING WITH LEGAL
2 REQUIREMENTS FOR ARCHITECTURAL DESIGNS WHICH ELIMINATE THE TYPE
3 OF BARRIERS AND HINDRANCES THAT DETER PERSONS WITH DISABILITIES
4 FROM HAVING ACCESS TO AND FREE MOBILITY IN AND AROUND A BUILDING
5 OR STRUCTURE.

6 (D) "BOARD OF APPEALS" MEANS THE CONSTRUCTION BOARD OF
7 APPEALS OF A GOVERNMENTAL SUBDIVISION PROVIDED FOR IN SECTION
8 14.

9 (E) "BOARDS" MEANS THE STATE PLUMBING, BOARD OF MECHANICAL
10 RULES, AND ELECTRICAL ADMINISTRATIVE BOARDS AND THE BARRIER FREE
11 DESIGN BOARD CREATED IN SECTION 5 OF 1966 PA 1, MCL 125.1355.

12 (F) "BUILDING" MEANS A COMBINATION OF MATERIALS, WHETHER
13 PORTABLE OR FIXED, FORMING A STRUCTURE AFFORDING A FACILITY OR
14 SHELTER FOR USE OR OCCUPANCY BY PERSONS, ANIMALS, OR PROPERTY.
15 BUILDING DOES NOT INCLUDE A BUILDING, WHETHER TEMPORARY OR PER-
16 MANENT, INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE
17 LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE
18 BUSINESS OF RETAIL TRADE. BUILDING INCLUDES THE MEANING "OR PART
19 OR PARTS OF THE BUILDING AND ALL EQUIPMENT IN THE BUILDING"
20 UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

21 (G) "BUILDING ENVELOPE" MEANS THE ELEMENTS OF A BUILDING
22 WHICH ENCLOSE CONDITIONED SPACES THROUGH WHICH THERMAL ENERGY MAY
23 BE TRANSFERRED TO OR FROM THE EXTERIOR.

24 (H) "BUSINESS DAY" MEANS A DAY OF THE YEAR, EXCLUSIVE OF A
25 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

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1 (I) "CHIEF ELECTED OFFICIAL" MEANS THE CHAIRPERSON OF THE
2 COUNTY BOARD OF COMMISSIONERS, THE CITY MAYOR, THE VILLAGE
3 PRESIDENT, OR THE TOWNSHIP SUPERVISOR.

4 (J) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN
5 SECTION 4 OR A PART OF THAT CODE OF LIMITED APPLICATION AND
6 INCLUDES A MODIFICATION OF OR AMENDMENT TO THE CODE.

7 (K) "COMMISSION" MEANS THE STATE CONSTRUCTION CODE COMMIS-
8 SION CREATED BY SECTION 3.

9 (L) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECON-
10 STRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR
11 EQUIPPING OF BUILDINGS OR STRUCTURES.

12 (M) "CONSTRUCTION REGULATION" MEANS A LAW, ACT, RULE, REGU-
13 LATION, OR CODE, GENERAL OR SPECIAL, OR COMPILATION THEREOF,
14 ENACTED OR ADOPTED BEFORE OR AFTER JANUARY 1, 1973, BY THIS STATE
15 INCLUDING A DEPARTMENT, BOARD, BUREAU, COMMISSION, OR OTHER
16 AGENCY THEREOF, RELATING TO THE DESIGN, CONSTRUCTION, OR USE OF
17 BUILDINGS AND STRUCTURES AND THE INSTALLATION OF EQUIPMENT IN THE
18 BUILDING OR STRUCTURE. CONSTRUCTION REGULATION DOES NOT INCLUDE
19 A ZONING ORDINANCE OR RULE ISSUED PURSUANT TO A ZONING ORDINANCE
20 AND RELATED TO ZONING.

21 (N) "COST EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND
22 (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND
23 REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF
24 THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL
25 EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED
26 RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE
27 FOLLOWING PROVISIONS APPLY:

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1 (i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE
2 PERSPECTIVE OF A TYPICAL FIRST-TIME HOME BUYER.

3 (ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A
4 7-YEAR TIME PERIOD.

5 (iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN
6 EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

7 (iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO
8 QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY
9 EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME
10 AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION
11 FEATURES.

12 (v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL,
13 INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER
14 AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL
15 ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED
16 ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE
17 EXISTING ENERGY EFFICIENCY RULES.

18 (o) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-
19 TRY SERVICES.

20 (p) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN
21 AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

22 (q) "ENERGY CONSERVATION" MEANS THE EFFICIENT USE OF ENERGY
23 BY PROVIDING BUILDING ENVELOPES WITH HIGH THERMAL RESISTANCE AND
24 LOW AIR LEAKAGE, AND THE SELECTION OF ENERGY EFFICIENT MECHANI-
25 CAL, ELECTRICAL SERVICE, AND ILLUMINATION SYSTEMS, EQUIPMENT,
26 DEVICES, OR APPARATUS.

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1 (R) "ENFORCING AGENCY" MEANS THE ENFORCING AGENCY, IN
2 ACCORDANCE WITH SECTION 8A OR 8B, WHICH IS RESPONSIBLE FOR
3 ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN A GOVERNMENTAL
4 SUBDIVISION, EXCEPT FOR THE PURPOSES OF SECTION 19 ENFORCING
5 AGENCY MEANS THE AGENCY IN A GOVERNMENTAL UNIT PRINCIPALLY
6 RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF APPLICABLE
7 CONSTRUCTION REGULATIONS.

8 (S) "EQUIPMENT" MEANS PLUMBING, HEATING, ELECTRICAL, VENTI-
9 LATING, AIR CONDITIONING, AND REFRIGERATING EQUIPMENT.

10 (T) "GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, VIL-
11 LAGE, OR TOWNSHIP WHICH IN ACCORDANCE WITH SECTION 8 HAS ASSUMED
12 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND
13 THE CODE WITHIN ITS JURISDICTION.

14 (U) "MOBILE HOME" MEANS A VEHICULAR, PORTABLE STRUCTURE
15 BUILT ON A CHASSIS AND DESIGNED TO BE USED WITHOUT A PERMANENT
16 FOUNDATION AS A DWELLING WHEN CONNECTED TO REQUIRED UTILITIES AND
17 WHICH IS, OR IS INTENDED TO BE, ATTACHED TO THE GROUND, TO
18 ANOTHER STRUCTURE, OR TO A UTILITY SYSTEM ON THE SAME PREMISES
19 FOR MORE THAN 30 CONSECUTIVE DAYS.

20 (V) "OTHER LAWS AND ORDINANCES" MEANS OTHER LAWS AND ORDI-
21 NANCES WHETHER ENACTED BY THIS STATE OR BY A COUNTY, CITY, VIL-
22 LAGE, OR TOWNSHIP AND THE RULES ISSUED UNDER THOSE LAWS AND
23 ORDINANCES.

24 (W) "OWNER" MEANS THE OWNER OF THE FREEHOLD OF THE PREMISES
25 OR LESSER ESTATE IN THE PREMISES, A MORTGAGEE OR VENDEE IN POS-
26 SESSION, AN ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE,
27 LESSEE, OR ANY OTHER PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP,

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1 ASSOCIATION, OR CORPORATION DIRECTLY OR INDIRECTLY IN CONTROL OF
2 A BUILDING, STRUCTURE, OR REAL PROPERTY OR HIS OR HER DULY AUTHO-
3 RIZED AGENT.

4 (X) "PERSON WITH DISABILITIES" MEANS A INDIVIDUAL WHOSE
5 PHYSICAL CHARACTERISTICS HAVE A PARTICULAR RELATIONSHIP TO THAT
6 INDIVIDUAL'S ABILITY TO BE SELF-RELIANT IN THE INDIVIDUAL'S MOVE-
7 MENT THROUGHOUT AND USE OF THE BUILDING ENVIRONMENT.

8 (Y) "PREMANUFACTURED UNIT" MEANS AN ASSEMBLY OF MATERIALS OR
9 PRODUCTS INTENDED TO COMPRISE ALL OR PART OF A BUILDING OR STRUC-
10 TURE, AND WHICH IS ASSEMBLED AT OTHER THAN THE FINAL LOCATION OF
11 THE UNIT OF THE BUILDING OR STRUCTURES BY A REPETITIVE PROCESS
12 UNDER CIRCUMSTANCES INTENDED TO INSURE UNIFORMITY OF QUALITY AND
13 MATERIAL CONTENT. PREMANUFACTURED UNIT INCLUDES A MOBILE HOME.

14 (Z) "STRUCTURE" MEANS THAT WHICH IS BUILT OR CONSTRUCTED, AN
15 EDIFICE OR BUILDING OF ANY KIND, OR A PIECE OF WORK ARTIFICIALLY
16 BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEFINITE
17 MANNER. STRUCTURE DOES NOT INCLUDE A STRUCTURE INCIDENT TO THE
18 USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE STRUCTURE
19 IS LOCATED AND DOES NOT INCLUDE WORKS OF HEAVY CIVIL CONSTRUCTION
20 INCLUDING, BUT NOT LIMITED TO, A HIGHWAY, BRIDGE, DAM, RESERVOIR,
21 LOCK, MINE, HARBOR, DOCKSIDE PORT FACILITY, AN AIRPORT LANDING
22 FACILITY AND FACILITIES FOR THE GENERATION OR TRANSMISSION, OR
23 DISTRIBUTION OF ELECTRICITY. STRUCTURE INCLUDES THE MEANING "OR
24 PART OR PARTS OF THE STRUCTURE AND ALL EQUIPMENT IN THE
25 STRUCTURE" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT
26 MEANING.

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1 (2) UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, A
2 REFERENCE TO THIS ACT, OR TO THIS ACT AND THE CODE, MEANS THIS
3 ACT AND RULES PROMULGATED PURSUANT TO THIS ACT INCLUDING THE
4 CODE.

5 SEC. 3A. (1) THE STATE CONSTRUCTION CODE COMMISSION IS CRE-
6 ATED AND CONSISTS OF A DESIGNEE OF THE OFFICE OF FIRE SAFETY AND
7 THE CHAIRPERSONS OF THE BARRIER FREE DESIGN BOARD, THE ELECTRICAL
8 ADMINISTRATIVE BOARD, THE STATE PLUMBING BOARD, AND THE BOARD OF
9 MECHANICAL RULES, WHO SHALL BE PERMANENT MEMBERS, AND 12 RESI-
10 DENTS OF THE STATE TO BE APPOINTED BY THE GOVERNOR WITH THE
11 ADVICE AND CONSENT OF THE SENATE. APPOINTED MEMBERS OF THE COM-
12 MISSION SHALL INCLUDE 1 PERSON FROM EACH OF THE FIELDS OF INDUS-
13 TRIAL MANAGEMENT, ARCHITECTURE, PROFESSIONAL ENGINEERING, BUILD-
14 ING CONTRACTING, ORGANIZED LABOR, PREMANUFACTURED BUILDING, AND 3
15 MEMBERS REPRESENTING MUNICIPAL BUILDING INSPECTION; 2 PERSONS
16 FROM THE GENERAL PUBLIC; AND A LICENSED RESIDENTIAL BUILDER. A
17 MEMBER OF THE COMMISSION SHALL BE APPOINTED FOR A TERM OF 2
18 YEARS, EXCEPT THAT A VACANCY SHALL BE FILLED FOR THE UNEXPIRED
19 PORTION OF THE TERM. A MEMBER OF THE COMMISSION MAY BE REMOVED
20 FROM OFFICE BY THE GOVERNOR FOR INEFFICIENCY, NEGLECT OF DUTY, OR
21 MISCONDUCT OR MALFEASANCE IN OFFICE. A MEMBER OF THE COMMISSION
22 WHO HAS A PECUNIARY INTEREST IN A MATTER BEFORE THE COMMISSION
23 SHALL DISCLOSE THE INTEREST BEFORE THE COMMISSION TAKES ACTION IN
24 THE MATTER, WHICH DISCLOSURES SHALL BE MADE A MATTER OF RECORD IN
25 ITS OFFICIAL PROCEEDINGS. EACH MEMBER OF THE COMMISSION, EXCEPT
26 THE STATE FIRE MARSHAL OR THE STATE FIRE MARSHAL'S DESIGNEE,
27 SHALL RECEIVE COMPENSATION AND ACTUAL EXPENSES INCURRED BY THE

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1 MEMBER IN THE PERFORMANCE OF THE DUTIES AS A MEMBER OF THE
2 COMMISSION. THE PER DIEM COMPENSATION OF THE MEMBERS AND THE
3 SCHEDULE FOR REIMBURSEMENT OF EXPENSES SHALL BE ESTABLISHED ANNU-
4 ALLY BY THE LEGISLATURE.

5 (2) NINE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.
6 EXCEPT AS OTHERWISE PROVIDED IN THE COMMISSION'S BYLAWS, ACTION
7 MAY BE TAKEN BY THE COMMISSION BY VOTE OF A MAJORITY OF THE MEM-
8 BERS PRESENT AT A MEETING. MEETINGS OF THE COMMISSION MAY BE
9 CALLED BY THE CHAIRPERSON OR BY 3 MEMBERS ON 10 DAYS' WRITTEN
10 NOTICE. NOT LESS THAN 1 MEETING SHALL BE HELD EACH CALENDAR
11 QUARTER. A MEETING OF THE COMMISSION MAY BE HELD ANYWHERE IN
12 THIS STATE.

13 (3) THE COMMISSION SHALL ELECT 1 MEMBER AS CHAIRPERSON,
14 ANOTHER AS VICE-CHAIRPERSON, AND OTHER OFFICERS AS IT DETERMINES
15 APPROPRIATE, FOR THE TERMS AND WITH THE DUTIES AND POWERS AS THE
16 COMMISSION DETERMINES. THE CHAIRPERSON AND VICE-CHAIRPERSON OF
17 THE COMMISSION SHALL BE ELECTED FROM THOSE MEMBERS APPOINTED TO
18 THE COMMISSION BY THE GOVERNOR.

19 (4) THE COMMISSION IS WITHIN THE DEPARTMENT BUT SHALL EXER-
20 CISE ITS STATUTORY FUNCTIONS INDEPENDENTLY OF THE DIRECTOR,
21 EXCEPT THAT BUDGETING, PERSONNEL, AND PROCUREMENT FUNCTIONS OF
22 THE COMMISSION SHALL BE PERFORMED UNDER THE DIRECTION AND SUPER-
23 VISION OF THE DIRECTOR. THE DIRECTOR HAS THE SOLE STATUTORY
24 AUTHORITY TO PROMULGATE RULES.

25 (5) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
26 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN
27 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO

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1 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE
2 MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEET-
3 INGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

4 (6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
5 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
6 FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
7 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
8 15.246.

9 Sec. 4. (1) Except as provided in subsection (6), the
10 ~~commission~~ DIRECTOR shall prepare and promulgate the state con-
11 struction code consisting of rules governing the construction,
12 use, and occupation of buildings and structures, including land
13 area incidental to the buildings and structures, the manufacture
14 and installation of building components and equipment, the con-
15 struction and installation of premanufactured units, the stan-
16 dards and requirements for materials to be used in connection
17 with the units, and other requirements relating to the safety,
18 including safety from fire, and sanitation facilities of the
19 buildings and structures.

20 (2) ~~The~~ UNTIL THE DATE SECTIONS 2A, 3A, 8A, 8B, AND 9B
21 APPLY, THE code shall consist of nationally recognized model
22 building codes, other nationally recognized model codes and stan-
23 dards, and amendments, additions, or deletions to the building
24 code or other codes and standards as the ~~commission~~ DIRECTOR
25 determines appropriate. AFTER THE DATE SECTIONS 2, 3, 8, 9, AND
26 9A ARE REPEALED, THE CODE SHALL CONSIST OF THE INTERNATIONAL
27 RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE

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1 INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL PLUMBING CODE
2 PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, THE NATIONAL ELEC-
3 TRICAL CODE PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIA-
4 TION, AND THE MICHIGAN UNIFORM ENERGY CODE WITH AMENDMENTS, ADDI-
5 TIONS, OR DELETIONS AS THE DIRECTOR DETERMINES APPROPRIATE.

6 (3) The code shall be designed to effectuate the general
7 purposes of this act and the following objectives and standards:

8 (a) To provide standards and requirements for construction
9 and construction materials consistent with nationally recognized
10 standards and requirements.

11 (b) To formulate standards and requirements, to the extent
12 practicable in terms of performance objectives, so as to make
13 adequate performance for the use intended the test of
14 acceptability.

15 (c) To permit to the fullest extent feasible the use of
16 modern technical methods, devices, and improvements, including
17 premanufactured units, consistent with reasonable requirements
18 for the health, safety, and welfare of the occupants and users of
19 buildings and structures.

20 (d) To eliminate restrictive, obsolete, conflicting, and
21 unnecessary construction regulations that tend to increase con-
22 struction costs unnecessarily or restrict the use of new materi-
23 als, products, or methods of construction, or provide preferen-
24 tial treatment to types or classes of materials or products or
25 methods of construction.

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1 (e) To insure adequate maintenance of buildings and
2 structures throughout this state and to adequately protect the
3 health, safety, and welfare of the people.

4 (f) To provide standards and requirements for cost-effective
5 energy efficiency that will be effective April 1, 1997.

6 (g) Upon periodic review, to continue to seek
7 ever-improving, cost-effective energy efficiencies.

8 (h) The development of a voluntary consumer information
9 system relating to energy efficiencies.

10 (4) The code shall be divided into sections as the
11 ~~commission~~ DIRECTOR considers appropriate including, without
12 limitation, building, plumbing, electrical, and mechanical
13 sections. The boards shall participate in and work with the
14 staff of the ~~commission~~ DIRECTOR in the preparation of parts
15 relating to their functions. Before the promulgation of an
16 amendment to the code, the boards whose functions relate to that
17 code shall be permitted to draft and recommend to the
18 ~~commission~~ DIRECTOR proposed language. The ~~commission~~
19 DIRECTOR shall give consideration to all submissions by the
20 boards. However, the ~~commission~~ DIRECTOR has final responsi-
21 bility for the promulgation of the code.

22 (5) The code may incorporate the provisions of a code, stan-
23 dard, or other material by reference. The ~~commission~~ DIRECTOR
24 shall add, amend, and rescind rules to update the code not less
25 than once every 3 years to coincide with the national code change
26 cycle.

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1 ~~(6) Until March 31, 1997, or until the adoption of changes~~
2 ~~to the code under subsection (3)(f), the standards for energy~~
3 ~~conservation in the construction of a building envelope shall be~~
4 ~~those set forth in Standards 90A-1980 or 90B-1975, as applicable,~~
5 ~~published by the American society of heating, refrigerating and~~
6 ~~air-conditioning engineers, incorporated, except for section 1.6~~
7 ~~of 90A-1980. It is intended that the model energy code contained~~
8 ~~in rules promulgated by the commission be rescinded on the effec-~~
9 ~~tive date of this subsection.~~

10 Sec. 7. (1) After consultation and with the approval of the
11 commission, the director ~~of labor shall appoint an executive~~
12 ~~director of the commission and~~ may DO THE FOLLOWING:

13 (a) Subject to civil service requirements, appoint subordi-
14 nate officers and employees of the commission, including legal
15 counsel, and prescribe their duties and fix their compensation.

16 (b) Appoint or use experts, consultants, technical advisers,
17 and advisory committees for assistance and recommendations rela-
18 tive to preparation and promulgation of the code and to assist
19 the commission and the ~~executive~~ director in carrying out this
20 act.

21 (c) Subject to the advice of the commission, do those things
22 necessary or desirable to effectuate the general purposes and
23 specific objectives of this act.

24 (2) The director ~~of labor~~ shall cooperate with agencies of
25 the federal government, may enter into contracts to receive
26 funds, and may receive grants from the federal government to
27 carry out the purposes of this act.

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1 Sec. 8. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN
2 SECTION 8A AND UNTIL THE PROMULGATION OF THE COMPLETE CODE UPDATE
3 UNDER SECTION 4, THIS act and the code apply throughout the
4 state, except that a governmental subdivision may elect to exempt
5 itself from certain parts of this act and the code by adopting
6 and enforcing a nationally recognized model building code or
7 other nationally recognized model codes. It is not necessary for
8 a governmental subdivision to elect to exempt itself from every
9 part of the code promulgated by the ~~commission~~ DIRECTOR in
10 order to preserve its exemption election as to 1 or more nation-
11 ally recognized model codes. A governmental subdivision may make
12 this election by the passage of an ordinance adopting by refer-
13 ence or otherwise without amendment a nationally recognized model
14 building code or other nationally recognized model codes. A
15 county ordinance adopted pursuant to this act shall be adopted by
16 the county board of commissioners and shall be signed by the
17 chairperson of the county board of commissioners and certified by
18 the county clerk. A governmental subdivision that elects not to
19 be governed by certain parts of this act and the code shall
20 review and update its codes by amending its ordinance at least
21 once every 3 years by adopting without amendment all changes to
22 those codes and submitting a certified copy of the amended ordi-
23 nance to the commission. However, a governmental subdivision
24 adopting nationally recognized model codes may approve amendments
25 to those codes by ordinance. The amendments shall become effec-
26 tive 90 days after passage of the ordinance and 90 days after a
27 certified copy of the ordinance is delivered to the commission,

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1 unless the commission determines after a public hearing that the
2 codes, as amended, do not adequately protect the health, safety,
3 or welfare of the people of the governmental subdivision, or that
4 the amendments tend to unnecessarily increase construction costs;
5 restrict the use of new materials, products, or methods of con-
6 struction; provide preferential treatment to types or classes of
7 materials, products, or methods of construction; or obstruct the
8 substantive uniformity of building codes within a region or
9 locality in the state.

10 (2) Within 10 days after December 30, 1980, the ~~executive~~
11 director shall provide a notice of intent form to all governmen-
12 tal subdivisions administering and enforcing a nationally recog-
13 nized model code. This form shall set forth the date return
14 receipt is required, which date shall not be less than 60 days
15 after receipt. The chief elected official of the governmental
16 subdivision that receives this notice shall indicate on the form
17 the intention of the governmental subdivision as to whether it
18 shall continue to administer and enforce its code and transmit
19 this notice to the ~~executive~~ director within the prescribed
20 period. If a governmental subdivision fails to submit a notice
21 of intent to continue to administer and enforce its code within
22 the date set forth in the notice, the ~~executive~~ director shall
23 send a notice by registered mail to the clerk of that governmen-
24 tal subdivision. The registered notice shall indicate that the
25 governmental subdivision has 15 additional days in which to
26 submit a notice of intent to continue to administer and enforce
27 its code. If the governmental subdivision does not respond by

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1 the end of the 15 additional days, it shall be conclusively
2 presumed that the governmental subdivision does not intend to
3 continue to administer and enforce its code, and the ~~executive~~
4 director shall assume the responsibility for administering and
5 enforcing this act and the code in that governmental subdivision,
6 unless the county within which that governmental subdivision is
7 located has submitted a notice of intent to continue to adminis-
8 ter and enforce this act and the code. Governmental subdivisions
9 may provide by agreement for joint enforcement of another nation-
10 ally recognized model code adopted pursuant to subsection (1).

11 (3) A county that was administering and enforcing this act
12 and the code pursuant to section 9(1) on December 30, 1980, and
13 has submitted a notice of intent to continue to administer and
14 enforce the code to the ~~executive~~ director pursuant to section
15 9, after December 30, 1980, may exempt itself pursuant to subsec-
16 tion (1) by the passage of an ordinance adopting by reference or
17 otherwise without amendment a nationally recognized model build-
18 ing code or other nationally recognized model codes. However,
19 that action shall not take effect until 90 days after passage of
20 an ordinance to that effect. Before the effective date of this
21 action and the effective date of the ordinance, a county that
22 proposes to adopt an ordinance to this effect shall file the pro-
23 posed ordinance for approval pursuant to subsection (1) with the
24 commission. The commission shall review the proposed ordinance.
25 If the commission does not approve or disapprove the proposed
26 ordinance within 90 days after it is filed with the commission,
27 the proposed ordinance shall be considered approved unless the

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1 county grants the commission additional time to consider the
2 proposed ordinance. The ~~executive~~ director shall notify a
3 county that elects to exempt itself pursuant to subsection (1) of
4 all governmental subdivisions within their jurisdiction that have
5 not submitted a notice of intent to continue to administer and
6 enforce its code. It is the responsibility of that county to
7 administer and enforce that code for all of the governmental sub-
8 divisions within the county that have not submitted a notice of
9 intent to continue to administer and enforce its code within its
10 jurisdiction. A structure commenced under an effective code
11 shall be completed under that code. A county that elects to
12 exempt itself in accordance with this subsection may exercise the
13 option to administer and enforce this act and the code pursuant
14 to section 9(1). However, the exercise of this election to
15 administer and enforce this act and the code shall not take
16 effect until 6 months after passage of an ordinance to that
17 effect.

18 (4) A governmental subdivision that has elected to assume
19 responsibility for the administration and enforcement of this act
20 and the code, and has submitted a notice of intent to continue to
21 administer and enforce the code to the ~~executive~~ director pur-
22 suant to section 9, after December 30, 1980, may reverse that
23 election and exempt itself pursuant to subsection (1) by the pas-
24 sage of an ordinance adopting by reference or otherwise without
25 amendment a nationally recognized model building code or other
26 nationally recognized model codes. However, that action shall
27 not take effect until 90 days after passage of an ordinance to

1 that effect. Before the effective date of this action and the
2 effective date of the ordinance, a governmental subdivision that
3 proposes to adopt an ordinance to this effect shall file the pro-
4 posed ordinance for approval pursuant to subsection (1) with the
5 commission. The commission shall review the proposed ordinance.
6 If the commission does not approve or disapprove the proposed
7 ordinance within 90 days after it is filed with the commission,
8 the proposed ordinance shall be considered approved unless the
9 governmental subdivision grants the commission additional time to
10 consider the proposed ordinance. A structure commenced under an
11 effective code shall be completed under that code. A governmen-
12 tal subdivision that elects to exempt itself in accordance with
13 this subsection may exercise the option to make itself subject to
14 this act and the code pursuant to section 9(1). However, the
15 exercise of this election to be subject to this act and the code
16 shall not take effect until 6 months after passage of an ordi-
17 nance to that effect.

18 (5) A governmental subdivision that has elected to exempt
19 itself pursuant to subsection (1) may reverse that election,
20 making itself subject to the act and the code. However, that
21 action shall not take effect until 60 days after passage of an
22 ordinance to that effect. A structure commenced under an effec-
23 tive code shall be completed under that code. A governmental
24 subdivision that elects to make itself subject to the code in
25 accordance with this subsection may exercise the option to exempt
26 itself pursuant to subsection (1) not later than 3 years after
27 its administration and enforcement of the code. However, that

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1 exemption shall not take effect until 1 year after passage of an
2 ordinance to that effect.

3 (6) A governmental subdivision that before December 30,
4 1980, has not administered and enforced either this act and the
5 code or another nationally recognized model code may elect to
6 exempt itself from certain parts of this act and the code pursu-
7 ant to subsection (1) by the passage of an ordinance to that
8 effect. A governmental subdivision that makes this election
9 after December 30, 1980 shall submit, in addition to the ordi-
10 nance, an application to the commission for approval to adminis-
11 ter and enforce that code within its jurisdiction. This applica-
12 tion shall be made on the proper form to be provided by the
13 commission. The standards for approval shall include, but not be
14 limited to, the certification by the governmental subdivision
15 that the enforcing agency is qualified by experience or training
16 to administer and enforce that nationally recognized model code
17 and all related acts and rules, that agency personnel are pro-
18 vided as necessary, administrative services are provided, plan
19 review services are provided, and timely field inspection serv-
20 ices shall be provided. The ~~executive~~ director shall seek
21 additional information if the ~~executive~~ director considers it
22 necessary. The commission shall render a decision on the appli-
23 cation for approval to administer and enforce that code that has
24 been adopted and transmit its findings to that governmental sub-
25 division within 90 days of receipt of the application. The com-
26 mission shall document its reasons if the commission disapproves
27 an application. A governmental subdivision that receives a

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1 disapproval may resubmit its application for approval. Upon
2 receipt of approval from the commission for the administration
3 and enforcement of that adopted code, the governmental subdivi-
4 sion shall administer and enforce that code within its jurisdic-
5 tion pursuant to the provisions of its approved application.

6 (7) The state construction code or any of its sections shall
7 take effect 6 months after the code's initial promulgation. The
8 6-month delay does not apply to rules promulgated to implement
9 sections 13a, 13b, 19, and 21 and the requirements of barrier
10 free design and energy conservation of this act and code. A gov-
11 ernmental subdivision may not exempt itself from the requirements
12 of this section, section 9(8) or (10), or section 9a, 10, 13a,
13 13b, 14, 15, 20, 21a, 22(1), 23, or 23a. The 6-month delay does
14 not apply to amendments to the code or any of the code's sections
15 after the initial promulgation. A governmental subdivision that
16 elects to exempt itself from this act and the code may do so
17 within 6 months after the promulgation of the code in the manner
18 provided in subsection (1), except that any amendments the gov-
19 ernmental subdivision adopts at that time are subject to review
20 by the commission as set forth in subsection (1) within 120 days
21 after a copy of the adopted amendments is delivered to the com-
22 mission by certified mail with return receipt requested.

23 (8) A governmental subdivision that elects to exempt itself
24 from certain parts of this act and the code pursuant to subsec-
25 tion (1) and is enforcing its code within its jurisdiction pursu-
26 ant to subsection (1) may rescind that ordinance by which it
27 elected to exempt itself from certain parts of this act and the

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1 code, and transfer the responsibility for the administration and
2 enforcement of this act and the code within the governmental sub-
3 division to the ~~executive~~ director. The ~~executive~~ director
4 shall assume the responsibility for administering and enforcing
5 this act and the code in that governmental subdivision, unless
6 the county within which that governmental subdivision is located
7 has submitted a notice of intent to continue to administer and
8 enforce the code. However, that action shall not take effect
9 until 12 months after the passage of an ordinance to that
10 effect. A structure commenced under an effective code shall be
11 completed under that code.

12 [~~(9) Locally adopted codes do not apply to public or nonpub-~~
13 ~~lic schools within the governmental subdivision without concur-~~
14 ~~rence by the school authorities having jurisdiction.]~~

15 [(9) ~~(10)~~] Sections 10, 13a, 13b, {16, 17, 18,} 19, 21, 21a,
16 and
17 23a, subsection [~~(13)~~ (12)], and other provisions of this act and
18 code
19 directly relating to the provisions of sections 10, 13a, 13b,
20 {16, 17, 18,} 19, 21, 21a, and 23a, subsection [~~(13)~~ (12)], and
21 provi-
22 sions of the code relating to the requirements of barrier free
23 design, energy conservation, and, except as provided in
24 subsection [~~(11)~~ (10)], for plans submitted for approval after
25 January 1, 1994 the type and number of plumbing fixtures for men
26 and women required in an assembly building with an occupancy of
27 more than 150 are effective throughout the state without local
28 modifications notwithstanding the exception of subsections (1) to
29 [~~(9)~~ (8)]. The standards for premanufactured housing shall not be
30 less
31 than the standards required for nonpremanufactured housing,

1 except that mobile homes shall be considered to have complied
2 with this requirement by compliance with the state code provi-
3 sions adopting a nationally recognized mobile home code. As used
4 in this subsection, "assembly building" means a theater, sports
5 arena, stadium, food service establishment with or without a
6 liquor license, exhibition hall, library, recreation center, pas-
7 senger terminal, and outdoor assembly structure which includes an
8 outdoor grandstand, bleacher, colosseum, stadium, amusement park
9 structure, and fair or carnival structure.

10 [(10) ~~(11)~~] With respect to the type and number of plumbing
11 fix-
12 tures required for men and women in an assembly building pursuant
13 to subsection [~~(10)~~ (9)], the ~~executive~~ director, in his or her
14 sole
15 discretion, may exempt from the effective date provision those
16 projects for which plans were near finalization before January 1,
17 1994, but were submitted after that date.

18 [(11) ~~(12)~~] The commission may limit the application of a part
19 of
20 the code to include or exclude the following:

21 (a) Specified classes or types of buildings or structures,
22 according to use, or other distinctions as may make differentia-
23 tion or separate classification or regulation necessary, proper,
24 or desirable. The commission shall consider the specific prob-
25 lems of the construction or alteration of a single family,
26 owner-occupied recreational dwelling that is located in a
27 sparsely populated area and that is to be occupied on a part-time
28 basis.

29 (b) Specified areas of the state based on size, population
30 density, special conditions prevailing in the area, or other

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1 factors as may make differentiation or separate classification or
2 regulation necessary, proper, or desirable.

3 [(12) ~~(13)~~] A building or structure that has baby changing
4 stations

5 in the women's restrooms shall have baby changing stations in the
6 men's restrooms.

7 [(13)] THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STAN-
8 DARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE
9 NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE
10 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

11 SEC. 8A. (1) THIS ACT AND THE CODE APPLY THROUGHOUT THE
12 STATE.

13 (2) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSEC-
14 TION, THE DIRECTOR SHALL PROVIDE A NOTICE OF INTENT FORM TO ALL
15 GOVERNMENTAL SUBDIVISIONS ADMINISTERING AND ENFORCING A NATION-
16 ALLY RECOGNIZED MODEL CODE OTHER THAN THE CODE ESTABLISHED BY THE
17 COMMISSION UNDER THIS ACT. THIS FORM SHALL SET FORTH THE DATE
18 RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60
19 DAYS AFTER RECEIPT. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMEN-
20 TAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE
21 FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER
22 IT SHALL ADMINISTER AND ENFORCE THE CODE AND TRANSMIT THIS NOTICE
23 TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL
24 SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND
25 ENFORCE THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE
26 DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF
27 THAT GOVERNMENTAL SUBDIVISION. THE REGISTERED NOTICE SHALL
INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS

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1 IN WHICH TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE
2 THE CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY
3 THE END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRE-
4 SUMED THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO ADMIN-
5 ISTER AND ENFORCE THE CODE, AND THE DIRECTOR SHALL ASSUME THE
6 RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE
7 CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN
8 WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A
9 NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT
10 AND THE CODE. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT
11 FOR JOINT ENFORCEMENT OF THE CODE.

12 (3) A GOVERNMENTAL SUBDIVISION THAT HAS ELECTED TO ASSUME
13 RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT
14 AND THE CODE, AND HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO
15 ADMINISTER AND ENFORCE THE CODE TO THE DIRECTOR PURSUANT TO SEC-
16 TION 8B, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, MAY REVERSE
17 THAT ELECTION.

18 (4) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
19 DATE OF THIS SUBSECTION, HAS ELECTED TO EXEMPT ITSELF PURSUANT TO
20 SECTION 8(1) MAY REVERSE THAT ELECTION, MAKING ITSELF SUBJECT TO
21 THE ACT AND THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT
22 UNTIL 60 DAYS AFTER PASSAGE OF AN ORDINANCE TO THAT EFFECT. A
23 STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED
24 UNDER THAT CODE.

25 (5) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
26 DATE OF THIS SUBSECTION, HAS NOT ADMINISTERED AND ENFORCED EITHER
27 THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE

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1 MAY ELECT TO ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION
2 (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMEN-
3 TAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE
4 OF THIS SUBSECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN
5 APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND
6 ENFORCE THAT CODE WITHIN ITS JURISDICTION. THIS APPLICATION
7 SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE
8 COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE
9 LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION
10 THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING
11 TO ADMINISTER AND ENFORCE THE CODE AND ALL RELATED ACTS AND
12 RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, ADMINIS-
13 TRATIVE SERVICES ARE PROVIDED, PLAN REVIEW SERVICES ARE PROVIDED,
14 AND TIMELY FIELD INSPECTION SERVICES SHALL BE PROVIDED. THE
15 DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CON-
16 SIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON
17 THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THE CODE
18 THAT HAS BEEN ADOPTED AND TRANSMIT ITS FINDINGS TO THAT GOVERN-
19 MENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION.
20 THE COMMISSION SHALL DOCUMENT ITS REASONS IF THE COMMISSION DIS-
21 APPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT
22 RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR
23 APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE
24 ADMINISTRATION AND ENFORCEMENT OF THE CODE, THE GOVERNMENTAL SUB-
25 DIVISION SHALL ADMINISTER AND ENFORCE THE CODE WITHIN ITS JURIS-
26 DICTION PURSUANT TO THE PROVISIONS OF ITS APPROVED APPLICATION.

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1 (6) THE CODE OR ANY OF ITS SECTIONS SHALL TAKE EFFECT 6
2 MONTHS AFTER THE CODE'S INITIAL PROMULGATION. THE 6-MONTH DELAY
3 DOES NOT APPLY TO RULES PROMULGATED TO IMPLEMENT SECTIONS 13A,
4 13B, 13C, 19, AND 21 AND THE REQUIREMENTS OF BARRIER FREE DESIGN
5 AND ENERGY CONSERVATION OF THIS ACT AND CODE. THE 6-MONTH DELAY
6 DOES NOT APPLY TO AMENDMENTS TO THE CODE OR ANY OF THE CODE'S
7 SECTIONS AFTER THE INITIAL PROMULGATION.

8 (7) THE STANDARDS FOR PREMANUFACTURED HOUSING SHALL NOT BE
9 LESS THAN THE STANDARDS REQUIRED FOR NONPREMANUFACTURED HOUSING,
10 EXCEPT THAT MANUFACTURED HOMES LABELED PURSUANT TO THE NATIONAL
11 MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF
12 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF
13 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 TO 5426, SHALL BE CONSID-
14 ERED TO HAVE COMPLIED WITH THIS REQUIREMENT.

15 (8) THE COMMISSION MAY LIMIT THE APPLICATION OF A PART OF
16 THE CODE TO INCLUDE OR EXCLUDE THE FOLLOWING:

17 (A) SPECIFIED CLASSES OR TYPES OF BUILDINGS OR STRUCTURES,
18 ACCORDING TO USE, OR OTHER DISTINCTIONS AS MAY MAKE DIFFERENTIA-
19 TION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER,
20 OR DESIRABLE. THE COMMISSION SHALL CONSIDER THE SPECIFIC PROB-
21 LEMS OF THE CONSTRUCTION OR ALTERATION OF A SINGLE FAMILY,
22 OWNER-OCCUPIED RECREATIONAL DWELLING THAT IS LOCATED IN A
23 SPARSELY POPULATED AREA AND THAT IS TO BE OCCUPIED ON A PART-TIME
24 BASIS.

25 (B) SPECIFIED AREAS OF THE STATE BASED ON SIZE, POPULATION
26 DENSITY, SPECIAL CONDITIONS PREVAILING IN THE AREA, OR OTHER

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1 FACTORS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR
2 REGULATION NECESSARY, PROPER, OR DESIRABLE.

3 (9) A BUILDING OR STRUCTURE THAT HAS BABY CHANGING STATIONS
4 IN THE WOMEN'S RESTROOMS SHALL HAVE BABY CHANGING STATIONS IN THE
5 MEN'S RESTROOMS.

6 (10) THE CODE SHALL PROVIDE, WHERE APPROPRIATE, FOR STAN-
7 DARDS INVOLVING LOCATION AND CONSTRUCTION OF RATWALLS THAT ARE
8 NOT LESS THAN THOSE STANDARDS IN EXISTENCE ON THE EFFECTIVE DATE
9 OF THIS SECTION.

10 SEC. 8B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
11 THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF
12 THIS ACT AND THE CODE. A GOVERNMENTAL SUBDIVISION MAY BY ORDI-
13 NANCE ASSUME RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF
14 THIS ACT WITHIN ITS POLITICAL BOUNDARY. A COUNTY ORDINANCE
15 ADOPTED PURSUANT TO THIS ACT SHALL BE ADOPTED BY THE COUNTY BOARD
16 OF COMMISSIONERS AND SHALL BE SIGNED BY THE CHAIRPERSON OF THE
17 COUNTY BOARD OF COMMISSIONERS AND CERTIFIED BY THE COUNTY CLERK.

18 (2) A GOVERNMENTAL SUBDIVISION THAT HAS ASSUMED THE RESPON-
19 SIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE
20 MAY, THROUGH ITS CHIEF LEGAL OFFICER, ISSUE A COMPLAINT AND
21 OBTAIN A WARRANT FOR A VIOLATION OF THIS ACT OR THE CODE AND
22 PROSECUTE THE VIOLATION WITH THE SAME POWER AND AUTHORITY IT POS-
23 SESSES IN PROSECUTING A LOCAL ORDINANCE VIOLATION. IF PURSUANT
24 TO SECTION 23, A GOVERNMENTAL SUBDIVISION HAS BY ORDINANCE DESIG-
25 NATED A VIOLATION OF THE ACT OR CODE AS A MUNICIPAL CIVIL INFRAC-
26 TION, THE GOVERNMENTAL SUBDIVISION MAY ISSUE A CITATION OR
27 MUNICIPAL ORDINANCE VIOLATION NOTICE PURSUANT TO CHAPTER 87 OF

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1 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8701 TO
2 600.8735, FOR A VIOLATION OF THE ACT OR CODE. UNLESS OTHERWISE
3 PROVIDED BY LOCAL LAW OR ORDINANCE, THE LEGISLATIVE BODY OF A
4 GOVERNMENTAL SUBDIVISION RESPONSIBLE FOR ADMINISTRATION AND
5 ENFORCEMENT OF THIS ACT AND THE CODE SHALL DESIGNATE AN ENFORCING
6 AGENCY THAT SHALL DISCHARGE THE RESPONSIBILITIES OF THE GOVERN-
7 MENTAL SUBDIVISION UNDER THIS ACT. GOVERNMENTAL SUBDIVISIONS MAY
8 PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THIS ACT.

9 (3) SUBJECT TO THE OTHER PROVISIONS OF THIS ACT, AN ENFORC-
10 ING AGENCY IS ANY OFFICIAL OR AGENT OF A GOVERNMENTAL SUBDIVISION
11 THAT IS REGISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS
12 REGISTRATION ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, QUALIFIED
13 BY EXPERIENCE OR TRAINING TO PERFORM THE DUTIES ASSOCIATED WITH
14 CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT.

15 (4) BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR
16 SHALL PROVIDE EACH GOVERNMENTAL SUBDIVISION ADMINISTERING AND
17 ENFORCING THIS ACT AND THE CODE WITH A NOTICE OF INTENT FORM.
18 THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED,
19 WHICH DATE SHALL NOT BE LESS THAN 60 DAYS. THE CHIEF ELECTED
20 OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS
21 NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMEN-
22 TAL SUBDIVISION AS TO WHETHER IT SHALL CONTINUE TO ADMINISTER AND
23 ENFORCE THIS ACT AND THE CODE AND TRANSMIT THIS NOTICE TO THE
24 DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDI-
25 VISION FAILS TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINIS-
26 TER AND ENFORCE THIS ACT AND THE CODE WITHIN THE DATE SET FORTH
27 IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED

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1 MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THIS NOTICE
2 SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDI-
3 TIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO
4 ADMINISTER AND ENFORCE THIS ACT AND THE CODE. IF THE GOVERNMEN-
5 TAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL
6 DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL
7 SUBDIVISION DOES NOT INTEND TO CONTINUE TO ADMINISTER AND ENFORCE
8 THIS ACT AND THE CODE AND THE DIRECTOR SHALL ASSUME THE RESPONSI-
9 BILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN
10 THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THE
11 GOVERNMENTAL SUBDIVISION IS LOCATED SUBMITS A NOTICE OF INTENT TO
12 CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE.

13 (5) A COUNTY THAT IS ADMINISTERING AND ENFORCING THIS ACT
14 AND THE CODE ON THE EFFECTIVE DATE OF THIS SECTION AND THAT SUB-
15 MITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE
16 THIS ACT AND THE CODE PURSUANT TO SUBSECTION (4) IS RESPONSIBLE
17 FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE
18 FOR EACH GOVERNMENTAL SUBDIVISION WITHIN THE COUNTY THAT DOES NOT
19 SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE
20 THIS ACT AND THE CODE. THE DIRECTOR SHALL NOTIFY THE COUNTY OF
21 THOSE GOVERNMENTAL SUBDIVISIONS THAT DO NOT SUBMIT A NOTICE OF
22 INTENT.

23 (6) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
24 DATE OF THIS SECTION, DID NOT ADMINISTER AND ENFORCE THIS ACT AND
25 THE CODE MAY ELECT TO ASSUME THE RESPONSIBILITY FOR THE ADMINIS-
26 TRATION AND ENFORCEMENT OF THIS ACT AND THE CODE PURSUANT TO
27 SUBSECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A

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1 GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE
2 EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT, IN ADDITION TO THE
3 ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO
4 ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS
5 JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM
6 TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL
7 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE
8 GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED
9 BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THIS ACT AND
10 THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL
11 ARE PROVIDED AS NECESSARY, THAT ADMINISTRATIVE SERVICES ARE PRO-
12 VIDED, THAT PLAN REVIEW SERVICES ARE PROVIDED, AND THAT TIMELY
13 FIELD INSPECTION SERVICES WILL BE PROVIDED. THE DIRECTOR SHALL
14 SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT
15 NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLI-
16 CATION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE
17 CODE AND TRANSMIT ITS FINDINGS TO THE GOVERNMENTAL SUBDIVISION
18 WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION
19 SHALL DOCUMENT ITS REASONS, IF THE COMMISSION DISAPPROVES AN
20 APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAP-
21 PROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT
22 OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION AND
23 ENFORCEMENT OF THIS ACT AND THE CODE, THE GOVERNMENTAL SUBDIVI-
24 SION SHALL ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN
25 ITS JURISDICTION PURSUANT TO THE PROVISIONS OF THIS ACT AND THE
26 APPLICATION.

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1 AND IMPLEMENTATION OF THIS SUBSECTION. THE BUREAU OF
2 CONSTRUCTION CODES SHALL PERFORM REQUIRED PLAN REVIEWS AND
3 INSPECTIONS AS REQUIRED BY THE STATE CONSTRUCTION CODE. EACH
4 DEPARTMENT SHALL SECURE REQUIRED PLAN APPROVALS AND PERMITS FROM
5 THE BUREAU. FEES CHARGED BY THE BUREAU FOR PERMITS SHALL BE IN
6 ACCORDANCE WITH THE COMMISSION'S APPROVED SCHEDULE OF FEES.
7 STATE DEPARTMENTS AND INSTITUTIONS MAY ALLOW LOCAL INSPECTORS TO
8 INSPECT THE CONSTRUCTION OF STATE OWNED FACILITIES. HOWEVER, AN
9 INSPECTION CONDUCTED BY A LOCAL INSPECTOR SHALL BE OF AN ADVISORY
10 NATURE ONLY.

11 (9) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE
12 COMMISSION FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT UNDER
13 OTHER SECTIONS OF THIS ACT, OR RESPONSIBILITIES UNDER THE FIRE
14 PREVENTION CODE, 1941 PA 207, MCL 29.1 TO 29.34, EXCEPT SECTIONS
15 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.6 AND
16 29.7; 1937 PA 306, MCL 388.851 TO 388.855A; THE FIRE FIGHTERS
17 TRAINING COUNCIL ACT OF 1966, 1966 PA 291, MCL 29.361 TO 29.377;
18 1942 (1ST EX SESS) PA 9, MCL 419.201 TO 419.205; PARTS 215 AND
19 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO
20 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939
21 PA 280, MCL 400.58.

22 (10) PURSUANT TO PARTS 215 AND 217 OF THE PUBLIC HEALTH
23 CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E, THE DIRECTOR
24 SHALL DEVELOP CONSISTENT CONSTRUCTION STANDARDS FOR HOSPITALS AND
25 NURSING HOMES. THESE STANDARDS SHALL ENSURE THAT CONSISTENT,
26 UNIFORM, AND EQUITABLE CONSTRUCTION REQUIREMENTS AND STATE
27 SUPERVISION OF THE REQUIREMENTS ARE ACHIEVED. THIS SUBSECTION

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1 DOES NOT PRECLUDE A STATE AGENCY OR A GOVERNMENTAL SUBDIVISION
2 FROM CONDUCTING PLAN REVIEWS OR INSPECTIONS NECESSARY TO ENSURE
3 COMPLIANCE WITH APPROVED CONSTRUCTION PLANS.

4 (11) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THIS ACT DOES
5 NOT LIMIT OR RESTRICT EXISTING POWERS OR AUTHORITY OF GOVERNMEN-
6 TAL SUBDIVISIONS, AND THIS ACT SHALL BE ENFORCED BY GOVERNMENTAL
7 SUBDIVISIONS IN THE MANNER PRESCRIBED BY LOCAL LAW OR ORDINANCE.
8 TO THE EXTENT NOT INCONSISTENT WITH THIS ACT, LOCAL LAWS AND
9 ORDINANCES RELATING TO ADMINISTRATION AND ENFORCEMENT OF CON-
10 STRUCTION REGULATIONS ENACTED BEFORE THE EFFECTIVE DATE OF THE
11 CODE BY OR FOR A GOVERNMENTAL SUBDIVISION ARE APPLICABLE TO
12 ADMINISTRATION AND ENFORCEMENT OF THE CODE IN THAT GOVERNMENTAL
13 SUBDIVISION.

[Sec. 9. (1) Except as otherwise provided in this section, the ~~executive~~ director is responsible for administration and enforcement of this act and the code. A governmental subdivision may by ordinance assume responsibility for administration and enforcement of this act within its political boundary.

A county ordinance adopted pursuant to this act shall be adopted by the county board of commissioners and shall be signed by the chairperson of the county board of commissioners and certified by the county clerk.

(2) A governmental subdivision that has assumed the responsibility for administering and enforcing this act and the code may through its chief legal officer issue a complaint and obtain a warrant for a violation of this act or the code and prosecute the violation with the same power and authority it possesses in prosecuting a local ordinance violation. If pursuant to section 23, a governmental subdivision has by ordinance designated a violation of the act or code as a municipal civil infraction, the governmental subdivision may issue a citation or municipal ordinance violation notice pursuant to chapter 87 of the revised judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sections 600.8701 to 600.8733 of the Michigan Compiled Laws~~ 1961 PA 236, M.C.L. 600.8701 TO 600.8735, for a violation of the act or code. Unless otherwise provided by local law or ordinance, the legislative body of a governmental subdivision responsible for administration and enforcement of this act and the code shall designate an enforcing agency that shall discharge the responsibilities of the governmental subdivision under this act. Governmental subdivisions may provide by agreement for joint enforcement of this act.

(3) Subject to the other provisions of this act, an enforcing agency is any official or agent of a governmental subdivision qualified by experience or training to perform the duties associated with construction code administration and enforcement.

(4) Before January 10, 1981, the ~~executive~~ director shall provide each governmental subdivision administering and enforcing this act and the code with a notice of intent form. This form shall set forth the date return receipt is required, which date shall not be less than 60 days. The chief elected official of the governmental subdivision that receives this notice shall indicate on the form the intention of the governmental subdivision as to whether it shall continue to administer and enforce this act and the code and transmit this notice to the ~~executive~~ director within the prescribed period. If a governmental subdivision fails to submit a notice of intent to continue to administer and enforce this act and

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the code within the date set forth in the notice, the ~~executive~~ director shall send a notice by registered mail to the clerk of that

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governmental subdivision. This notice shall indicate that the governmental subdivision has 15 additional days in which to submit a notice of intent to continue to administer and enforce this act and the code. If the governmental subdivision does not respond by the end of the 15 additional days, it shall be conclusively presumed that the governmental subdivision does not intend to continue to administer and enforce this act and the code and the ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which the governmental subdivision is located submits a notice of intent to continue to administer and enforce this act and the code.

(5) A county that is administering and enforcing this act and the code on December 30, 1980 and that submits a notice of intent to continue to administer and enforce this act and the code pursuant to subsection (4) is responsible for the administration and enforcement of this act and the code for each governmental subdivision within the county that does not submit a notice of intent to continue to administer and enforce this act and the code or another nationally recognized model code within its jurisdiction. The ~~executive~~ director shall notify the county of those governmental subdivisions that do not submit a notice of intent.

(6) A governmental subdivision that, before December 30, 1980, did not administer and enforce either this act and the code or another nationally recognized model code may elect to assume the responsibility for the administration and enforcement of this act and the code pursuant to subsection (1) by the passage of an ordinance to that effect. A governmental subdivision that makes this election after December 30, 1980 shall submit, in addition to the ordinance, an application to the commission for approval to administer and enforce this act and the code within its jurisdiction. This application shall be made on the proper form to be provided by the commission. The standards for approval shall include, but not be limited to, the certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce this act and the code and all related acts and rules, that agency personnel are provided as necessary, that administrative services are provided, that plan review services are provided, and that timely field inspection services will be provided. The ~~executive~~ director shall seek additional information if the ~~executive~~ director considers it necessary. The commission shall render a decision on the application for approval to administer and enforce this act and the code and transmit its findings to the governmental subdivision within 90 days of receipt of the application. The commission shall document its reasons, if the commission disapproves an application. A governmental subdivision that receives a disapproval may resubmit its application for approval. Upon receipt of approval from the commission for the administration and enforcement of this act and the code, the governmental subdivision shall administer and enforce this act and the code within its jurisdiction pursuant to the provisions of this act and the application.

(7) A governmental subdivision that elects to administer and enforce this act and the code within its jurisdiction by the adoption of an ordinance may rescind that ordinance and transfer the responsibility for the administration and enforcement of this act and the code to the ~~executive~~ director. The ~~executive~~ director shall assume the responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce the code. However, that action shall not take effect until 12 months after the passage of an ordinance to that effect. A structure commenced under an effective code shall be completed under that code.

(8) The ~~executive~~ director is responsible for administration

and enforcement of this act and the code for buildings and structures that are not under the responsibility of an enforcing agency in those governmental subdivisions that elect to administer and enforce this act and the code or another nationally recognized model code. A building or structure owned by the state shall not be

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erected, remodeled, or reconstructed in the state after December 30, 1980, ~~except school buildings or facilities or institutions of higher education as described in section 4 of article VIII of the state constitution of 1963,~~ until written approval of the plans and specifications has been obtained from the bureau of construction codes located within the department of ~~labor~~ CONSUMER AND INDUSTRY SERVICES indicating that the state owned facilities shall be designed and constructed in conformance with the ~~state construction code~~. This subsection does not apply to any state owned facility for which construction commenced before December 30, 1980. The bureau of

construction codes shall be the lead agency in the coordination and implementation of this subsection. The bureau of construction codes shall perform required plan reviews and inspections as required by the ~~state construction code~~. Each department shall secure required plan approvals and permits from the bureau. Fees charged by the bureau for permits shall be in accordance with the commission's approved schedule of fees. State departments and institutions may allow local inspectors to inspect the construction of state owned facilities. However, an inspection conducted by a local inspector shall be of an advisory nature only.

(9) This section does not affect the responsibilities of the commission for administration and enforcement of this act pursuant to other sections of this act, or responsibilities pursuant to the fire prevention code, ~~Act No. 207 of the Public Acts of 1941, as amended, being sections 29.1 to 29.33 of the Michigan Compiled Laws, except sections 6 and 7 of Act No. 207 of the Public Acts of 1941, as amended, being sections 29.6 and 29.7 of the Michigan Compiled Laws; Act No. 306 of the Public Acts of 1937, as amended, being sections 388.851 to 388.855a of the Michigan Compiled Laws; the fire fighters training council act of 1966, Act No. 291 of the Public Acts of 1966, as amended, being sections 29.361 to 29.377 of the Michigan Compiled Laws; Act No. 9 of the Public Acts of the First Extra Session of 1942, as amended, being sections 419.201 to 419.205 of the Michigan Compiled Laws; parts 215 and 217 of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.21501 to 333.21799e of the Michigan Compiled Laws; and section 58 of the social welfare act, Act No. 280 of the Public Acts of 1939, as amended, being section 400.58 of the Michigan Compiled Laws~~ 1941 PA 207, M.C.L. 29.1 TO 29.34, EXCEPT SECTIONS 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, M.C.L. 29.6 AND 29.7; 1937 PA 306, M.C.L. 388.851 TO 388.855A; THE FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, 1966 PA 291, M.C.L. 29.361 TO 29.377; 1942 (1ST EX SESS) PA 9, M.C.L. 419.201 TO 419.205; PARTS 215 AND 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, M.C.L. 333.21501 TO 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939 PA 280, M.C.L. 400.58.

(10) Pursuant to parts 215 and 217 of ~~Act No. 368 of the Public Acts of 1978, as amended, the directors of the department of labor, public health, and state police, or their designees,~~ THE PUBLIC HEALTH CODE, 1978 PA 368, M.C.L. 333.21501 TO 333.21799E, THE DIRECTOR shall develop consistent construction standards for hospitals and nursing homes. These standards shall ensure that consistent, uniform, and equitable construction requirements and state supervision of the requirements are achieved and that unnecessary duplication is avoided. ~~The commission shall delegate plan review and approval of health facility construction plans to the department of health.~~ This subsection does not preclude a state agency or a governmental subdivision from conducting plan reviews or inspections necessary to ensure compliance with approved construction plans.

(11) Except as otherwise provided in this act, this act does not limit or restrict existing powers or authority of governmental

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subdivisions, and this act shall be enforced by governmental subdivisions in the manner prescribed by local law or ordinance. To the extent not inconsistent with this act, local laws and ordinances relating to administration and enforcement of construction regulations enacted before the effective date of the code by or for a governmental subdivision are applicable to administration and enforcement of the code in that governmental subdivision.]

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14 SEC. 9B. (1) THE DIRECTOR, AS PRESCRIBED IN THIS SECTION,
15 MAY CONDUCT A PERFORMANCE EVALUATION OF AN ENFORCING AGENCY TO
16 ASSURE THAT THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND
17 THE CODE IS BEING DONE PURSUANT TO EITHER SECTION 8A OR 8B. A
18 PERFORMANCE EVALUATION MAY ONLY BE CONDUCTED EITHER AT THE
19 REQUEST OF THE LOCAL ENFORCING AGENCY OR UPON THE RECEIPT OF A
20 WRITTEN COMPLAINT. IF A PERFORMANCE EVALUATION IS TO BE CON-
21 DUCTED UPON THE RECEIPT OF A WRITTEN COMPLAINT, THE DIRECTOR
22 SHALL FIRST REFER THE WRITTEN COMPLAINT TO THE AFFECTED ENFORCING
23 AGENCY REQUESTING A WRITTEN RESPONSE WITHIN 10 DAYS. IF THE
24 LOCAL ENFORCING AGENCY FAILS TO PROVIDE A WRITTEN RESPONSE, OR IF
25 THE RESPONSE IS CONSIDERED INADEQUATE, THE DIRECTOR SHALL CONSULT
26 WITH THE COMMISSION AND REQUEST APPROVAL TO CONDUCT THE
27 PERFORMANCE EVALUATION. THE DIRECTOR SHALL SUBMIT A WRITTEN

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1 RECOMMENDATION TO THE COMMISSION AND SHALL SEND A COPY TO THE
2 AFFECTED ENFORCING AGENCY, ALONG WITH A REASONABLE NOTICE OF THE
3 COMMISSION MEETING AT WHICH THE RECOMMENDATION WILL BE
4 PRESENTED. THE DECISION OF THE COMMISSION TO PROCEED WITH A PER-
5 FORMANCE EVALUATION SHALL BE MADE AT A PUBLIC MEETING. THIS
6 DECISION SHALL BE MAILED TO THE ENFORCING AGENCY 10 DAYS IN
7 ADVANCE OF CONDUCTING THE PERFORMANCE EVALUATION.

8 (2) WHEN CONDUCTING A PERFORMANCE EVALUATION OF AN ENFORCING
9 AGENCY, THE DIRECTOR MAY REQUEST THAT THE LOCAL ENFORCING AGENCY
10 ACCOMPANY THE DIRECTOR OR OTHER STATE INSPECTORS ON INSPECTIONS.
11 THE INSPECTIONS SHALL BE FOR THE ENFORCEMENT OF THIS ACT AND THE
12 CODE. THE ENFORCING AGENCY SHALL MAINTAIN ALL OFFICIAL RECORDS
13 AND DOCUMENTS RELATING TO APPLICATIONS FOR PERMITS, INSPECTION
14 RECORDS INCLUDING CORRECTION NOTICES, ORDERS TO STOP CONSTRUC-
15 TION, AND CERTIFICATES OF USE AND OCCUPANCY. THE ENFORCING
16 AGENCY SHALL MAKE AVAILABLE FOR REVIEW ALL OFFICIAL RECORDS
17 BETWEEN 8 A.M. AND 5 P.M. ON BUSINESS DAYS.

18 (3) UPON COMPLETION OF A PERFORMANCE EVALUATION, THE DIREC-
19 TOR SHALL REPORT THE FINDINGS AND ANY RECOMMENDATIONS TO THE COM-
20 MISSION AND THE LOCAL ENFORCING AGENCY. THE COMMISSION MAY ISSUE
21 A NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY FOR THE ADMIN-
22 ISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FROM A GOVERN-
23 MENTAL SUBDIVISION AFTER RECEIVING THE RESULTS OF A PERFORMANCE
24 EVALUATION. THE NOTICE SHALL INCLUDE THE RIGHT TO APPEAL WITHIN
25 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITH-
26 DRAW THE RESPONSIBILITY. THE NOTICE SHALL ALSO INCLUDE THE
27 FINDINGS OF THE DIRECTOR, AFTER COMPLETION OF A PERFORMANCE

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1 EVALUATION, THAT THE ENFORCING AGENCY OF THAT GOVERNMENTAL
2 SUBDIVISION HAS FAILED TO FOLLOW THE DUTIES RECOGNIZED UNDER THIS
3 ACT, THE CODE, OR ITS ORDINANCE. FAILURE BY THE ENFORCING AGENCY
4 OR THE CHIEF ELECTED OFFICIAL OF THAT GOVERNMENTAL SUBDIVISION TO
5 REQUEST A HEARING WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE
6 NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY SHALL BE CONSID-
7 ERED TO EXHAUST THE ENFORCING AGENCY'S ADMINISTRATIVE REMEDIES
8 AND THE NOTICE SHALL BE CONSIDERED A FINAL ORDER OF THE COMMIS-
9 SION UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
10 PA 306, MCL 24.201 TO 24.328. THE DIRECTOR SHALL ASSUME RESPON-
11 SIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND
12 THE CODE, UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDI-
13 VISION IS LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO
14 ADMINISTER AND ENFORCE THIS ACT AND THE CODE, WHEN THE NOTICE IS
15 CONSIDERED A FINAL ORDER OF THE COMMISSION. A STRUCTURE COM-
16 MENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT
17 CODE.

18 (4) IF AN ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF
19 THE GOVERNMENTAL SUBDIVISION TRANSMITS AN APPEAL OF THE NOTICE OF
20 INTENT TO WITHDRAW THE RESPONSIBILITY ISSUED UNDER SUBSECTION
21 (3), THE COMMISSION CHAIRPERSON SHALL REQUEST APPOINTMENT OF A
22 HEARINGS OFFICER. THE HEARINGS OFFICER SHALL CONDUCT A HEARING
23 OF THE APPEAL PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
24 1969, 1969 PA 306, MCL 24.201 TO 24.328, AND ISSUE A PROPOSED
25 DECISION WHICH SHALL BE SENT TO THE AFFECTED PARTIES. THE PRO-
26 POSED DECISION SHALL BECOME THE FINAL ORDER ISSUED BY THE
27 COMMISSION, UNLESS EXCEPTIONS ARE FILED BY A PARTY WITHIN 30 DAYS

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1 AFTER RECEIPT OF THE PROPOSED DECISION. THE COMMISSION SHALL
2 REVIEW THE PROPOSED DECISION WHEN EXCEPTIONS ARE FILED.

3 (5) THE COMMISSION IN REVIEWING A PROPOSED DECISION MAY
4 AFFIRM, MODIFY, REVERSE, OR REMAND THE PROPOSED DECISION. WHEN
5 THE COMMISSION AFFIRMS, MODIFIES, REVERSES, OR REMANDS A PROPOSED
6 DECISION, THE DECISION OF THE COMMISSION SHALL BE IN WRITING AND
7 CONTAIN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON WHICH
8 ITS DECISION IS BASED. OTHER THAN IN A CASE OF REMAND, THE
9 PERIOD FOR SEEKING JUDICIAL REVIEW OF THE COMMISSION'S DECISION
10 UNDER SECTION 104 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
11 1969 PA 306, MCL 24.304, SHALL BEGIN TO RUN UPON RECEIPT BY THE
12 PARTIES OF THE COMMISSION'S WRITTEN DECISION.

13 Sec. 10. (1) Except as otherwise provided in the code,
14 before construction of a building or structure, the owner, or the
15 owner's builder, architect, engineer, or agent, shall submit an
16 application in writing to the appropriate enforcing agency for a
17 building permit. The application shall be on a form prescribed
18 by the commission and shall be accompanied by payment of the fee
19 established by the enforcing agency. The application shall con-
20 tain a detailed statement in writing, verified by affidavit of
21 the person making it, of the specifications for the building or
22 structure, and full and complete copies of the plans drawn to
23 scale of the proposed work. A site plan showing the dimensions,
24 and the location of the proposed building or structure and other
25 buildings or structures on the same premises, shall be submitted
26 with the application. The application shall state in full the
27 name and residence, by street and number, of the owner in fee of

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1 the premises on which the building or structure will be
2 constructed, and the purposes for which it will be used.

3 (2) If construction is proposed to be undertaken by a person
4 other than the owner of the land in fee, the statement shall con-
5 tain the full name and residence, by street and number, of the
6 owner and also of the person proposing the construction. The
7 affidavit shall state that the specifications and plans are true
8 and complete and contain a correct description of the building or
9 structure, lot, and proposed work. The statements and affidavits
10 may be made by an owner, or the owner's attorney, agent, engi-
11 neer, architect, or builder, by the person who proposes to make
12 the construction or alteration, or by that person's agent, engi-
13 neer, architect, or builder. A person shall not be recognized as
14 the agent, attorney, engineer, architect, or builder of another
15 person unless the person files with the enforcing agency a writ-
16 ten instrument, which shall be an architectural, engineering or
17 construction contract, power of attorney, or letter of authoriza-
18 tion signed by that other person designating the person as the
19 agent, attorney, architect, engineer, or builder and, in case of
20 a residential builder or maintenance and alteration contractor,
21 architect, or engineer, setting forth the person's license number
22 and the expiration date of the license.

23 (3) A person licensed or required to be licensed as a resi-
24 dential builder or residential maintenance and alteration con-
25 tractor under the occupational code, ~~Act No. 299 of the Public~~
26 ~~Acts of 1980, being sections 339.101 to 339.2721 of the Michigan~~
27 ~~Compiled Laws~~ 1980 PA 299, MCL 339.101 TO 339.2721, a master or

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1 journeyman plumber pursuant to ~~Act No. 266 of the Public Acts of~~
2 ~~1929, being sections 338.901 to 338.917 of the Michigan Compiled~~
3 ~~Laws~~ 1929 PA 266, MCL 338.901 TO 338.917, an electrical contrac-
4 tor or master or journeyman electrician pursuant to the electri-
5 cal administrative act, ~~Act No. 217 of the Public Acts of 1956,~~
6 ~~being sections 338.881 to 338.892 of the Michigan Compiled Laws~~
7 1956 PA 217, MCL 338.881 TO 338.892, or pursuant to a local ordi-
8 nance, or as a mechanical contractor pursuant to the forbes
9 mechanical contractors act, ~~Act No. 192 of the Public Acts of~~
10 ~~1984, being sections 338.971 to 338.988 of the Michigan Compiled~~
11 ~~Laws~~ 1984 PA 192, MCL 338.971 TO 338.988, who applies for a
12 building permit to perform work on a residential building or a
13 residential structure shall, in addition to any other information
14 required pursuant to this act, provide on the building permit
15 application all of the following information:

16 (a) The occupational license number of the applicant and the
17 expiration date of the occupational license.

18 (b) One of the following:

19 (i) The name of each carrier providing worker's disability
20 compensation insurance to the applicant if the applicant is
21 required to be insured pursuant to the worker's disability com-
22 pensation act of 1969, ~~Act No. 317 of the Public Acts of 1969,~~
23 ~~being sections 418.101 to 418.941 of the Michigan Compiled Laws~~
24 1969 PA 317, MCL 418.101 TO 418.941.

25 (ii) The reasons for exemption from the requirement to be
26 insured ~~pursuant to Act No. 317 of the Public Acts of 1969,~~ if
27 the applicant is not required to be insured ~~pursuant to Act~~

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1 ~~No. 317 of the Public Acts of 1969~~ UNDER THE WORKER'S DISABILITY
2 COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941.

3 (c) One of the following:

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

7 (ii) The reasons for exemption from the requirement to have
8 an employer identification number pursuant to section 6109 of the
9 internal revenue code if the applicant is not required to have an
10 employer identification number pursuant to section 6109 of the
11 internal revenue code.

12 (d) One of the following:

13 (i) The Michigan employment security commission employer
14 number, if the applicant is required to make contributions pursu-
15 ant to the Michigan employment security act, ~~Act No. 1 of the~~
16 ~~Public Acts of the extra session of 1936, being sections 421.1 to~~
17 ~~421.73 of the Michigan Compiled Laws~~ 1936 (EX SESS) PA 1,
18 MCL 421.1 TO 421.73.

19 (ii) If the applicant is not required to make contributions,
20 the reasons for exemptions from the requirement to make contribu-
21 tions ~~pursuant to Act No. 1 of the Public Acts of the extra ses-~~
22 ~~sion of 1936~~ UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936
23 (EX SESS) PA 1, MCL 421.1 TO 421.73.

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

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1 "Section 23a of the state construction code
2 act of 1972, ~~Act No. 230 of the Public Acts of~~
3 ~~1972, being section 125.1523a of the Michigan~~
4 ~~Compiled Laws~~ 1972 PA 230, MCL 125.1523A, pro-
5 hibits a person from conspiring to circumvent
6 the licensing requirements of this state relat-
7 ing to persons who are to perform work on a res-
8 idential building or a residential structure.
9 Violators of section 23a are subjected to civil
10 fines."

11 (5) The application for a building permit shall be filed
12 with the enforcing agency and the application and any other writ-
13 ing prepared, owned, used, in the possession of, or retained by
14 the enforcing agency in the performance of an official function
15 shall be made available to the public in compliance with the
16 freedom of information act, ~~Act No. 442 of the Public Acts of~~
17 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
18 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246. An application shall
19 not be removed from the custody of the enforcing agency after a
20 building permit has been issued.

21 (6) This section shall be construed to allow the imposition
22 of requirements in the code, or in other laws or ordinances, for
23 additional permits for particular kinds of work, including plumb-
24 ing and electrical, or in other specified situations. The
25 requirements of the code may provide for issuance of construction
26 permits for certain of the systems of a structure and allow
27 construction to commence on those systems approved under that

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1 permit even though the design and approval of all the systems of
2 the structure have not been completed and subsequent construction
3 permits have not been issued.

4 (7) Notwithstanding this section, a building permit is not
5 required for ordinary repairs of a building and structure.

6 (8) NOTWITHSTANDING THIS SECTION, A BUILDING PERMIT IS NOT
7 REQUIRED FOR A BUILDING INCIDENTAL TO THE USE FOR AGRICULTURAL
8 PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS
9 NOT USED IN THE BUSINESS OF RETAIL TRADE.

10 SEC. 13D. (1) NOTWITHSTANDING ANY PROVISION IN THIS ACT AND
11 UNTIL THE PROMULGATION OF THE COMPLETE BUILDING CODE UPDATE AFTER
12 OCTOBER 15, 1999, A GOVERNMENTAL SUBDIVISION SHALL NOT ENFORCE A
13 REQUIREMENT FOR STAIRWELL GEOMETRY IN OCCUPANCIES IN USE GROUP
14 R-3 STRUCTURES AND WITHIN DWELLING UNITS IN OCCUPANCIES IN USE
15 GROUP R-2 STRUCTURES THAT DIFFERS FROM THE STAIRWELL GEOMETRY
16 DESCRIBED IN THIS SECTION.

17 (2) AS USED IN THIS SECTION:

18 (A) "STAIRWELL GEOMETRY" REFERS TO THE CONFIGURATION OF A
19 STAIRWELL OF A BUILDING IN WHICH THE MAXIMUM RISER HEIGHT IS
20 8-1/4 INCHES (210 MM), THE MINIMUM TREAD DEPTH IS 9 INCHES (229
21 MM), AND A 1-INCH (25 MM) NOSING ON STAIRWELLS WITH SOLID
22 RISERS.

23 (B) "USE GROUP R-2 STRUCTURES" MEANS ALL MULTIPLE-FAMILY
24 DWELLINGS HAVING MORE THAN 2 DWELLING UNITS INCLUDING, BUT NOT
25 LIMITED TO, BOARDING HOUSES AND SIMILAR BUILDINGS ARRANGED FOR
26 SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE

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1 PRIMARILY NOT TRANSIENT IN NATURE AND DORMITORY FACILITIES THAT
2 ACCOMMODATE MORE THAN 5 PERSONS OVER 2-1/2 YEARS OF AGE.

3 (C) "USE GROUP R-3 STRUCTURES" MEANS ALL BUILDINGS ARRANGED
4 FOR OCCUPANCY AS 1-FAMILY OR 2-FAMILY DWELLING UNITS INCLUDING,
5 BUT NOT LIMITED TO, NOT MORE THAN 5 LODGERS OR BOARDERS PER
6 FAMILY; MULTIPLE SINGLE-FAMILY DWELLINGS WHERE EACH UNIT HAS AN
7 INDEPENDENT MEANS OF EGRESS AND IS SEPARATED BY A 2-HOUR FIRE
8 SEPARATION ASSEMBLY; AND A CHILD CARE FACILITY THAT ACCOMMODATES
9 5 OR LESS CHILDREN OF ANY AGE.

10 Sec. 22. (1) The legislative body of a governmental subdi-
11 vision shall establish reasonable fees to be charged by the gov-
12 ernmental subdivision for acts and services performed by the
13 enforcing agency or construction board of appeals ~~pursuant to~~
14 UNDER this act, which fees shall be intended to bear a reasonable
15 relation to the cost, including overhead, to the governmental
16 subdivision of the acts and services, including, without limita-
17 tion, those services and acts as, in case of an enforcing agency,
18 issuance of building permits, examination of plans and specifica-
19 tions, inspection of construction undertaken pursuant to a build-
20 ing permit, and the issuance of certificates of use and occupan-
21 cy, and, in case of a board of appeals, hearing appeals in
22 accordance with this act. The enforcing agency shall collect the
23 fees established under this subsection. THE LEGISLATIVE BODY OF
24 A GOVERNMENTAL SUBDIVISION SHALL ONLY USE FEES GENERATED UNDER
25 THIS SECTION FOR THE OPERATION OF THE ENFORCING AGENCY OR THE
26 CONSTRUCTION BOARD OF APPEALS, OR BOTH, AND SHALL NOT USE THE
27 FEES FOR ANY OTHER PURPOSE.

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1 (2) To accomplish the objectives of this section and this
2 act, a state construction code fund is created. The director,
3 ~~of labor,~~ after approval by the commission and following a
4 public hearing held by the commission, shall establish reasonable
5 fees to be charged by the commission for acts and services per-
6 formed by the commission including, without limitation, inspec-
7 tion of plans and specifications, issuance of certificates of
8 acceptability, testing and evaluation of new products, methods
9 and processes of construction or alteration, issuance of building
10 permits, inspection of construction undertaken pursuant to a
11 building permit, the issuance of certificates of use and occupan-
12 cy, and hearing of appeals. Fees established by the department
13 shall be intended to bear a reasonable relation to the cost,
14 including overhead, of the service or act. Until the director
15 ~~of labor~~ establishes fees pursuant to this act, the fees estab-
16 lished pursuant to this subsection shall remain in effect. The
17 state treasurer shall be the custodian of the fund and may invest
18 the surplus of the fund in investments as in the state
19 treasurer's judgment are in the best interest of the fund.
20 Earnings from those investments shall be credited to the fund.
21 The state treasurer shall notify the director and the legislature
22 of interest credited and the balance of the fund as of September
23 30 of each year. The director shall supervise and administer the
24 fund. Fees received by the department and money collected under
25 this act shall be deposited in the state construction code fund
26 and shall be appropriated by the legislature for the operation of
27 the bureau of construction codes, and indirect overhead expenses

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1 in the department. ~~However, this restricted fund shall not be~~
2 ~~appropriated for the bureau of construction code's performance~~
3 ~~evaluation program and complaint investigation program. The per-~~
4 ~~formance evaluation program and complaint investigations mandated~~
5 ~~in this act shall be funded by appropriations from the general~~
6 ~~fund.~~ Funds ~~which~~ THAT are unexpended at the end of each
7 fiscal year shall be returned to the state construction code
8 fund. A self-supporting fund shall be established within the
9 commission to provide for the purchase and sale of codes and
10 standards to the general public.

11 Enacting section 1. The title and sections 2a, 3a, 8a, 8b,
12 and 9b of the state construction code act of 1972, 1972 PA 230,
13 the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added
14 by this amendatory act, are effective upon enactment but apply
15 only to 1 or more of the following codes [only upon the effective
16 date of
17] the particular code update [promulgated] after October
18 15, 1999:

19 (a) The plumbing code, R 408.30701 to 408.30796 of the
20 Michigan administrative code.

21 (b) The electrical code, R 408.30801 to 408.30873 of the
22 Michigan administrative code.

23 (c) The mechanical code, R 408.30901 to 408.30998 of the
24 Michigan administrative code.

25 (d) The building code, R 408.30401 to 408.30499 of the
26 Michigan administrative code.

27 Enacting section 2. The title and sections 2, 3, 8, 9, and
9a of the state construction code act of 1972, 1972 PA 230,

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1 MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, the
2 title and sections 2 and 8 as amended by this amendatory act,
3 apply to 1 or more of the following codes until the rules for the
4 code update promulgated after October 15, 1999 for the specific
5 code become effective, at which time each section does not apply
6 to the particular code. Sections 2, 3, 8, 9, and 9a of the state
7 construction code act of 1972, 1972 PA 230, MCL 125.1502,
8 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed [on the
9 effective date] of the last of
10 the rules updating the following codes promulgated after October
11 15, 1999:

12 (a) The plumbing code, R 408.30701 to 408.30796 of the
13 Michigan administrative code.

14 (b) The electrical code, R 408.30801 to 408.30873 of the
15 Michigan administrative code.

16 (c) The mechanical code, R 408.30901 to 408.30998 of the
17 Michigan administrative code.

18 (d) The building code, R 408.30401 to 408.30499 of the
19 Michigan administrative code.