

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 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 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 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:**

1

TITLE

2

An act to create a construction code commission and pre-

3

scribe its functions; to authorize the ~~commission~~ DIRECTOR to

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promulgate rules with recommendations from each affected board

5

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. 2. (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 and electrical admin-  
10 istrative boards and the barrier free design board created in  
11 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 ~~The term~~ BUILDING does not include a building, WHETHER TEMPO-  
16 RARY OR PERMANENT, incidental to the use for agricultural pur-  
17 poses of the land on which the building is located if it is not  
18 used in the business of retail trade. ~~The term shall be con-~~  
19 ~~strued as though followed by the words~~ BUILDING INCLUDES THE  
20 MEANING "or part or parts of the building and all equipment in  
21 the building" unless the context clearly requires a different  
22 meaning.

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

26 (h) "Business day" means a day of the year, exclusive of a  
27 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 presi-  
3 dent, or the township supervisor.

4 (j) "Code" means the state construction code provided for in  
5 section 4 or a part ~~thereof~~ OF THAT CODE of limited application  
6 ~~—~~ and 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, reso-  
13 lution, regulation, ordinance, or code, general or special, or  
14 compilation thereof, ~~heretofore or hereafter~~ enacted or adopted  
15 BEFORE OR AFTER JANUARY 1, 1973, by this state or a county, city,  
16 village, or township including a department, board, bureau, com-  
17 mission, or other agency thereof, relating to the design, con-  
18 struction, or use of buildings and structures and the installa-  
19 tion of equipment in the building or structure. Construction  
20 regulation does not include a zoning ordinance or rule issued  
21 pursuant to a zoning ordinance and related to zoning.

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

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1 RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE  
2 FOLLOWING PROVISIONS APPLY:

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

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

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

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

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

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

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

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

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1 mechanical, electrical service, and illumination systems,  
2 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 and designed to be used without a permanent  
21 foundation as a dwelling when connected to required utilities and  
22 which is, or is intended to be, attached to the ground, to  
23 another structure, or to a utility system on the same premises  
24 for more than 30 consecutive days.

25       (v) "Other laws and ordinances" means other laws and ordi-  
26 nances ~~—~~, whether enacted by this state or by a county, city,

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1 village, or township and the rules issued ~~thereunder~~ UNDER  
2 THOSE LAWS AND ORDINANCES.

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

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

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

20 (z) "Structure" means that which is built or constructed, an  
21 edifice or building of any kind, or a piece of work artificially  
22 built up or composed of parts joined together in some definite  
23 manner. Structure does not include a structure incident to the  
24 use for agricultural purposes of the land on which the structure  
25 is located and does not include works of heavy civil construction  
26 including, ~~without limitation~~ BUT NOT LIMITED TO, a highway,  
27 bridge, dam, reservoir, lock, mine, harbor, dockside port

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1 facility, an airport landing facility and facilities for the  
2 generation or transmission, or distribution of electricity.

3 Structure ~~shall be construed as though followed by the words~~

4 INCLUDES THE MEANING "or part or parts of the structure and all

5 equipment in the structure" unless the context clearly ~~indicates~~

6 ~~otherwise~~ REQUIRES A DIFFERENT MEANING.

7 (2) Unless the context clearly indicates otherwise,

8 ~~references~~ A REFERENCE to this act, or to this act and the

9 code, ~~shall refer to~~ MEANS this act and rules promulgated pur-  
10 suant to this act including the code.

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

12 (A) "AGRICULTURAL OR AGRICULTURAL PURPOSES" MEANS OF, OR

13 PERTAINING TO, OR CONNECTED WITH, OR ENGAGED IN AGRICULTURE OR

14 TILLAGE WHICH IS CHARACTERIZED BY THE ACT OR BUSINESS OF CULTI-

15 VATING OR USING LAND AND SOIL FOR THE PRODUCTION OF CROPS FOR THE

16 USE OF ANIMALS OR HUMANS, AND INCLUDES, BUT IS NOT LIMITED TO,

17 PURPOSES RELATED TO AGRICULTURE, FARMING, DAIRYING, PASTURAGE,

18 HORTICULTURE, FLORICULTURE, VITICULTURE, AND ANIMAL AND POULTRY

19 HUSBANDRY.

20 (B) "APPLICATION FOR A BUILDING PERMIT" MEANS AN APPLICATION

21 FOR A BUILDING PERMIT SUBMITTED TO AN ENFORCING AGENCY PURSUANT

22 TO THIS ACT AND PLANS, SPECIFICATIONS, SURVEYS, STATEMENTS, AND

23 OTHER MATERIAL SUBMITTED TO THE ENFORCING AGENCY TOGETHER OR IN

24 CONNECTION WITH THE APPLICATION.

25 (C) "BARRIER FREE DESIGN" MEANS DESIGN COMPLYING WITH LEGAL

26 REQUIREMENTS FOR ARCHITECTURAL DESIGNS WHICH ELIMINATE THE TYPE

27 OF BARRIERS AND HINDRANCES THAT DETER PERSONS WITH DISABILITIES

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1 FROM HAVING ACCESS TO AND FREE MOBILITY IN AND AROUND A BUILDING  
2 OR STRUCTURE.

3 (D) "BOARD OF APPEALS" MEANS THE CONSTRUCTION BOARD OF  
4 APPEALS OF A GOVERNMENTAL SUBDIVISION PROVIDED FOR IN SECTION  
5 14.

6 (E) "BOARDS" MEANS THE STATE PLUMBING AND ELECTRICAL ADMIN-  
7 ISTRATIVE BOARDS AND THE BARRIER FREE DESIGN BOARD CREATED IN  
8 SECTION 5 OF 1966 PA 1, MCL 125.1355.

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

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

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

23 (I) "CHIEF ELECTED OFFICIAL" MEANS THE CHAIRPERSON OF THE  
24 COUNTY BOARD OF COMMISSIONERS, THE CITY MAYOR, THE VILLAGE PRESI-  
25 DENT, OR THE TOWNSHIP SUPERVISOR.

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

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

6 (L) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECON-  
7 STRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR  
8 EQUIPPING OF BUILDINGS OR STRUCTURES.

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

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

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

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1       (ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A  
2 7-YEAR TIME PERIOD.

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

5       (iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO  
6 QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY  
7 EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME  
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10       (v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL,  
11 INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER  
12 AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL  
13 ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED  
14 ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE  
15 EXISTING ENERGY EFFICIENCY RULES.

16       (O) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-  
17 TRY SERVICES.

18       (P) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN  
19 AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

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

25       (R) "ENFORCING AGENCY" MEANS THE ENFORCING AGENCY, IN  
26 ACCORDANCE WITH SECTION 8A OR 8B, WHICH IS RESPONSIBLE FOR  
27 ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN A GOVERNMENTAL

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1 SUBDIVISION, EXCEPT FOR THE PURPOSES OF SECTION 19 ENFORCING  
2 AGENCY MEANS THE AGENCY IN A GOVERNMENTAL UNIT PRINCIPALLY  
3 RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF APPLICABLE  
4 CONSTRUCTION REGULATIONS.

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

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

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

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

21 (W) "OWNER" MEANS THE OWNER OF THE FREEHOLD OF THE PREMISES  
22 OR LESSER ESTATE IN THE PREMISES, A MORTGAGEE OR VENDEE IN POS-  
23 SESSION, AN ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE,  
24 LESSEE, OR ANY OTHER PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP,  
25 ASSOCIATION, OR CORPORATION DIRECTLY OR INDIRECTLY IN CONTROL OF  
26 A BUILDING, STRUCTURE, OR REAL PROPERTY OR HIS OR HER DULY  
27 AUTHORIZED AGENT.

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

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

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

24 (2) UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, A REFER-  
25 ENCE TO THIS ACT, OR TO THIS ACT AND THE CODE, MEANS THIS ACT AND  
26 RULES PROMULGATED PURSUANT TO THIS ACT INCLUDING THE CODE.

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

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

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

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

21           (5) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE  
22 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-  
23 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
24 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEET-  
25 ING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS  
26 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

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

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

17 (2) ~~The~~ UNTIL THE DATE SECTIONS 2A, 3A, 8A, 8B, AND 9B  
18 APPLY, THE code shall consist of nationally recognized model  
19 building codes, other nationally recognized model codes and stan-  
20 dards, and amendments, additions, or deletions to the building  
21 code or other codes and standards as the ~~commission~~ DIRECTOR  
22 determines appropriate. AFTER THE DATE SECTIONS 2, 3, 8, 9, AND  
23 9A ARE REPEALED, THE CODE SHALL CONSIST OF THE INTERNATIONAL RES-  
24 IDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL  
25 MECHANICAL CODE, THE INTERNATIONAL PLUMBING CODE PUBLISHED BY THE  
26 INTERNATIONAL CODE COUNCIL, THE NATIONAL ELECTRICAL CODE  
27 PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIATION, AND THE

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1 MICHIGAN UNIFORM ENERGY CODE WITH AMENDMENTS, ADDITIONS, OR  
2 DELETIONS AS THE DIRECTOR DETERMINES APPROPRIATE.

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

5 (a) To provide standards and requirements for construction  
6 and construction materials consistent with nationally recognized  
7 standards and requirements.

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

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

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

23 (e) To insure adequate maintenance of buildings and struc-  
24 tures throughout this state and to adequately protect the health,  
25 safety, and welfare of the people.

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

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

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

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

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

22 (6) Until March 31, 1997, or until the adoption of changes  
23 to the code under subsection (3)(f), the standards for energy  
24 conservation in the construction of a building envelope shall be  
25 those set forth in Standards 90A-1980 or 90B-1975, as applicable,  
26 published by the American society of heating, refrigerating and  
27 air-conditioning engineers, incorporated, except for section 1.6

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1 of 90A-1980. It is intended that the model energy code contained  
2 in rules promulgated by the commission be rescinded on the effec-  
3 tive date of this subsection.

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

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

10 (b) Appoint or use experts, consultants, technical advisers,  
11 and advisory committees for assistance and recommendations rela-  
12 tive to preparation and promulgation of the code and to assist  
13 the commission and the ~~executive~~ director in carrying out this  
14 act.

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

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

22 Sec. 8. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN  
23 SECTION 8A AND UNTIL THE PROMULGATION OF THE COMPLETE BUILDING  
24 CODE UPDATE AFTER JANUARY 31, 2000, THIS act and the code apply  
25 throughout the state, except that a governmental subdivision may  
26 elect to exempt itself from certain parts of this act and the  
27 code by adopting and enforcing a nationally recognized model

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1 building code or other nationally recognized model codes. It is  
2 not necessary for a governmental subdivision to elect to exempt  
3 itself from every part of the code promulgated by the  
4 ~~commission~~ DIRECTOR in order to preserve its exemption election  
5 as to 1 or more nationally recognized model codes. A governmen-  
6 tal subdivision may make this election by the passage of an ordi-  
7 nance adopting by reference or otherwise without amendment a  
8 nationally recognized model building code or other nationally  
9 recognized model codes. A county ordinance adopted pursuant to  
10 this act shall be adopted by the county board of commissioners  
11 and shall be signed by the chairperson of the county board of  
12 commissioners and certified by the county clerk. A governmental  
13 subdivision that elects not to be governed by certain parts of  
14 this act and the code shall review and update its codes by amend-  
15 ing its ordinance at least once every 3 years by adopting without  
16 amendment all changes to those codes and submitting a certified  
17 copy of the amended ordinance to the commission. However, a gov-  
18 ernmental subdivision adopting nationally recognized model codes  
19 may approve amendments to those codes by ordinance. The amend-  
20 ments shall become effective 90 days after passage of the ordi-  
21 nance and 90 days after a certified copy of the ordinance is  
22 delivered to the commission, unless the commission determines  
23 after a public hearing that the codes, as amended, do not ade-  
24 quately protect the health, safety, or welfare of the people of  
25 the governmental subdivision, or that the amendments tend to  
26 unnecessarily increase construction costs; restrict the use of  
27 new materials, products, or methods of construction; provide

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1 preferential treatment to types or classes of materials,  
2 products, or methods of construction; or obstruct the substantive  
3 uniformity of building codes within a region or locality in the  
4 state.

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

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1 unless the county within which that governmental subdivision is  
2 located has submitted a notice of intent to continue to adminis-  
3 ter and enforce this act and the code. Governmental subdivisions  
4 may provide by agreement for joint enforcement of another nation-  
5 ally recognized model code adopted pursuant to subsection (1).

6 (3) A county that was administering and enforcing this act  
7 and the code pursuant to section 9(1) on December 30, 1980, and  
8 has submitted a notice of intent to continue to administer and  
9 enforce the code to the ~~executive~~ director pursuant to section  
10 9, after December 30, 1980, may exempt itself pursuant to subsec-  
11 tion (1) by the passage of an ordinance adopting by reference or  
12 otherwise without amendment a nationally recognized model build-  
13 ing code or other nationally recognized model codes. However,  
14 that action shall not take effect until 90 days after passage of  
15 an ordinance to that effect. Before the effective date of this  
16 action and the effective date of the ordinance, a county that  
17 proposes to adopt an ordinance to this effect shall file the pro-  
18 posed ordinance for approval pursuant to subsection (1) with the  
19 commission. The commission shall review the proposed ordinance.  
20 If the commission does not approve or disapprove the proposed  
21 ordinance within 90 days after it is filed with the commission,  
22 the proposed ordinance shall be considered approved unless the  
23 county grants the commission additional time to consider the pro-  
24 posed ordinance. The ~~executive~~ director shall notify a county  
25 that elects to exempt itself pursuant to subsection (1) of all  
26 governmental subdivisions within their jurisdiction that have not  
27 submitted a notice of intent to continue to administer and

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

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

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

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

25 (6) A governmental subdivision that before December 30,  
26 1980, has not administered and enforced either this act and the  
27 code or another nationally recognized model code may elect to

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1 exempt itself from certain parts of this act and the code  
2 pursuant to subsection (1) by the passage of an ordinance to that  
3 effect. A governmental subdivision that makes this election  
4 after December 30, 1980 shall submit, in addition to the ordi-  
5 nance, an application to the commission for approval to adminis-  
6 ter and enforce that code within its jurisdiction. This applica-  
7 tion 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 that nationally recognized model code  
12 and all related acts and rules, that agency personnel are pro-  
13 vided as necessary, administrative services are provided, plan  
14 review services are provided, and timely field inspection serv-  
15 ices shall be provided. The ~~executive~~ director shall seek  
16 additional information if the ~~executive~~ director considers it  
17 necessary. The commission shall render a decision on the appli-  
18 cation for approval to administer and enforce that code that has  
19 been adopted and transmit its findings to that governmental sub-  
20 division within 90 days of receipt of the application. The com-  
21 mission shall document its reasons if the commission disapproves  
22 an application. A governmental subdivision that receives a dis-  
23 approval may resubmit its application for approval. Upon receipt  
24 of approval from the commission for the administration and  
25 enforcement of that adopted code, the governmental subdivision  
26 shall administer and enforce that code within its jurisdiction  
27 pursuant to the provisions of its approved application.

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1           (7) The state construction code or any of its sections shall  
2 take effect 6 months after the code's initial promulgation. The  
3 6-month delay does not apply to rules promulgated to implement  
4 sections 13a, 13b, 19, and 21 and the requirements of barrier  
5 free design and energy conservation of this act and code. A gov-  
6 ernmental subdivision may not exempt itself from the requirements  
7 of this section, section 9(8) or (10), or section 9a, 10, 13a,  
8 13b, 14, 15, 20, 21a, 22(1), 23, or 23a. The 6-month delay does  
9 not apply to amendments to the code or any of the code's sections  
10 after the initial promulgation. A governmental subdivision that  
11 elects to exempt itself from this act and the code may do so  
12 within 6 months after the promulgation of the code in the manner  
13 provided in subsection (1), except that any amendments the gov-  
14 ernmental subdivision adopts at that time are subject to review  
15 by the commission as set forth in subsection (1) within 120 days  
16 after a copy of the adopted amendments is delivered to the com-  
17 mission by certified mail with return receipt requested.

18           (8) A governmental subdivision that elects to exempt itself  
19 from certain parts of this act and the code pursuant to subsec-  
20 tion (1) and is enforcing its code within its jurisdiction pursu-  
21 ant to subsection (1) may rescind that ordinance by which it  
22 elected to exempt itself from certain parts of this act and the  
23 code, and transfer the responsibility for the administration and  
24 enforcement of this act and the code within the governmental sub-  
25 division to the ~~executive~~ director. The ~~executive~~ director  
26 shall assume the responsibility for administering and enforcing  
27 this act and the code in that governmental subdivision, unless

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1 the county within which that governmental subdivision is located  
2 has submitted a notice of intent to continue to administer and  
3 enforce the code. However, that action shall not take effect  
4 until 12 months after the passage of an ordinance to that  
5 effect. A structure commenced under an effective code shall be  
6 completed under that code.

7 (9) Locally adopted codes do not apply to public or nonpub-  
8 lic schools within the governmental subdivision without concur-  
9 rence by the school authorities having jurisdiction.

10 (10) Sections 10, 13a, 13b, {16, 17, 18,} 19, 21, 21a, and  
11 23a, subsection (13), and other provisions of this act and code  
12 directly relating to the provisions of sections 10, 13a, 13b,  
13 {16, 17, 18,} 19, 21, 21a, and 23a, subsection (13), and provi-  
14 sions of the code relating to the requirements of barrier free  
15 design, energy conservation, and, except as provided in  
16 subsection (11), for plans submitted for approval after  
17 January 1, 1994 the type and number of plumbing fixtures for men  
18 and women required in an assembly building with an occupancy of  
19 more than 150 are effective throughout the state without local  
20 modifications notwithstanding the exception of subsections (1) to  
21 (9). The standards for premanufactured housing shall not be less  
22 than the standards required for nonpremanufactured housing,  
23 except that mobile homes shall be considered to have complied  
24 with this requirement by compliance with the state code provi-  
25 sions adopting a nationally recognized mobile home code. As used  
26 in this subsection, "assembly building" means a theater, sports  
27 arena, stadium, food service establishment with or without a

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1 liquor license, exhibition hall, library, recreation center,  
2 passenger terminal, and outdoor assembly structure which includes  
3 an outdoor grandstand, bleacher, colosseum, stadium, amusement  
4 park structure, and fair or carnival structure.

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

11 (12) The commission may limit the application of a part of  
12 the code to include or exclude the following:

13 (a) Specified classes or types of buildings or structures,  
14 according to use, or other distinctions as may make differentia-  
15 tion or separate classification or regulation necessary, proper,  
16 or desirable. The commission shall consider the specific prob-  
17 lems of the construction or alteration of a single family,  
18 owner-occupied recreational dwelling that is located in a  
19 sparsely populated area and that is to be occupied on a part-time  
20 basis.

21 (b) Specified areas of the state based on size, population  
22 density, special conditions prevailing in the area, or other fac-  
23 tors as may make differentiation or separate classification or  
24 regulation necessary, proper, or desirable.

25 (13) A building or structure that has baby changing stations  
26 in the women's restrooms shall have baby changing stations in the  
27 men's restrooms.

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

3           (2) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSEC-  
4 TION, THE DIRECTOR SHALL PROVIDE A NOTICE OF INTENT FORM TO ALL  
5 GOVERNMENTAL SUBDIVISIONS ADMINISTERING AND ENFORCING A NATION-  
6 ALLY RECOGNIZED MODEL CODE OTHER THAN THE CODE ESTABLISHED BY THE  
7 COMMISSION UNDER THIS ACT. THIS FORM SHALL SET FORTH THE DATE  
8 RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60  
9 DAYS AFTER RECEIPT. THE CHIEF ELECTED OFFICIAL OF THE GOVERNMEN-  
10 TAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL INDICATE ON THE  
11 FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVISION AS TO WHETHER  
12 IT SHALL ADMINISTER AND ENFORCE THE CODE AND TRANSMIT THIS NOTICE  
13 TO THE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL  
14 SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND  
15 ENFORCE THE CODE WITHIN THE DATE SET FORTH IN THE NOTICE, THE  
16 DIRECTOR SHALL SEND A NOTICE BY REGISTERED MAIL TO THE CLERK OF  
17 THAT GOVERNMENTAL SUBDIVISION. THE REGISTERED NOTICE SHALL INDI-  
18 CATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN  
19 WHICH TO SUBMIT A NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE  
20 CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE  
21 END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED  
22 THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO ADMINISTER  
23 AND ENFORCE THE CODE, AND THE DIRECTOR SHALL ASSUME THE RESPONSI-  
24 BILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN  
25 THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH  
26 THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE  
27 OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE

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1 CODE. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR  
2 JOINT ENFORCEMENT OF THE CODE.

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

9 (4) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE  
10 DATE OF THIS SUBSECTION, HAS ELECTED TO EXEMPT ITSELF PURSUANT TO  
11 SUBSECTION (1) MAY REVERSE THAT ELECTION, MAKING ITSELF SUBJECT  
12 TO THE ACT AND THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE  
13 EFFECT UNTIL 60 DAYS AFTER PASSAGE OF AN ORDINANCE TO THAT  
14 EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE  
15 COMPLETED UNDER THAT CODE.

16 (5) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE  
17 DATE OF THIS SUBSECTION, HAS NOT ADMINISTERED AND ENFORCED EITHER  
18 THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE  
19 MAY ELECT TO ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION  
20 (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMEN-  
21 TAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE  
22 OF THIS SUBSECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN  
23 APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND  
24 ENFORCE THAT CODE WITHIN ITS JURISDICTION. THIS APPLICATION  
25 SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE  
26 COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE  
27 LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION

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1 THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING  
2 TO ADMINISTER AND ENFORCE THE CODE AND ALL RELATED ACTS AND  
3 RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, ADMINIS-  
4 TRATIVE SERVICES ARE PROVIDED, PLAN REVIEW SERVICES ARE PROVIDED,  
5 AND TIMELY FIELD INSPECTION SERVICES SHALL BE PROVIDED. THE  
6 DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CON-  
7 SIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON  
8 THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THE CODE  
9 THAT HAS BEEN ADOPTED AND TRANSMIT ITS FINDINGS TO THAT GOVERN-  
10 MENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION.  
11 THE COMMISSION SHALL DOCUMENT ITS REASONS IF THE COMMISSION DIS-  
12 APPROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT  
13 RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR  
14 APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE  
15 ADMINISTRATION AND ENFORCEMENT OF THE CODE, THE GOVERNMENTAL SUB-  
16 DIVISION SHALL ADMINISTER AND ENFORCE THE CODE WITHIN ITS JURIS-  
17 DICTION PURSUANT TO THE PROVISIONS OF ITS APPROVED APPLICATION.

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

25 (7) THE STANDARDS FOR PREMANUFACTURED HOUSING SHALL NOT BE  
26 LESS THAN THE STANDARDS REQUIRED FOR NONPREMANUFACTURED HOUSING,  
27 EXCEPT THAT MOBILE HOMES SHALL BE CONSIDERED TO HAVE COMPLIED

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1 WITH THIS REQUIREMENT BY COMPLIANCE WITH THE STATE CODE  
2 PROVISIONS ADOPTING A NATIONALLY RECOGNIZED MOBILE HOME CODE. AS  
3 USED IN THIS SUBSECTION, "ASSEMBLY BUILDING" MEANS A THEATER,  
4 SPORTS ARENA, STADIUM, FOOD SERVICE ESTABLISHMENT WITH OR WITHOUT  
5 A LIQUOR LICENSE, EXHIBITION HALL, LIBRARY, RECREATION CENTER,  
6 PASSENGER TERMINAL, AND OUTDOOR ASSEMBLY STRUCTURE WHICH INCLUDES  
7 AN OUTDOOR GRANDSTAND, BLEACHER, COLOSSEUM, STADIUM, AMUSEMENT  
8 PARK STRUCTURE, AND FAIR OR CARNIVAL STRUCTURE.

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

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

19 (B) SPECIFIED AREAS OF THE STATE BASED ON SIZE, POPULATION  
20 DENSITY, SPECIAL CONDITIONS PREVAILING IN THE AREA, OR OTHER FAC-  
21 TORS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR  
22 REGULATION NECESSARY, PROPER, OR DESIRABLE.

23 (9) A BUILDING OR STRUCTURE THAT HAS BABY CHANGING STATIONS  
24 IN THE WOMEN'S RESTROOMS SHALL HAVE BABY CHANGING STATIONS IN THE  
25 MEN'S RESTROOMS.

26 SEC. 8B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,  
27 THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND ENFORCEMENT OF

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1 THIS ACT AND THE CODE. A GOVERNMENTAL SUBDIVISION MAY BY  
2 ORDINANCE ASSUME RESPONSIBILITY FOR ADMINISTRATION AND ENFORCE-  
3 MENT OF THIS ACT WITHIN ITS POLITICAL BOUNDARY. A COUNTY ORDI-  
4 NANCE ADOPTED PURSUANT TO THIS ACT SHALL BE ADOPTED BY THE COUNTY  
5 BOARD OF COMMISSIONERS AND SHALL BE SIGNED BY THE CHAIRPERSON OF  
6 THE COUNTY BOARD OF COMMISSIONERS AND CERTIFIED BY THE COUNTY  
7 CLERK.

8 (2) A GOVERNMENTAL SUBDIVISION THAT HAS ASSUMED THE RESPON-  
9 SIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE  
10 MAY, THROUGH ITS CHIEF LEGAL OFFICER, ISSUE A COMPLAINT AND  
11 OBTAIN A WARRANT FOR A VIOLATION OF THIS ACT OR THE CODE AND  
12 PROSECUTE THE VIOLATION WITH THE SAME POWER AND AUTHORITY IT POS-  
13 SESSES IN PROSECUTING A LOCAL ORDINANCE VIOLATION. IF PURSUANT  
14 TO SECTION 23, A GOVERNMENTAL SUBDIVISION HAS BY ORDINANCE DESIG-  
15 NATED A VIOLATION OF THE ACT OR CODE AS A MUNICIPAL CIVIL INFRAC-  
16 TION, THE GOVERNMENTAL SUBDIVISION MAY ISSUE A CITATION OR MUNIC-  
17 IPAL ORDINANCE VIOLATION NOTICE PURSUANT TO CHAPTER 87 OF THE  
18 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8701 TO  
19 600.8735, FOR A VIOLATION OF THE ACT OR CODE. UNLESS OTHERWISE  
20 PROVIDED BY LOCAL LAW OR ORDINANCE, THE LEGISLATIVE BODY OF A  
21 GOVERNMENTAL SUBDIVISION RESPONSIBLE FOR ADMINISTRATION AND  
22 ENFORCEMENT OF THIS ACT AND THE CODE SHALL DESIGNATE AN ENFORCING  
23 AGENCY THAT SHALL DISCHARGE THE RESPONSIBILITIES OF THE GOVERN-  
24 MENTAL SUBDIVISION UNDER THIS ACT. GOVERNMENTAL SUBDIVISIONS MAY  
25 PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THIS ACT.

26 (3) SUBJECT TO THE OTHER PROVISIONS OF THIS ACT, AN  
27 ENFORCING AGENCY IS ANY OFFICIAL OR AGENT OF A GOVERNMENTAL

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1 SUBDIVISION QUALIFIED BY EXPERIENCE OR TRAINING TO PERFORM THE  
2 DUTIES ASSOCIATED WITH CONSTRUCTION CODE ADMINISTRATION AND  
3 ENFORCEMENT.

4 (4) BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR  
5 SHALL PROVIDE EACH GOVERNMENTAL SUBDIVISION ADMINISTERING AND  
6 ENFORCING THIS ACT AND THE CODE WITH A NOTICE OF INTENT FORM.  
7 THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS REQUIRED,  
8 WHICH DATE SHALL NOT BE LESS THAN 60 DAYS. THE CHIEF ELECTED  
9 OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS  
10 NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOVERNMEN-  
11 TAL SUBDIVISION AS TO WHETHER IT SHALL CONTINUE TO ADMINISTER AND  
12 ENFORCE THIS ACT AND THE CODE AND TRANSMIT THIS NOTICE TO THE  
13 DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOVERNMENTAL SUBDI-  
14 VISION FAILS TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINIS-  
15 TER AND ENFORCE THIS ACT AND THE CODE WITHIN THE DATE SET FORTH  
16 IN THE NOTICE, THE DIRECTOR SHALL SEND A NOTICE BY REGISTERED  
17 MAIL TO THE CLERK OF THAT GOVERNMENTAL SUBDIVISION. THIS NOTICE  
18 SHALL INDICATE THAT THE GOVERNMENTAL SUBDIVISION HAS 15 ADDI-  
19 TIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF INTENT TO CONTINUE TO  
20 ADMINISTER AND ENFORCE THIS ACT AND THE CODE. IF THE GOVERNMEN-  
21 TAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDITIONAL  
22 DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERNMENTAL  
23 SUBDIVISION DOES NOT INTEND TO CONTINUE TO ADMINISTER AND ENFORCE  
24 THIS ACT AND THE CODE AND THE DIRECTOR SHALL ASSUME THE RESPONSI-  
25 BILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN  
26 THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THE

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1 GOVERNMENTAL SUBDIVISION IS LOCATED SUBMITS A NOTICE OF INTENT TO  
2 CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE.

3       (5) A COUNTY THAT IS ADMINISTERING AND ENFORCING THIS ACT  
4 AND THE CODE ON THE EFFECTIVE DATE OF THIS SECTION AND THAT SUB-  
5 MITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE  
6 THIS ACT AND THE CODE PURSUANT TO SUBSECTION (4) IS RESPONSIBLE  
7 FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE  
8 FOR EACH GOVERNMENTAL SUBDIVISION WITHIN THE COUNTY THAT DOES NOT  
9 SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE  
10 THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE  
11 WITHIN ITS JURISDICTION. THE DIRECTOR SHALL NOTIFY THE COUNTY OF  
12 THOSE GOVERNMENTAL SUBDIVISIONS THAT DO NOT SUBMIT A NOTICE OF  
13 INTENT.

14       (6) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE  
15 DATE OF THIS SECTION, DID NOT ADMINISTER AND ENFORCE THIS ACT AND  
16 THE CODE MAY ELECT TO ASSUME THE RESPONSIBILITY FOR THE ADMINIS-  
17 TRATION AND ENFORCEMENT OF THIS ACT AND THE CODE PURSUANT TO SUB-  
18 SECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A  
19 GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE  
20 EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT, IN ADDITION TO THE  
21 ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO  
22 ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS  
23 JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM  
24 TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL  
25 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE  
26 GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED  
27 BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THIS ACT AND

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1 THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL  
2 ARE PROVIDED AS NECESSARY, THAT ADMINISTRATIVE SERVICES ARE PRO-  
3 VIDED, THAT PLAN REVIEW SERVICES ARE PROVIDED, AND THAT TIMELY  
4 FIELD INSPECTION SERVICES WILL BE PROVIDED. THE DIRECTOR SHALL  
5 SEEK ADDITIONAL INFORMATION IF THE DIRECTOR CONSIDERS IT  
6 NECESSARY. THE COMMISSION SHALL RENDER A DECISION ON THE APPLI-  
7 CATION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS ACT AND THE  
8 CODE AND TRANSMIT ITS FINDINGS TO THE GOVERNMENTAL SUBDIVISION  
9 WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE COMMISSION  
10 SHALL DOCUMENT ITS REASONS, IF THE COMMISSION DISAPPROVES AN  
11 APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES A DISAP-  
12 PROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON RECEIPT  
13 OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION AND  
14 ENFORCEMENT OF THIS ACT AND THE CODE, THE GOVERNMENTAL SUBDIVI-  
15 SION SHALL ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN  
16 ITS JURISDICTION PURSUANT TO THE PROVISIONS OF THIS ACT AND THE  
17 APPLICATION.

18 (7) A GOVERNMENTAL SUBDIVISION THAT ELECTS TO ADMINISTER AND  
19 ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION BY THE  
20 ADOPTION OF AN ORDINANCE MAY RESCIND THAT ORDINANCE AND TRANSFER  
21 THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS  
22 ACT AND THE CODE TO THE DIRECTOR. THE DIRECTOR SHALL ASSUME THE  
23 RESPONSIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE  
24 CODE IN THAT GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN  
25 WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A  
26 NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THE CODE.  
27 HOWEVER, THAT ACTION SHALL NOT TAKE EFFECT UNTIL 12 MONTHS AFTER

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1 THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A STRUCTURE  
2 COMMENCED UNDER AN EFFECTIVE CODE SHALL BE COMPLETED UNDER THAT  
3 CODE.

4 (8) THE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND  
5 ENFORCEMENT OF THIS ACT AND THE CODE FOR BUILDINGS AND STRUCTURES  
6 THAT ARE NOT UNDER THE RESPONSIBILITY OF AN ENFORCING AGENCY IN  
7 THOSE GOVERNMENTAL SUBDIVISIONS THAT ELECT TO ADMINISTER AND  
8 ENFORCE THIS ACT AND THE CODE. A BUILDING OR STRUCTURE OWNED BY  
9 THE STATE SHALL NOT BE ERECTED, REMODELED, OR RECONSTRUCTED IN  
10 THE STATE AFTER DECEMBER 30, 1980, EXCEPT SCHOOL BUILDINGS OR  
11 FACILITIES OR INSTITUTIONS OF HIGHER EDUCATION AS DESCRIBED IN  
12 SECTION 4 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963,  
13 UNTIL WRITTEN APPROVAL OF THE PLANS AND SPECIFICATIONS HAS BEEN  
14 OBTAINED FROM THE BUREAU OF CONSTRUCTION CODES LOCATED WITHIN THE  
15 DEPARTMENT INDICATING THAT THE STATE OWNED FACILITIES SHALL BE  
16 DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH THE STATE CONSTRUC-  
17 TION CODE. THIS SUBSECTION DOES NOT APPLY TO ANY STATE OWNED  
18 FACILITY FOR WHICH CONSTRUCTION COMMENCED BEFORE DECEMBER 30,  
19 1980. THE BUREAU OF CONSTRUCTION CODES SHALL BE THE LEAD AGENCY  
20 IN THE COORDINATION AND IMPLEMENTATION OF THIS SUBSECTION. THE  
21 BUREAU OF CONSTRUCTION CODES SHALL PERFORM REQUIRED PLAN REVIEWS  
22 AND INSPECTIONS AS REQUIRED BY THE STATE CONSTRUCTION CODE. EACH  
23 DEPARTMENT SHALL SECURE REQUIRED PLAN APPROVALS AND PERMITS FROM  
24 THE BUREAU. FEES CHARGED BY THE BUREAU FOR PERMITS SHALL BE IN  
25 ACCORDANCE WITH THE COMMISSION'S APPROVED SCHEDULE OF FEES.  
26 STATE DEPARTMENTS AND INSTITUTIONS MAY ALLOW LOCAL INSPECTORS TO  
27 INSPECT THE CONSTRUCTION OF STATE OWNED FACILITIES. HOWEVER, AN

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1 INSPECTION CONDUCTED BY A LOCAL INSPECTOR SHALL BE OF AN ADVISORY  
2 NATURE ONLY.

3       (9) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE  
4 COMMISSION FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT UNDER  
5 OTHER SECTIONS OF THIS ACT, OR RESPONSIBILITIES UNDER THE FIRE  
6 PREVENTION CODE, 1941 PA 207, MCL 29.1 TO 29.34, EXCEPT SECTIONS  
7 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.6 AND  
8 29.7; 1937 PA 306, MCL 388.851 TO 388.855A; THE FIRE FIGHTERS  
9 TRAINING COUNCIL ACT OF 1966, 1966 PA 291, MCL 29.361 TO 29.377;  
10 1942 (1ST EX SESS) PA 9, MCL 419.201 TO 419.205; PARTS 215 AND  
11 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO  
12 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939  
13 PA 280, MCL 400.58.

14       (10) PURSUANT TO PARTS 215 AND 217 OF THE PUBLIC HEALTH  
15 CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E, THE DIRECTORS OF  
16 THE DEPARTMENT, DEPARTMENT OF COMMUNITY HEALTH, AND DEPARTMENT OF  
17 STATE POLICE, OR THEIR DESIGNEES, SHALL DEVELOP CONSISTENT CON-  
18 STRUCTION STANDARDS FOR HOSPITALS AND NURSING HOMES. THESE STAN-  
19 DARDS SHALL ENSURE THAT CONSISTENT, UNIFORM, AND EQUITABLE CON-  
20 STRUCTION REQUIREMENTS AND STATE SUPERVISION OF THE REQUIREMENTS  
21 ARE ACHIEVED AND THAT UNNECESSARY DUPLICATION IS AVOIDED. THE  
22 COMMISSION SHALL DELEGATE PLAN REVIEW AND APPROVAL OF HEALTH  
23 FACILITY CONSTRUCTION PLANS TO THE DEPARTMENT OF COMMUNITY  
24 HEALTH. THIS SUBSECTION DOES NOT PRECLUDE A STATE AGENCY OR A  
25 GOVERNMENTAL SUBDIVISION FROM CONDUCTING PLAN REVIEWS OR INSPEC-  
26 TIONS NECESSARY TO ENSURE COMPLIANCE WITH APPROVED CONSTRUCTION  
27 PLANS.

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

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

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1 PRESENTED. THE DECISION OF THE COMMISSION TO PROCEED WITH A  
2 PERFORMANCE EVALUATION SHALL BE MADE AT A PUBLIC MEETING. THIS  
3 DECISION SHALL BE MAILED TO THE ENFORCING AGENCY 10 DAYS IN  
4 ADVANCE OF CONDUCTING THE PERFORMANCE EVALUATION.

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

15 (3) UPON COMPLETION OF A PERFORMANCE EVALUATION, THE DIREC-  
16 TOR SHALL REPORT THE FINDINGS AND ANY RECOMMENDATIONS TO THE COM-  
17 MISSION AND THE LOCAL ENFORCING AGENCY. THE COMMISSION MAY ISSUE  
18 A NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY FOR THE ADMIN-  
19 ISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FROM A GOVERN-  
20 MENTAL SUBDIVISION AFTER RECEIVING THE RESULTS OF A PERFORMANCE  
21 EVALUATION. THE NOTICE SHALL INCLUDE THE RIGHT TO APPEAL WITHIN  
22 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF INTENT TO WITH-  
23 DRAW THE RESPONSIBILITY. THE NOTICE SHALL ALSO INCLUDE THE FIND-  
24 INGS OF THE DIRECTOR, AFTER COMPLETION OF A PERFORMANCE EVALU-  
25 ATION, THAT THE ENFORCING AGENCY OF THAT GOVERNMENTAL SUBDIVISION  
26 HAS FAILED TO FOLLOW THE DUTIES RECOGNIZED UNDER THIS ACT, THE  
27 CODE, OR ITS ORDINANCE. FAILURE BY THE ENFORCING AGENCY OR THE

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

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

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

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

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

21           (3) A person licensed or required to be licensed as a resi-  
22 dential builder or residential maintenance and alteration con-  
23 tractor under the occupational code, ~~Act No. 299 of the Public~~  
24 ~~Acts of 1980, being sections 339.101 to 339.2721 of the Michigan~~  
25 ~~Compiled Laws~~ 1980 PA 299, MCL 339.101 TO 339.2721, a master or  
26 journeyman plumber pursuant to ~~Act No. 266 of the Public Acts of~~  
27 ~~1929, being sections 338.901 to 338.917 of the Michigan Compiled~~

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

14       (a) The occupational license number of the applicant and the  
15 expiration date of the occupational license.

16       (b) One of the following:

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

23       (ii) The reasons for exemption from the requirement to be  
24 insured ~~pursuant to Act No. 317 of the Public Acts of 1969,~~ if  
25 the applicant is not required to be insured ~~pursuant to Act~~  
26 ~~No. 317 of the Public Acts of 1969~~ UNDER THE WORKER'S DISABILITY  
27 COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941.

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1 (c) One of the following:

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

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

10 (d) One of the following:

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

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

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

25 "Section 23a of the state construction code  
26 act of 1972, ~~Act No. 230 of the Public Acts of~~  
27 ~~1972, being section 125.1523a of the Michigan~~

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1           ~~Compiled Laws~~ 1972 PA 230, MCL 125.1523A,  
2           prohibits a person from conspiring to circumvent  
3           the licensing requirements of this state relat-  
4           ing to persons who are to perform work on a res-  
5           idential building or a residential structure.  
6           Violators of section 23a are subjected to civil  
7           fines."

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

18          (6) This section shall be construed to allow the imposition  
19          of requirements in the code, or in other laws or ordinances, for  
20          additional permits for particular kinds of work, including plumb-  
21          ing and electrical, or in other specified situations. The  
22          requirements of the code may provide for issuance of construction  
23          permits for certain of the systems of a structure and allow con-  
24          struction to commence on those systems approved under that permit  
25          even though the design and approval of all the systems of the  
26          structure have not been completed and subsequent construction  
27          permits have not been issued.

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

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

7 SEC. 13D. (1) NOTWITHSTANDING ANY PROVISION IN THIS ACT AND  
8 UNTIL THE PROMULGATION OF THE COMPLETE BUILDING CODE UPDATE AFTER  
9 JANUARY 31, 2000, A GOVERNMENTAL SUBDIVISION SHALL NOT ENFORCE A  
10 REQUIREMENT FOR STAIRWELL GEOMETRY IN OCCUPANCIES IN USE GROUP  
11 R-3 STRUCTURES AND WITHIN DWELLING UNITS IN OCCUPANCIES IN USE  
12 GROUP R-2 STRUCTURES THAT DIFFERS FROM THE STAIRWELL GEOMETRY  
13 DESCRIBED IN THIS SECTION.

14 (2) AS USED IN THIS SECTION:

15 (A) "STAIRWELL GEOMETRY" REFERS TO THE CONFIGURATION OF A  
16 STAIRWELL OF A BUILDING IN WHICH THE MAXIMUM RISER HEIGHT IS  
17 8-1/4 INCHES (210 MM), THE MINIMUM TREAD DEPTH IS 9 INCHES (229  
18 MM), AND A 1-INCH (25 MM) NOSING ON STAIRWELLS WITH SOLID  
19 RISERS.

20 (B) "USE GROUP R-2 STRUCTURES" MEANS ALL MULTIPLE-FAMILY  
21 DWELLINGS HAVING MORE THAN 2 DWELLING UNITS INCLUDING, BUT NOT  
22 LIMITED TO, BOARDING HOUSES AND SIMILAR BUILDINGS ARRANGED FOR  
23 SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE  
24 PRIMARILY NOT TRANSIENT IN NATURE AND DORMITORY FACILITIES THAT  
25 ACCOMMODATE MORE THAN 5 PERSONS OVER 2-1/2 YEARS OF AGE.

26 (C) "USE GROUP R-3 STRUCTURES" MEANS ALL BUILDINGS ARRANGED  
27 FOR OCCUPANCY AS 1-FAMILY OR 2-FAMILY DWELLING UNITS INCLUDING,

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1 BUT NOT LIMITED TO, NOT MORE THAN 5 LODGERS OR BOARDERS PER  
2 FAMILY; MULTIPLE SINGLE-FAMILY DWELLINGS WHERE EACH UNIT HAS AN  
3 INDEPENDENT MEANS OF EGRESS AND IS SEPARATED BY A 2-HOUR FIRE  
4 SEPARATION ASSEMBLY; AND A CHILD CARE FACILITY THAT ACCOMMODATES  
5 5 OR LESS CHILDREN OF ANY AGE.

6       Sec. 22. (1) The legislative body of a governmental subdi-  
7 vision shall establish reasonable fees to be charged by the gov-  
8 ernmental subdivision for acts and services performed by the  
9 enforcing agency or construction board of appeals ~~pursuant to~~  
10 UNDER this act, which fees shall be intended to bear a reasonable  
11 relation to the cost, including overhead, to the governmental  
12 subdivision of the acts and services, including, without limita-  
13 tion, those services and acts as, in case of an enforcing agency,  
14 issuance of building permits, examination of plans and specifica-  
15 tions, inspection of construction undertaken pursuant to a build-  
16 ing permit, and the issuance of certificates of use and occupan-  
17 cy, and, in case of a board of appeals, hearing appeals in  
18 accordance with this act. The enforcing agency shall collect the  
19 fees established under this subsection.

20       (2) To accomplish the objectives of this section and this  
21 act, a state construction code fund is created. The director,  
22 ~~of labor,~~ after approval by the commission and following a  
23 public hearing held by the commission, shall establish reasonable  
24 fees to be charged by the commission for acts and services per-  
25 formed by the commission including, without limitation, inspec-  
26 tion of plans and specifications, issuance of certificates of  
27 acceptability, testing and evaluation of new products, methods

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1 and processes of construction or alteration, issuance of building  
2 permits, inspection of construction undertaken pursuant to a  
3 building permit, the issuance of certificates of use and occupan-  
4 cy, and hearing of appeals. Fees established by the department  
5 shall be intended to bear a reasonable relation to the cost,  
6 including overhead, of the service or act. Until the director  
7 ~~of labor~~ establishes fees pursuant to this act, the fees estab-  
8 lished pursuant to this subsection shall remain in effect. The  
9 state treasurer shall be the custodian of the fund and may invest  
10 the surplus of the fund in investments as in the state  
11 treasurer's judgment are in the best interest of the fund.  
12 Earnings from those investments shall be credited to the fund.  
13 The state treasurer shall notify the director and the legislature  
14 of interest credited and the balance of the fund as of September  
15 30 of each year. The director shall supervise and administer the  
16 fund. Fees received by the department and money collected under  
17 this act shall be deposited in the state construction code fund  
18 and shall be appropriated by the legislature for the operation of  
19 the bureau of construction codes, and indirect overhead expenses  
20 in the department. However, this restricted fund shall not be  
21 appropriated for the bureau of construction code's performance  
22 evaluation program and complaint investigation program. The per-  
23 formance evaluation program and complaint investigations mandated  
24 in this act shall be funded by appropriations from the general  
25 fund. Funds ~~which~~ THAT are unexpended at the end of each  
26 fiscal year shall be returned to the state construction code  
27 fund. A self-supporting fund shall be established within the

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1 commission to provide for the purchase and sale of codes and  
2 standards to the general public.

3       Enacting section 1. The title and sections 2a, 3a, 8a, 8b,  
4 and 9b of the state construction code act of 1972, 1972 PA 230,  
5 the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added  
6 by this amendatory act, are effective upon enactment but apply  
7 only to 1 or more of the following codes after the date that the  
8 rules promulgated under this act are filed with the secretary of  
9 state for the particular code update after January 31, 2000:

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

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

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

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

18       Enacting section 2. The title and sections 2, 3, 8, 9, and  
19 9a of the state construction code act of 1972, 1972 PA 230,  
20 MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, the  
21 title and sections 2 and 8 as amended by this amendatory act,  
22 apply to 1 or more of the following codes until the rules for the  
23 code update promulgated after January 31, 2000 for the specific  
24 code become effective, at which time each section does not apply  
25 to the particular code. Sections 2, 3, 8, 9, and 9a of the state  
26 construction code act of 1972, 1972 PA 230, MCL 125.1502,  
27 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed

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1 effective upon the filing with the secretary of state of the last  
2 of the rules updating the following codes promulgated after  
3 January 31, 2000:

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

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

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

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