

# HOUSE BILL No. 5287

October 12, 2005, Introduced by Reps. Bieda and Gleason 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), section  
4 as amended by 2004 PA 584 and section 10 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, the  
5       manufacture and installation of building components and equipment,  
6       the construction and installation of premanufactured units, the  
7       standards and requirements for materials to be used in connection

1 with the units, and other requirements relating to the safety,  
2 including safety from fire, and sanitation facilities of the  
3 buildings and structures.

4 (2) The code shall consist of the international residential  
5 code, the international building code, the international mechanical  
6 code, the international plumbing code published by the  
7 international code council, the national electrical code published  
8 by the national fire prevention association, and the Michigan  
9 uniform energy code with amendments, additions, or deletions as the  
10 director determines appropriate.

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

13 (a) To provide standards and requirements for construction and  
14 construction materials consistent with nationally recognized  
15 standards and requirements.

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

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

25 (d) To eliminate restrictive, obsolete, conflicting, and  
26 unnecessary construction regulations that tend to increase  
27 construction costs unnecessarily or restrict the use of new

1 materials, products, or methods of construction, or provide  
2 preferential treatment to types or classes of materials or products  
3 or methods of construction.

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

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

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

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

13 **(I) TO PROVIDE STANDARDS AND REQUIREMENTS FOR A TEMPORARY**  
14 **BUILDING OR STRUCTURE THAT ENSURE THE PUBLIC HEALTH, SAFETY, AND**  
15 **GENERAL WELFARE AND TAKE INTO ACCOUNT THE TEMPORARY NATURE OF THE**  
16 **BUILDING OR STRUCTURE. UNLESS A BUILDING OFFICIAL GRANTS AN**  
17 **EXTENSION FOR DEMONSTRATED CAUSE, A TEMPORARY BUILDING OR STRUCTURE**  
18 **SHALL BE REMOVED WITHIN 180 DAYS OF ITS INSTALLATION.**

19 (4) The code shall be divided into sections as the director  
20 considers appropriate including, without limitation, building,  
21 plumbing, electrical, and mechanical sections. The boards shall  
22 participate in and work with the staff of the director in the  
23 preparation of parts relating to their functions. Before the  
24 promulgation of an amendment to the code, the boards whose  
25 functions relate to that code shall be permitted to draft and  
26 recommend to the director proposed language. The director shall  
27 give consideration to all submissions by the boards. However, the

1 director has final responsibility for the promulgation of the code.

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

6 (6) Before the Michigan building code, the Michigan  
7 residential code, the Michigan plumbing code, the Michigan  
8 mechanical code, the Michigan uniform energy code, and the Michigan  
9 rehabilitation code may be enforced, the director shall make each  
10 Michigan-specific code available to the general public for at least  
11 45 days in printed, electronic, or other form that does not require  
12 the user to purchase additional documents or data in any form in  
13 order to have an updated complete version of each specific code,  
14 excluding other referenced standards within each code. This  
15 subsection does not apply to any code effective before April 1,  
16 2005.

17 Sec. 10. (1) Except as otherwise provided in the code, before  
18 construction of a building or structure, the owner, or the owner's  
19 builder, architect, engineer, or agent, shall submit an application  
20 in writing to the appropriate enforcing agency for a building  
21 permit. The application shall be on a form prescribed by the  
22 commission and, **EXCEPT AS PROVIDED IN SUBSECTION (9),** shall be  
23 accompanied by payment of the fee established by the enforcing  
24 agency. The application shall contain a detailed statement in  
25 writing ~~—, verified by affidavit of the person making it,—~~ of the  
26 specifications for the building or structure, and full and complete  
27 copies of the plans drawn to scale of the proposed work. **EXCEPT AS**

1 **PROVIDED IN SUBSECTION (10), THE APPLICATION SHALL BE VERIFIED BY**  
2 **AFFIDAVIT OF THE PERSON SUBMITTING IT.** A site plan showing the  
3 dimensions, and the location of the proposed building or structure  
4 and other buildings or structures on the same premises, shall be  
5 submitted with the application. The application shall state in full  
6 the name and residence, by street and number, of the owner in fee  
7 of the premises on which the building or structure will be  
8 constructed, and the purposes for which it will be used.

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

1 and the expiration date of the license.

2 (3) A person licensed or required to be licensed as a  
3 residential builder or residential maintenance and alteration  
4 contractor under the occupational code, 1980 PA 299, MCL 339.101 to  
5 339.2721, a master or ~~journeyman~~ **JOURNEY** plumber ~~pursuant to~~  
6 ~~1929 PA 266, MCL 338.901 to 338.917~~ **UNDER THE STATE PLUMBING ACT,**  
7 **2002 PA 733, MCL 338.3511 TO 338.3569**, an electrical contractor or  
8 master or journeyman electrician ~~pursuant to~~ **UNDER** the electrical  
9 administrative act, 1956 PA 217, MCL 338.881 to 338.892, or  
10 ~~pursuant to~~ **UNDER** a local ordinance, or as a mechanical contractor  
11 ~~pursuant to~~ **UNDER** the ~~forbes~~ **FORBES** mechanical contractors act,  
12 1984 PA 192, MCL 338.971 to 338.988, who applies for a building  
13 permit to perform work on a residential building or a residential  
14 structure shall, in addition to any other information required  
15 ~~pursuant to~~ **UNDER** this act, provide on the building permit  
16 application all of the following information:

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

19 (b) One of the following:

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

24 (ii) The reasons for exemption from the requirement to be  
25 insured if the applicant is not required to be insured under the  
26 worker's disability compensation act of 1969, 1969 PA 317, MCL  
27 418.101 to 418.941.

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 **UNDER** section 6109 of the internal revenue code **OF 1986**.

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

10 (d) One of the following:

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

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

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

22 "Section 23a of the **STILLE-DEROSSETT-HALE SINGLE** state  
 23 construction code act, ~~of 1972,~~ 1972 PA 230, MCL 125.1523a,  
 24 prohibits a person from conspiring to circumvent the licensing  
 25 requirements of this state relating to persons who are to perform  
 26 work on a residential building or a residential structure.  
 27 Violators of section 23a are subjected to civil fines."

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

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

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

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

25       **(9) AN ENFORCING AGENCY SHALL NOT CHARGE A FEE FOR THE REVIEW**  
26 **OR APPROVAL OF PLANS FOR THE CONSTRUCTION OR USE OF A RESIDENTIAL**  
27 **RAMP IF THE RESIDENTIAL RAMP IS A TEMPORARY STRUCTURE AND IF THE**



1 RESIDENTIAL RAMP COMPLIES WITH ALL OF THE FOLLOWING:

2 (A) UNLESS A BUILDING OFFICIAL GRANTS AN EXTENSION FOR  
3 DEMONSTRATED CAUSE, THE RESIDENTIAL RAMP IS REMOVED WITHIN 180 DAYS  
4 OF ITS INSTALLATION.

5 (B) IT IS NOT ATTACHED TO A BUILDING OR STRUCTURE.

6 (C) NO PART OF THE RAMP OR A FOOTING FOR THE RAMP IS BELOW THE  
7 ADJACENT GRADE, AS THAT TERM IS USED IN THE CODE.

8 (D) THE RAMP IS CONTIGUOUS TO A RESIDENCE.

9 (10) AN ENFORCING AGENCY SHALL NOT REQUIRE VERIFICATION BY  
10 AFFIDAVIT OF AN APPLICATION SUBMITTED UNDER SUBSECTION (1) FOR THE  
11 CONSTRUCTION OR USE OF A RESIDENTIAL RAMP IF THE RESIDENTIAL RAMP  
12 QUALIFIES FOR THE FEE EXEMPTION UNDER SUBSECTION (9) AND IF THE  
13 APPLICANT MEETS ALL OF THE FOLLOWING:

14 (A) IS THE OWNER OF THE RESIDENCE.

15 (B) IS A PERSON WITH DISABILITIES.

16 (C) AT THE TIME OF THE APPLICATION, RESIDES IN A FACILITY THAT  
17 PROVIDES ORGANIZED NURSING CARE AND MEDICAL TREATMENT TO 7 OR MORE  
18 UNRELATED INDIVIDUALS WHO ARE SUFFERING OR RECOVERING FROM ILLNESS,  
19 INJURY, OR INFIRMITY.

20 (D) INTENDS TO RESIDE IN THE RESIDENCE WHEN NO LONGER RESIDING  
21 IN THE FACILITY DESCRIBED IN SUBDIVISION (C).