

# HOUSE BILL No. 6364

December 2, 2004, Introduced by Rep. Ward and referred to the Committee on Regulatory Reform.

A bill to amend 1986 PA 54, entitled  
"Building officials and inspectors registration act,"  
by amending the title and sections 2, 3, 4, 6, 7, 8, 10, 12, and  
13 (MCL 338.2302, 338.2303, 338.2304, 338.2306, 338.2307,  
338.2308, 338.2310, 338.2312, and 338.2313), section 3 as amended  
by 1998 PA 50, and by adding sections 2a, 8a, 8b, 8c, 8d, 8e, 8f,  
and 8g; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to regulate and register building officials, plan  
reviewers, building inspectors, electrical inspectors, mechanical  
inspectors, and plumbing inspectors; to prescribe ~~the~~ **certain**  
powers and duties of ~~the~~ **certain** state ~~construction code~~  
~~commission~~ **agencies and departments**; to create ~~a building~~  
~~officials advisory board~~ **certain boards**; to require the approval

1 of educational and training programs for building officials, plan  
2 reviewers, and inspectors; to provide for the establishment and  
3 disposition of **certain** fees; to provide for the promulgation of  
4 rules; and to prescribe **remedies, sanctions, and** penalties.

5 Sec. 2. As used in this act:

6 (a) "Adopted" means a properly passed rule or ordinance.

7 (b) "Advisory board" means the building officials advisory  
8 board created pursuant to section 3.

9 (c) "Approved" means reviewed and found acceptable by the  
10 commission.

11 (d) "Building official" means a ~~construction~~ code  
12 enforcement person working as an inspector ~~—~~ or plan reviewer,  
13 or actively engaged in the administration and enforcement of  
14 adopted building, electrical, mechanical, or plumbing codes, or  
15 any combination of these codes.

16 (e) "Censure" means an expression of disapproval of a  
17 registrant's professional conduct, which conduct is not  
18 necessarily a violation of this act or a rule promulgated or an  
19 order issued under this act.

20 (f) ~~—(e)—~~ "Code" means the state construction code provided  
21 for in section 4 of the **Stille-DeRossett-Hale single** state  
22 construction code act, ~~of 1972, Act No. 230 of the Public Acts~~  
23 ~~of 1972, being section 125.1504 of the Michigan Compiled Laws~~  
24 **1972 PA 230, MCL 125.1504**, or a part of that code ~~which~~ **that** is  
25 of limited application. ~~—, and includes a modification of or~~  
26 ~~amendment to the code, or a nationally recognized model building~~  
27 ~~code or other nationally recognized model code adopted by a~~

1 ~~governmental subdivision pursuant to section 8 of the state~~  
2 ~~construction code act of 1972, being section 125.1508 of the~~  
3 ~~Michigan Compiled Laws.~~

4 (g) "Code change cycle" means the publication by a nationally  
5 recognized code writing body of a new edition of a basic code  
6 that includes all approved changes to the basic code since the  
7 previous edition. Code change cycle does not include changes to  
8 the basic code approved and published in periodic supplements to  
9 the code.

10 (h) ~~-(f)-~~ "Commission" means the state construction code  
11 commission as established in section ~~-3-~~ 3a of the  
12 ~~Stille-DeRossett-Hale single~~ state construction code act, ~~of~~  
13 ~~1972, Act No. 230 of the Public Acts of 1972, being~~  
14 ~~section 125.1503 of the Michigan Compiled Laws~~ 1972 PA 230, MCL  
15 125.1503a.

16 (i) "Competence" means a degree of expertise that enables a  
17 person to engage in an occupation at a level meeting or exceeding  
18 minimal standards of acceptable practice for the occupation.

19 (j) "Complaint" means an oral or written grievance.

20 (k) "Complainant" means a person who has filed a complaint  
21 with the department alleging that a person has violated this act  
22 or a rule promulgated or an order issued under this act. If a  
23 complaint is made by the department, the director of the  
24 department shall designate 1 or more employees of the department  
25 to act as the complainant.

26 (l) "Department" means the department of labor and economic  
27 growth.

1 (m) "Disciplinary board" means the disciplinary board created  
2 pursuant to section 8b.

3 (n) ~~(g)~~ "Education or training program" means formal or  
4 informal courses, seminars, correspondence programs, and other  
5 teaching aids for building officials, plan reviewers, and  
6 inspectors ~~which~~ **that** have been approved. ~~by the commission.~~

7 (o) ~~(h)~~ "Enforcing agency" means an enforcing agency as  
8 defined in section ~~2~~ **2a** of the **Stille-DeRossett-Hale single**  
9 **state** construction code act, ~~of 1972, Act No. 230 of the Public~~  
10 ~~Acts of 1972, being section 125.1502 of the Michigan Compiled~~  
11 ~~Laws~~ **1972 PA 230, MCL 125.1502a.**

12 ~~(i) "Inspector" means the person responsible for the~~  
13 ~~administration and enforcement of the construction of buildings,~~  
14 ~~structures, or appurtenances under the requirements of the~~  
15 ~~applicable building, electrical, mechanical, or plumbing code~~  
16 ~~administered and enforced within the jurisdiction of the~~  
17 ~~employing enforcing agency employing the person.~~

18 ~~—— (j) "Practical construction experience" means experience in~~  
19 ~~construction related trades or code administration and~~  
20 ~~enforcement which is found to be acceptable to the commission.~~

21 ~~—— (k) "Plan reviewer" means a person engaged in the practice of~~  
22 ~~examining construction documents for the purpose of determining~~  
23 ~~compliance with applicable codes.~~

24 ~~—— (l) "Provisional registration" means a building official,~~  
25 ~~plan reviewer, or inspector who is registered subject to~~  
26 ~~attaining the amount of training, education, and experience~~  
27 ~~required by the appropriate board and the commission.~~

1 ~~—— (m) "Registered" means a building official, plan reviewer, or~~  
2 ~~inspector who is registered under this act.~~

3 ~~—— (n) "Test" means a method of determining the qualifications~~  
4 ~~of a person seeking registration as a building official, plan~~  
5 ~~reviewer, or inspector under this act. Tests may be written,~~  
6 ~~oral, practical, or a combination of written, oral, and~~  
7 ~~practical. Completion of educational or training programs which~~  
8 ~~have been approved by the commission may be substituted for~~  
9 ~~appropriate tests or portions of tests.~~

10 ~~—— (o) "Code change cycle" means the publication by a nationally~~  
11 ~~recognized code writing body of a new edition of a basic code~~  
12 ~~which includes all approved changes to the basic code since the~~  
13 ~~previous edition. Code change cycle does not include changes to~~  
14 ~~the basic code approved and published in annual supplements to~~  
15 ~~the code.~~

16       **Sec. 2a. As used in this act:**

17       **(a) "General public" means each individual residing in this**  
18 **state who is 18 years of age or older other than a person or the**  
19 **spouse of a person who is registered in the occupation or who has**  
20 **a material financial interest in the occupation being regulated**  
21 **by the specific law in which the term is used.**

22       **(b) "Good moral character" means good moral character as**  
23 **defined in section 1 of 1974 PA 381, MCL 338.41.**

24       **(c) "Governmental subdivision" means that term as defined in**  
25 **section 2a of the Stille-DeRossett-Hale single state construction**  
26 **code act, 1972 PA 230, MCL 125.1502a.**

27       **(d) "Gross negligence" means the intentional failure to**

1 perform a manifest duty that affects the life or property of  
2 another, or both.

3 (e) "Incompetence" means a departure from, or a failure to  
4 conform to, minimal standards of acceptable practice for the  
5 occupation.

6 (f) "Inspector" means the person responsible for the  
7 administration and enforcement of the construction of buildings,  
8 structures, or appurtenances under the requirements of the  
9 applicable building, electrical, mechanical, or plumbing code  
10 administered and enforced within the jurisdiction of the  
11 enforcing agency employing the person.

12 (g) "Knowledge and skill" means the information, education,  
13 practical experience, and the facility in applying that  
14 information, education, and practical experience.

15 (h) "Limitation" means a condition, stricture, constraint,  
16 restriction, or probation attached to a registration relative to  
17 the scope of practice, including, but not limited to, the  
18 following:

19 (i) A requirement that the registrant perform only specified  
20 functions of the registrant's occupation.

21 (ii) A requirement that the registrant perform the  
22 registrant's occupation only for a specified period of time.

23 (iii) A requirement which reasonably assures a registrant's  
24 competence to perform the registrant's occupation.

25 (iv) A requirement that the registrant be directly supervised  
26 in the performance of registrant's duties for a specified period  
27 of time.

1           (v) A requirement that a registrant file reports with the  
2 department at intervals as determined by the department.

3           (i) "Negligence" means a failure to exercise that degree of  
4 care rendered appropriate by the particular circumstances and  
5 that an individual of ordinary prudence in the same situation and  
6 with equal experience would not have omitted.

7           (j) "Practical construction experience" means approved  
8 experience in construction related trades or code administration  
9 and enforcement conforming to this act and the code.

10          (k) "Plan reviewer" means a person engaged in the examination  
11 of construction documents for the purpose of determining  
12 compliance with applicable codes.

13          (l) "Provisional registration" means a building official,  
14 plan reviewer, or inspector who is registered subject to  
15 attaining the amount of training, education, and experience  
16 required by the appropriate board and the commission.

17          (m) "Published interpretation" means an article or technical  
18 bulletin on the meaning an application of the code, a section or  
19 subsection of the code, or a referenced standard within the code  
20 published either in print form or electronic media by the bureau  
21 of construction codes. Published interpretation includes a  
22 formal decision by the commission on the meaning and application  
23 of the code, a section or subsection of the code, or a referenced  
24 standard within the code. Published interpretation does not  
25 include an interpretation issued by the international code  
26 council, the national fire protection association or its  
27 component organizations, or any other organizations or

1 individuals that develop or comment on codes or standards for  
 2 public or private use.

3 (n) "Registered" means a building official, plan reviewer, or  
 4 inspector who is registered under this act.

5 (o) "Respondent" means a person against whom a complaint has  
 6 been filed and may be a person required to be registered.

7 (p) "Test" means a method of determining the qualifications  
 8 of a person seeking registration as a building official, plan  
 9 reviewer, or inspector under this act. Tests may be written,  
 10 oral, practical, or a combination of written, oral, and  
 11 practical. Completion of educational or training programs that  
 12 have been approved may be substituted for appropriate tests or  
 13 portions of tests.

14 Sec. 3. (1) The building officials advisory board is  
 15 created in the department ~~of labor~~ to assist the commission in  
 16 establishing standards and criteria for the training and  
 17 qualifications of building officials.

18 (2) The advisory board shall consist of 9 members appointed  
 19 by the commission. ~~Of those members first appointed, 3 shall be~~  
 20 ~~appointed for a term of 1 year, 3 shall be appointed for a term~~  
 21 ~~of 2 years, and 3 shall be appointed for a term of 3 years.~~ The  
 22 advisory board shall consist of the following:

23 (a) ~~A~~ **Three** building ~~official~~ **officials** who ~~enforces~~  
 24 **enforce** the **code**. ~~building officials and code administrators~~  
 25 ~~basic building code.~~

26 ~~(b) A building official who enforces the uniform building~~  
 27 ~~code.~~



1 ~~—— (c) A building official who enforces the Michigan building~~  
 2 ~~code.~~

3 (b) ~~—(d)—~~ Two members of the general public, 1 of whom shall  
 4 be a person with 1 or more disabilities.

5 (c) ~~—(e)—~~ A ~~registered~~ **licensed** architect or **professional**  
 6 engineer.

7 (d) ~~—(f)—~~ A ~~building contractor~~ **licensed residential**  
 8 **builder.**

9 (e) ~~—(g)—~~ A building trades journey worker from a recognized  
 10 apprentice course.

11 (f) ~~—(h)—~~ A representative of small business.

12 (3) Of the 3 building officials appointed pursuant to  
 13 subsection (2)(a), ~~—(b), and (c),—~~ 1 shall represent a county,  
 14 1 shall represent a city, and 1 shall represent a township or  
 15 village.

16 Sec. 4. (1) The commission shall promote effective and  
 17 uniform enforcement of ~~—construction—~~ codes in the state by  
 18 improving the competence of building officials, plan reviewers,  
 19 and inspectors.

20 (2) The advisory board, barrier free design board, the  
 21 electrical administrative board, the board of mechanical rules,  
 22 and the state plumbing board shall participate in and work with  
 23 the commission to establish both of the following:

24 (a) Minimum training and experience standards,  
 25 qualifications, and classifications of responsibility applicable  
 26 to persons engaged in the enforcement of codes ~~—~~ and plan  
 27 reviews.

1 (b) Minimum criteria for the approval of ~~educational~~  
 2 **education** or training programs and tests.

3 (3) The commission may review and approve prepared  
 4 ~~educational and~~ **education or** training programs, tests, and  
 5 instructors. The examination and evaluation of ~~training and~~  
 6 ~~educational~~ **education or training** programs, instructors, and  
 7 tests shall include, but not be limited to:

8 (a) ~~Construction code~~ **Code** administration.

9 (b) Specialty aspects of code program parts, including all of  
 10 the following:

11 (i) Prohibited appliances.

12 (ii) Premanufactured units.

13 (iii) Approval of materials, products, and methods.

14 (iv) Barrier free design.

15 (v) ~~Energy conservation~~ **Michigan uniform energy code.**

16 (c) Inspection techniques.

17 (d) Communication skills.

18 (e) Human and public relations.

19 (f) Report writing.

20 (g) Plans and specifications reading.

21 (h) Pertinent laws, ordinances, rules, **published**  
 22 **interpretations,** and policies.

23 (i) Construction practices.

24 (4) If the commission finds that the proposed ~~educational~~  
 25 **education** or training ~~courses or~~ programs are ~~acceptable~~  
 26 **approved** under minimum requirements established under this  
 27 section, the commission shall ~~give approval to~~ **approve** the

1 ~~courses or~~ **education or training** programs for a limited period  
2 of time and with appropriate qualifications as the commission  
3 prescribes.

4 (5) A board listed in ~~section 4(2)~~ **subsection (2)** shall  
5 recommend to the commission criteria for approval ~~which~~ **that**  
6 relate to the board's function and ~~are~~ **as** required by ~~section~~  
7 ~~4(2)~~ **subsection (2)**. The commission shall give consideration to  
8 any submission by a board ~~—~~ but ~~the commission shall have~~ **has**  
9 final responsibility for the approval of **education or** training  
10 ~~standards and~~ programs.

11 Sec. 6. (1) Application for registration as a building  
12 official, plan reviewer, or inspector shall be ~~made~~ **submitted**  
13 to the appropriate board listed in section 4(2) and to the  
14 commission along with the fee prescribed in section 13.

15 ~~(2) Any person who on the effective date of this act has~~  
16 ~~been engaged in the business of a building official, plan~~  
17 ~~reviewer, or inspector for a period of 3 years shall, upon~~  
18 ~~furnishing the appropriate board listed in section 4(2) with~~  
19 ~~satisfactory evidence of having been so engaged, be registered if~~  
20 ~~the person makes application to the commission within 6 months~~  
21 ~~after the effective date of this act, and pays the fee prescribed~~  
22 ~~in section 13.~~

23 ~~—— (3) Any person who, on the effective date of this act, has~~  
24 ~~been engaged in the business of a building official, plan~~  
25 ~~reviewer, or inspector for a period of less than 3 years shall,~~  
26 ~~upon furnishing the board with satisfactory evidence of having~~  
27 ~~been so engaged, be provisionally registered if the person makes~~

1 ~~application to the commission within 6 months after the effective~~  
2 ~~date of this act and pays the fee prescribed in section 13.~~

3 ~~—— (4) Any person who, on the effective date of this act, has~~  
4 ~~been engaged in the business of a building official, plan~~  
5 ~~reviewer, or inspector for 3 of the 5 years immediately preceding~~  
6 ~~the date of application shall, upon furnishing the appropriate~~  
7 ~~board listed in section 4(2) with satisfactory evidence of having~~  
8 ~~been so engaged, be registered, if the person makes application~~  
9 ~~to the commission and pays the fee prescribed in section 13.~~

10 (2) ~~—(5)—~~ The commission may issue an initial registration  
11 for a period of more or less than 3 years for the purpose of  
12 allowing subsequent registration renewal to coincide with the  
13 code change cycle.

14 Sec. 7. (1) ~~—A—~~ **Except as otherwise provided for in section**  
15 **6(2),** a registered building official, plan reviewer, or inspector  
16 shall renew the registration at periods of not less than 3 years  
17 after the date of initial issue. The renewal shall coincide with  
18 the code change cycle ~~of the code which~~ **that** the person is  
19 enforcing in that jurisdiction.

20 (2) Reregistration or renewal of an initial registration or  
21 provisional registration shall be based upon a determination, by  
22 the appropriate board listed in section 4(2), of the applicant's  
23 familiarity with changes to the applicable codes administered and  
24 enforced within the jurisdiction of the enforcing agency  
25 employing the applicant and pertinent laws, and **the presentation**  
26 **of** satisfactory evidence of attending local in-service ~~training~~  
27 ~~and~~ education **or training** programs on an ongoing basis.

1       (3) The commission shall not waive or diminish the experience  
2 requirements established by this act or by rules promulgated  
3 under this act relative to an applicant for registration and  
4 shall not extend any time periods established by this act or by  
5 rules promulgated under this act regarding the filing of an  
6 application or the completion of the required hours of attendance  
7 of education or training programs.

8       Sec. 8. This act does not supersede the requirements  
9 applicable to inspectors contained in ~~Act No. 266 of the Public~~  
10 ~~Acts of 1929, being sections 338.901 to 338.917 of the Michigan~~  
11 ~~Compiled Laws, or Act No. 217 of the Public Acts of 1956, being~~  
12 ~~sections 338.881 to 338.892 of the Michigan Compiled Laws~~ the  
13 state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, or the  
14 electrical administrative act, 1956 PA 217, MCL 338.881 to  
15 338.892.

16       Sec. 8a. A person subject to this act who commits 1 or more  
17 of the following is subject to the sanctions or penalties  
18 prescribed in section 8e:

19       (a) Practices fraud or deceit to obtain a registration or  
20 reregistration.

21       (b) Practices fraud, deceit, or dishonesty in the performance  
22 of his or her duties.

23       (c) Fails to perform his or her duties in a professional  
24 manner.

25       (d) Fails to perform his or her duties in a timely manner.

26       (e) Fails to apply the code in a consistent and uniform  
27 manner.

1 (f) Fails to follow or enforce a published interpretation.

2 (g) Demonstrates a lack of good moral character.

3 (h) Commits an act that demonstrates incompetence.

4 (i) Commits an act that demonstrates negligence in the  
5 performance of his or her duties.

6 (j) Commits an act of gross negligence in the performance of  
7 his or her duties.

8 (k) Violates a provision of this act or a rule promulgated  
9 under this act.

10 (l) Violates a provision of the code, the  
11 Stille-DeRossett-Hale single state construction code act, 1972 PA  
12 230, MCL 125.1501 to 125.1531, or a rule promulgated under the  
13 that act.

14 (m) Commits an act that constitutes a conflict of interest as  
15 described in section 10.

16 (n) Exercises poor judgment in the performance of his or her  
17 duties.

18 (o) Accepts a gratuity or other valuable consideration for  
19 the performance of his or her duty from other than the enforcing  
20 agency that employs him or her.

21 (p) Fails to comply with a subpoena issued under this act.

22 (q) Fails to respond to a citation issued under this act.

23 (r) Violates or fails to comply with an order issued by the  
24 disciplinary board, including a stipulation, settlement  
25 agreement, or a citation.

26 (s) Performs the duties of a building official, plan  
27 reviewer, or inspector without a valid registration.

1       Sec. 8b. (1) The disciplinary board is created within the  
2 department to determine whether an individual has violated this  
3 act, a rule promulgated under this act, or an order issued under  
4 this act and to determine the appropriate discipline for each  
5 violation.

6       (2) The disciplinary board shall consist of 33 members  
7 appointed by the governor with the advice and consent of the  
8 senate. Of those members first appointed, 1 from each  
9 subdivision shall be appointed for a term of 1 year, 1 from each  
10 subdivision shall be appointed for a term of 2 years, and 1 from  
11 each subdivision shall be appointed for a term of 3 years. All  
12 subsequent appointments shall be for a term of 3 years. The  
13 disciplinary board shall consist of the following:

14       (a) Three building officials registered under this act.

15       (b) Three residential builders licensed under article 24 of  
16 the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412.

17       (c) Three electrical inspectors registered under this act.

18       (d) Three electrical contractors licensed under the  
19 electrical administrative act, 1956 PA 217, MCL 338.881 to  
20 338.892.

21       (e) Three plumbing inspectors registered under this act.

22       (f) Three plumbers licensed under the state plumbing act,  
23 2002 PA 733, MCL 338.3511 to 338.3569.

24       (g) Three plan reviewers licensed under this act.

25       (h) Three architects licensed under article 20 of the  
26 occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

27       (i) Three mechanical inspectors registered under this act.

1       (j) Three mechanical contractors registered under the Forbes  
2 mechanical act, 1984 PA 192, MCL 338.971 to 338.988.

3       (k) Three members of the general public with knowledge and  
4 skill of the code. Not more than 1 member of the general public  
5 may be affiliated with a labor organization.

6       (3) The disciplinary board shall be divided into 5 panels.  
7 Each panel shall hear complaints relative to its part of the  
8 code. A member of the general public shall chair each panel.  
9 The panels shall be comprised as follows:

10       (a) The building code panel shall consist of the 3 building  
11 officials, the 3 residential builders, and the 3 members of the  
12 general public.

13       (b) The electrical code panel shall consist of the 3  
14 electrical inspectors, the 3 electrical contractors, and the 3  
15 members of the general public.

16       (c) The plumbing panel shall consist of the 3 plumbing  
17 inspectors, the 3 plumbers, and the 3 members of the general  
18 public.

19       (d) The plan review panel shall consist of the 3 plan  
20 reviewers, the 3 architects, and the 3 members of the general  
21 public.

22       (e) The mechanical panel shall consist of the 3 mechanical  
23 inspectors, the 3 mechanical contractors, and the 3 members of  
24 the general public.

25       Sec. 8c. (1) A complaint that alleges that a person has  
26 violated this act, a rule promulgated under this act, or an order  
27 issued under this act shall be lodged with the department not



1 later than 18 months after the alleged violation occurs. The  
2 department of attorney general, the department, a board, or any  
3 other person may file a complaint. The complaint shall describe  
4 in writing to the department the factual basis for the  
5 allegation. The department shall forward a copy of the complaint  
6 to the enforcing agency that employs the respondent.

7 (2) The department shall presume the innocence of the  
8 respondent throughout the proceedings until the appropriate panel  
9 of the disciplinary board as described in section 8b(3) holds a  
10 hearing and makes its findings of fact and conclusions of law.  
11 The respondent has the burden of refuting evidence presented by  
12 the claimant during the process.

13 (3) The enforcing agency that employs the respondent may  
14 appear as a party of interest at any proceedings resulting from  
15 the complaint.

16 Sec. 8d. (1) A panel of the disciplinary board as described  
17 in section 8b(3) shall conduct its hearings in accordance with  
18 the administrative procedures act of 1969, 1969 PA 306, MCL  
19 24.201 to 24.328.

20 (2) Each panel of the disciplinary board shall render its  
21 written decision within 30 business days after the hearing.

22 Sec. 8e. (1) The appropriate panel of the disciplinary  
23 board as described in section 8b(3) may assess 1 or more of the  
24 following sanctions or penalties on an individual who violates  
25 this act, a rule promulgated under this act, or an order issued  
26 under this act:

27 (a) Censure an individual.

1 (b) Place limitations on a registration.

2 (c) Suspend a registration.

3 (d) Revoke a registration.

4 (e) Deny a future registration or deny reregistration for a  
5 stated period of time.

6 (f) Order restitution and costs to a complainant.

7 (g) Order a civil fine not to exceed \$10,000.00 per  
8 violation, to be paid to the department.

9 (h) Place an individual on probation with automatic penalties  
10 or sanctions assessed for any subsequent violation.

11 (2) After reviewing the decision of the panel of the  
12 disciplinary board, the director of the department shall enter an  
13 order assessing 1 or more of the penalties described in  
14 subsection (1) or shall dismiss the complaint.

15 (3) A person who acts as a building official, plan reviewer,  
16 or inspector without a valid registration is guilty of a  
17 misdemeanor punishable by a fine of not more than \$5,000.00 or  
18 imprisonment for not more than 93 days, or both.

19 Sec. 8f. (1) A party or an interested person may appeal an  
20 order issued pursuant to a decision of a panel of the  
21 disciplinary board to the commission within 10 business days  
22 after the director of the department has issued his or her  
23 order. The appeal shall be heard de novo by the commission.

24 (2) The decision of the panel of the disciplinary board is  
25 considered final if not appealed to the commission within the  
26 time period prescribed in subsection (1) and is considered an  
27 exhaustion of all administrative remedies.

1       Sec. 8g. The remedies under this act are cumulative and  
2 independent. The use of 1 remedy by a person does not bar the  
3 use of other lawful remedies by that person or the use of a  
4 lawful remedy by another person.

5       Sec. 10. (1) Performing instructional duties for  
6 educational purposes and providing contractual inspection and  
7 consulting services in ~~construction~~ code enforcement ~~shall~~  
8 **are** not ~~be~~ considered conflicts of interest.

9       (2) An inspector ~~shall~~ **is** not ~~be~~ permitted to inspect his  
10 or her own work in a governmental subdivision. ~~As used in this~~  
11 ~~subsection and subsection (3), "governmental subdivision" means~~  
12 ~~governmental subdivision as defined in section 2(1)(t) of the~~  
13 ~~state construction code act of 1972, Act No. 230 of the Public~~  
14 ~~Acts of 1972, being section 125.1502 of the Michigan Compiled~~  
15 ~~Laws.~~

16       (3) A building official or inspector shall not serve on a  
17 zoning board or planning board in any governmental subdivision in  
18 which he or she performs inspection and consulting services.

19       (4) ~~-(3)-~~ A governmental subdivision may establish additional  
20 requirements and restrictions in the selection and hiring of  
21 ~~construction~~ code enforcement **building** officials, inspectors,  
22 and plan reviewers.

23       (5) ~~-(4)-~~ This act shall not be construed to limit or  
24 restrict the type of internal administrative organization an  
25 enforcing agency may choose, or to limit or otherwise affect the  
26 authority of the enforcing agency to dismiss or suspend a  
27 building official, inspector, or plan reviewer at its

1 discretion.

2       Sec. 12. ~~-(1) Subject to subsection (2), after 1 year after~~  
 3 ~~the effective date of this act, a person shall not be appointed~~  
 4 ~~or employed as a building official, inspector, or plan reviewer~~  
 5 ~~by an enforcing agency, unless the person is registered under~~  
 6 ~~this act and the rules promulgated under this act.~~

7       **(1) -(2)-** Any person who ~~—, after the effective date of this~~  
 8 ~~act,~~ becomes employed by a governmental subdivision as a  
 9 building official, plan reviewer, or inspector shall within 30  
 10 days of employment ~~make application~~ **apply** to the commission for  
 11 provisional registration. Upon furnishing ~~the board with~~  
 12 satisfactory evidence of being so employed by a governmental  
 13 subdivision and **upon** payment of the fees prescribed in section  
 14 13, the ~~person~~ **commission** shall ~~be provisionally registered~~  
 15 **issue a provisional registration to the person.**

16       **(2) -(3)-** If the commission determines that an applicant for  
 17 registration does not qualify for registration, the applicant  
 18 shall be notified of that fact in writing and may appeal an  
 19 adverse decision in the manner provided by ~~Act No. 306 of the~~  
 20 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
 21 ~~Michigan Compiled Laws~~ **the administrative procedures act of**  
 22 **1969, 1969 PA 306, MCL 24.201 to 24.328.**

23       Sec. 13. (1) The commission shall charge fees for  
 24 registration **and reregistration** of building officials,  
 25 inspectors, and plan reviewers and for the examination and  
 26 evaluation of **education or** training ~~and educational~~ programs.  
 27 ~~and courses.~~ An applicant for registration **or reregistration**

1 shall pay a **per-year** registration fee ~~of \$10.00 a year to the~~  
2 ~~commission for each year the registration covers~~ **equal to the**  
3 **per-year fee paid by the licensed occupation whose work he or she**  
4 **is inspecting.**

5 (2) ~~Fees~~ **Additional fees** established by the commission **for**  
6 **the examination and evaluation of education or training programs**  
7 shall bear a reasonable relation to the cost for conducting **the**  
8 **education or training** ~~and educational~~ programs. ~~and courses.~~

9 (3) Fees received by the commission pursuant to this act  
10 shall be deposited in the state construction code fund created by  
11 section 22 of the **Stille-DeRossett-Hale single** state construction  
12 code act, ~~of 1972, Act No. 230 of the Public Acts of 1972, being~~  
13 ~~section 125.1522 of the Michigan Compiled Laws~~ **1972 PA 230, MCL**  
14 **125.1522.**

15 Enacting section 1. Section 9 of the building officials and  
16 inspectors registration act, 1986 PA 54, MCL 338.2309, is  
17 repealed.