

# HOUSE BILL No. 5028

August 13, 2003, Introduced by Rep. Bieda and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 230, entitled  
"Stille-DeRossett-Hale single state construction code act,"  
by amending sections 4 and 10 (MCL 125.1504 and 125.1510), as  
amended by 1999 PA 245.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4. (1) The director shall prepare and promulgate the  
2 state construction code consisting of rules governing the  
3 construction, use, and occupation of buildings and structures,  
4 including land area incidental to the buildings and structures,  
5 the manufacture and installation of building components and  
6 equipment, the construction and installation of premanufactured  
7 units, the standards and requirements for materials to be used in  
8 connection with the units, and other requirements relating to the  
9 safety, including safety from fire, and sanitation facilities of  
10 the buildings and structures.

1       (2) ~~Until the date sections 2a, 3a, 8a, 8b, and 9b apply,~~  
2 ~~the code shall consist of nationally recognized model building~~  
3 ~~codes, other nationally recognized model codes and standards, and~~  
4 ~~amendments, additions, or deletions to the building code or other~~  
5 ~~codes and standards as the director determines appropriate.~~  
6 ~~After the date sections 2, 3, 8, 9, and 9a are repealed, the~~ **The**  
7 code shall consist of the international residential code, the  
8 international building code, the international mechanical code,  
9 the international plumbing code published by the international  
10 code council, the national electrical code published by the  
11 national fire prevention association, and the Michigan uniform  
12 energy code with amendments, additions, or deletions as the  
13 director determines appropriate.

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

16       (a) To provide standards and requirements for construction  
17 and construction materials consistent with nationally recognized  
18 standards and requirements.

19       (b) To formulate standards and requirements, to the extent  
20 practicable in terms of performance objectives, so as to make  
21 adequate performance for the use intended the test of  
22 acceptability.

23       (c) To permit to the fullest extent feasible the use of  
24 modern technical methods, devices, and improvements, including  
25 premanufactured units, consistent with reasonable requirements  
26 for the health, safety, and welfare of the occupants and users of  
27 buildings and structures.

1 (d) To eliminate restrictive, obsolete, conflicting, and  
2 unnecessary construction regulations that tend to increase  
3 construction costs unnecessarily or restrict the use of new  
4 materials, products, or methods of construction, or provide  
5 preferential treatment to types or classes of materials or  
6 products or methods of construction.

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

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

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

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

16 **(i) To provide standards and requirements for a temporary**  
17 **building or structure that ensure the public health, safety, and**  
18 **general welfare and take into account the temporary nature of the**  
19 **building or structure. Unless a building official grants an**  
20 **extension for demonstrated cause, a temporary building or**  
21 **structure shall be removed within 180 days of its installation.**

22 (4) The code shall be divided into sections as the director  
23 considers appropriate including, without limitation, building,  
24 plumbing, electrical, and mechanical sections. The boards shall  
25 participate in and work with the staff of the director in the  
26 preparation of parts relating to their functions. Before the  
27 promulgation of an amendment to the code, the boards whose

1 functions relate to that code shall be permitted to draft and  
2 recommend to the director proposed language. The director shall  
3 give consideration to all submissions by the boards. However,  
4 the director has final responsibility for the promulgation of the  
5 code.

6 (5) The code may incorporate the provisions of a code,  
7 standard, or other material by reference. The director shall  
8 add, amend, and rescind rules to update the code not less than  
9 once every 3 years to coincide with the national code change  
10 cycle.

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, **except as provided in subsection (9),**  
17 shall be accompanied by payment of the fee established by the  
18 enforcing agency. The application shall contain a detailed  
19 statement in writing ~~—, verified by affidavit of the person~~  
20 ~~making it,~~ of the specifications for the building or structure,  
21 and full and complete copies of the plans drawn to scale of the  
22 proposed work. **Except as provided in subsection (10), the**  
23 **application shall be verified by affidavit of the person**  
24 **submitting it.** A site plan showing the dimensions, and the  
25 location of the proposed building or structure and other  
26 buildings or structures on the same premises, shall be submitted  
27 with the application. The application shall state in full the

1 name and residence, by street and number, of the owner in fee of  
2 the premises on which the building or structure will be  
3 constructed, and the purposes for which it will be used.

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

26 (3) A person licensed or required to be licensed as a  
27 residential builder or residential maintenance and alteration

1 contractor under the occupational code, 1980 PA 299, MCL 339.101  
 2 to 339.2721, a master or ~~journeyman~~ **journey** plumber ~~pursuant~~  
 3 ~~to 1929 PA 266, MCL 338.901 to 338.917~~ **under the state plumbing**  
 4 **act, 2002 PA 733, MCL 338.3511 to 338.3569**, an electrical  
 5 contractor or master or journeyman electrician ~~pursuant to~~  
 6 **under** the electrical administrative act, 1956 PA 217, MCL 338.881  
 7 to 338.892, or ~~pursuant to~~ **under** a local ordinance, or as a  
 8 mechanical contractor ~~pursuant to~~ **under** the ~~forbes~~ **Forbes**  
 9 mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988,  
 10 who applies for a building permit to perform work on a  
 11 residential building or a residential structure shall, in  
 12 addition to any other information required ~~pursuant to~~ **under**  
 13 this act, provide on the building permit application all of the  
 14 following information:

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

17 (b) One of the following:

18 (i) The name of each carrier providing worker's disability  
 19 compensation insurance to the applicant if the applicant is  
 20 required to be insured ~~pursuant to~~ **under** the worker's  
 21 disability compensation act of 1969, 1969 PA 317, MCL 418.101 to  
 22 418.941.

23 (ii) The reasons for exemption from the requirement to be  
 24 insured if the applicant is not required to be insured under the  
 25 worker's disability compensation act of 1969, 1969 PA 317,  
 26 MCL 418.101 to 418.941.

27 (c) One of the following:

1 (i) The employer identification number, if the applicant is  
 2 required to have an employer identification number ~~pursuant to~~  
 3 **under** section 6109 of the internal revenue code **of 1986**.

4 (ii) The reasons for exemption from the requirement to have  
 5 an employer identification number ~~pursuant to~~ **under** section  
 6 6109 of the internal revenue code **of 1986** if the applicant is not  
 7 required to have an employer identification number ~~pursuant to~~  
 8 **under** section 6109 of the internal revenue code **of 1986**.

9 (d) One of the following:

10 (i) The Michigan employment security commission employer  
 11 number, if the applicant is required to make contributions  
 12 ~~pursuant to~~ **under** the Michigan employment security act, 1936  
 13 (Ex Sess) PA 1, MCL 421.1 to 421.75.

14 (ii) If the applicant is not required to make contributions,  
 15 the reasons for exemptions from the requirement to make  
 16 contributions under the Michigan employment security act, 1936  
 17 (Ex Sess) PA 1, MCL 421.1 to 421.75.

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

21 "Section 23a of the **Stille-DeRossett-Hale**  
 22 **single** state construction code act, ~~of 1972,~~  
 23 1972 PA 230, MCL 125.1523a, prohibits a person  
 24 from conspiring to circumvent the licensing  
 25 requirements of this state relating to persons  
 26 who are to perform work on a residential  
 27 building or a residential structure. Violators

1 of section 23a are subjected to civil fines."

2 (5) The application for a building permit shall be filed with  
3 the enforcing agency and the application and any other writing  
4 prepared, owned, used, in the possession of, or retained by the  
5 enforcing agency in the performance of an official function shall  
6 be made available to the public in compliance with the freedom of  
7 information act, 1976 PA 442, MCL 15.231 to 15.246. An  
8 application shall not be removed from the custody of the  
9 enforcing agency after a building permit has been issued.

10 (6) This section shall be construed to allow the imposition  
11 of requirements in the code, or in other laws or ordinances, for  
12 additional permits for particular kinds of work, including  
13 plumbing and electrical, or in other specified situations. The  
14 requirements of the code may provide for issuance of construction  
15 permits for certain of the systems of a structure and allow  
16 construction to commence on those systems approved under that  
17 permit even though the design and approval of all the systems of  
18 the structure have not been completed and subsequent construction  
19 permits have not been issued.

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

22 (8) Notwithstanding this section, a building permit is not  
23 required for a building incidental to the use for agricultural  
24 purposes of the land on which the building is located if it is  
25 not used in the business of retail trade.

26 **(9) An enforcing agency shall not charge a fee for the review**  
27 **or approval of plans for the construction or use of a residential**



1 ramp if the residential ramp is a temporary structure and if the  
2 residential ramp complies with all of the following:

3 (a) Unless a building official grants an extension for  
4 demonstrated cause, the residential ramp is removed within 180  
5 days of its installation.

6 (b) It is not attached to a building or structure.

7 (c) No part of the ramp or a footing for the ramp is below  
8 the adjacent grade, as that term is used in the code.

9 (d) The ramp is contiguous to a residence.

10 (10) An enforcing agency shall not require verification by  
11 affidavit of an application submitted under subsection (1) for  
12 the construction or use of a residential ramp if the residential  
13 ramp qualifies for the fee exemption under subsection (9) and if  
14 the applicant meets all of the following:

15 (a) Is the owner of the residence.

16 (b) Is a person with disabilities.

17 (c) At the time of the application, resides in a facility  
18 that provides organized nursing care and medical treatment to 7  
19 or more unrelated individuals who are suffering or recovering  
20 from illness, injury, or infirmity.

21 (d) Intends to reside in the residence when no longer  
22 residing in the facility described in subdivision (c).