

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4561**

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending section 4 (MCL 125.1504), as amended by 2004 PA 584.

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
8 with the units, and other requirements relating to the safety,
9 including safety from fire, and sanitation facilities of the
10 buildings and structures.

1 (2) The code shall consist of the international residential
2 code, the international building code, the international mechanical
3 code, the international plumbing code, **THE INTERNATIONAL EXISTING**
4 **BUILDING CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE**
5 published by the international code council ~~, AND~~ the national
6 electrical code published by the national fire prevention
7 association, ~~and the Michigan uniform energy code~~ with amendments,
8 additions, or deletions as the director determines appropriate. **THE**
9 **DIRECTOR MAY ADOPT ALL OR ANY PART OF THESE CODES OR THE STANDARDS**
10 **CONTAINED WITHIN THESE CODES BY REFERENCE.**

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 OR~~
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~~ **ENSURE** adequate maintenance of buildings and
5 structures throughout this state and to adequately protect the
6 health, safety, 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~~ **TO DEVELOP** a voluntary consumer
12 information system relating to energy efficiencies.

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

24 (5) ~~The code may incorporate the provisions of a code,~~
25 ~~standard, or other material by reference.~~ The director shall add,
26 amend, and rescind rules to update the **MICHIGAN BUILDING CODE, THE**
27 **MICHIGAN MECHANICAL CODE, THE MICHIGAN PLUMBING CODE, THE MICHIGAN**

House Bill No. 4561 as amended December 12, 2012

1 REHABILITATION CODE FOR EXISTING BUILDINGS, THE MICHIGAN ELECTRICAL
2 CODE, AND THE COMMERCIAL CHAPTERS OF THE MICHIGAN ENERGY code not
3 less than once every 3 years to coincide with the national code
4 change cycle.

5 (6) <<WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2012 ACT
6 THAT AMENDED THIS SECTION, THE DIRECTOR SHALL BEGIN THE PROCESS TO
7 ADD, AMEND, OR RESCIND RULES TO UPDATE THE 2009 MICHIGAN RESIDENTIAL
8 CODE, INCLUDING THE RESIDENTIAL ENERGY CODE CHAPTER. COMMENCING WITH
9 THE 2015 NATIONAL CODE CHANGE CYCLE,>> THE DIRECTOR SHALL ADD, AMEND, AND
10 RESCIND RULES TO
11 SIMULTANEOUSLY UPDATE ALL CHAPTERS OF THE MICHIGAN RESIDENTIAL CODE
12 NOT LESS FREQUENTLY THAN ONCE EVERY 6 YEARS OR MORE FREQUENTLY THAN
13 ONCE EVERY 3 YEARS AS THE DIRECTOR DETERMINES IS APPROPRIATE. NOT
14 MORE THAN 200 DAYS AFTER THE <<PRINTED>> PUBLICATION OF THE LATEST
15 EDITION OF
16 THE INTERNATIONAL RESIDENTIAL CODE BOOK <<IS MADE AVAILABLE TO THE
17 GENERAL PUBLIC>>, THE DIRECTOR SHALL HOLD A
18 PUBLIC MEETING IN LANSING AND OFFER PERSONS AN OPPORTUNITY TO
19 PRESENT DATA AND COMMENTS ON THE GENERAL NEED TO UPDATE THE
20 MICHIGAN RESIDENTIAL CODE. THE DEPARTMENT SHALL GIVE 30 DAYS'
21 ADVANCE NOTICE OF <<A MEETING UNDER THIS SUBSECTION>> ON THE
22 DEPARTMENT'S WEBSITE. NOT MORE
23 THAN 30 DAYS AFTER THE MEETING, THE DIRECTOR SHALL ISSUE A WRITTEN
24 DETERMINATION WHETHER TO UPDATE THE MICHIGAN RESIDENTIAL CODE. THE
25 DEPARTMENT SHALL POST NOTICE OF THE DETERMINATION ON ITS WEBSITE
26 FOR AT LEAST 45 DAYS.

19 (7) IF THE DIRECTOR MAKES THE DETERMINATION NOT TO UPDATE THE
20 MICHIGAN RESIDENTIAL CODE, A PERSON MAY, WITHIN 45 DAYS AFTER THE
21 DETERMINATION, REQUEST THE DIRECTOR TO PROMULGATE A RULE TO AMEND A
22 SECTION OR SECTIONS OF THE MICHIGAN RESIDENTIAL CODE. WITHIN 90
23 DAYS AFTER THE FILING OF A REQUEST, THE DIRECTOR SHALL INITIATE THE
24 PROCESSING OF A RULE OR SHALL ISSUE TO THE REQUESTOR A CONCISE
25 WRITTEN STATEMENT OF THE PRINCIPAL REASONS FOR DENIAL OF THE
26 REQUEST AND POST THE DENIAL STATEMENT ON THE DEPARTMENT'S WEBSITE
27 UNTIL THE MICHIGAN RESIDENTIAL CODE IS NEXT UPDATED. THE DENIAL OF

1 THE REQUEST IS NOT SUBJECT TO JUDICIAL REVIEW.

2 (8) ~~(6)~~—Before the Michigan building code, the Michigan
3 residential code, the Michigan plumbing code, the Michigan
4 mechanical code, the Michigan uniform energy code, and the Michigan
5 rehabilitation code may be enforced, the director shall make each
6 Michigan-specific code available to the general public for at least
7 45 days in printed, electronic, or other form that does not require
8 the user to purchase additional documents or data in any form in
9 order to have an updated complete version of each specific code,
10 excluding other referenced standards within each code. This
11 subsection does not apply to any code effective before April 1,
12 2005. IF THE MICHIGAN RESIDENTIAL CODE IS UPDATED ON A 6-YEAR
13 CYCLE, THEN USE OF A MATERIAL, PRODUCT, METHOD OF MANUFACTURE, OR
14 METHOD OR MANNER OF CONSTRUCTION OR INSTALLATION PROVIDED FOR IN AN
15 INTERIM EDITION OF THE INTERNATIONAL RESIDENTIAL CODE IS AUTHORIZED
16 THROUGHOUT THIS STATE AND SHALL BE PERMITTED, BUT SHALL NOT BE
17 MANDATED, BY AN ENFORCING AGENCY OR ITS BUILDING OFFICIAL OR
18 INSPECTORS. HOWEVER, THE ENFORCING AGENCY OR ITS BUILDING OFFICIAL
19 OR INSPECTORS MAY REQUIRE THAT IF SUCH A MATERIAL, PRODUCT, METHOD
20 OF MANUFACTURE, OR METHOD OR MANNER OF CONSTRUCTION OR INSTALLATION
21 PROVIDED FOR IN AN INTERIM EDITION OF THE INTERNATIONAL RESIDENTIAL
22 CODE IS USED, THE USE SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS
23 SET FORTH IN THE INTERIM EDITION OF THE INTERNATIONAL RESIDENTIAL
24 CODE.