



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 235 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Regulatory Reform
House Committee: Regulatory Reform

PUBLIC ACT 150 of 2013

Date Completed: 12-2-13

RATIONALE

Michigan statute and administrative rules contain construction standards for various types of buildings and structures as well as their components, including mechanical and electrical systems. At various stages of the process, depending on the system in question, plans must be reviewed before a building permit is issued, and the installation of the system and the construction itself must be inspected before a certificate of occupancy is issued. The plan reviews and inspections must be performed by a person who is registered by the State Construction Code Commission under the Building Officials and Inspectors Registration Act. It has been suggested that individuals who are nationally certified fire inspectors also should be recognized under that Act. Evidently, in some communities, registered mechanical or electrical inspectors are not always available to inspect fire protection systems or review plans for them. Also, while registered mechanical and electrical inspectors' training covers fire protection systems, some people suggest that this aspect of their training is not equivalent to that of certified fire inspectors. In addition, although certified fire inspectors have the authority to conduct inspections after a building has been constructed, and they may advise registered building inspectors and plan reviewers, they do not have the authority to review plans or inspect systems before or during the construction process.

CONTENT

The bill amends the Building Officials and Inspectors Registration Act to provide for the registration of a person as a fire protection system plan inspector or as a fire protection system plan reviewer if he or she is certified by a national association as a Fire Inspector I and a Fire Inspector II, or as a Fire Inspector I and a Plans Examiner, respectively, or if he or she is licensed or certified by another state.

The bill will take effect on February 4, 2014.

Currently, the State Construction Code Commission, upon receiving the fee prescribed by Section 13 and without requiring an examination, must register or reregister an applicant as a building official, inspector, or plan reviewer if he or she is licensed or certified in that capacity under the laws of another state or by a national organization, provided the Commission determines that the requirements of that state or organization are equivalent to those of this State for the purpose of establishing reciprocity privileges for building officials, inspectors, and plan reviewers.

Under the bill, with respect a person licensed or certified under the laws of another state, this also will apply to the registration or reregistration of a person as a fire protection system inspector or a fire protection system plan reviewer.

The bill requires the Commission, upon receiving the fee prescribed in Section 13 and without requiring an exam, to register or reregister an applicant as a fire protection system plan reviewer

if he or she is certified by the National Fire Protection Association or the International Code Council as both a Fire Inspector I and a Plans Examiner. In addition, the bill requires the Commission, upon receiving the prescribed fee and without requiring an exam, to register or reregister an applicant as a fire protection system inspector if he or she is certified by the National Fire Protection Association or the International Code Council as a Fire Inspector I and Fire Inspector II. In each case, in his or her application, the person must attest to the Department of Licensing and Regulatory Affairs to having an understanding of the Michigan Building Code.

(Section 13 requires the Commission to charge fees for the registration of building officials, inspectors, and plan reviewers. For each year the registration covers, an applicant for registration must pay a fee of \$25. After September 30, 2015, the fee will be \$10.)

The Act authorizes the Commission to suspend or revoke the registration of any building official, plan reviewer, or inspector if there is sufficient evidence that the person violated the Act or rules promulgated under it, in the performance of his or her duties. The bill extends this to a fire protection system inspector and a fire protection system plan reviewer.

The bill defines "fire protection system plan reviewer" as a person meeting the qualifications established by the Act responsible for the review of fire protection system plans in accordance with the design and installation standards referred to by the Michigan Building Code.

The bill defines "fire protection system inspector" as a person meeting the qualifications established by the Act responsible for the inspection of fire protection systems in accordance with the design and installation standards referred to by the Michigan Building Code.

"Fire protection system" will mean that term as defined in the Michigan Building Code (i.e., "*approved* devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof" [italics in original]).

MCL 338.2302 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By recognizing nationally certified fire inspectors under the Building Officials and Inspectors Registration Act, as well as those who are licensed or certified by other states, the bill will broaden the pool of qualified individuals who can perform fire protection system inspections and plan reviews under the State's building code. This will give municipalities the option to use fire inspectors, rather than mechanical or electrical inspectors, for these functions. Due to local units' budgetary cutbacks, and employee retirements, a local unit of government might not have enough State-registered building plan reviewers and registered mechanical inspectors and electrical inspectors, which can lead to scheduling conflicts, delays in the construction process, and the need to hire outside contractors. Also, newly trained plan reviewers and inspectors might not have the experience or training specific to fire protection systems that certified fire inspectors have, especially if the fire inspectors are seasoned professionals. Evidently, some communities already turn to fire inspectors for assistance during the construction process. While they can provide critical insight, however, fire inspectors cannot officially perform the plan reviews and inspections required for building permits and certificates of occupancy.

Fire inspectors currently are responsible for the enforcement of fire system maintenance after a building has been constructed. They spend numerous hours being trained in how the systems are designed, operated, and maintained, so they can identify deficiencies and code violations. Fire inspectors typically are trained under the standards developed by the National Fire Protection Association, which has three levels of certification: Fire Inspector I, Fire Plans

Examiner, and Fire Inspector II. Along with the inspectors' knowledge of fire science, these certifications make fire inspectors a valuable asset in communities. Reportedly, Michigan has more certified fire inspectors at all three levels than any other state has. By allowing local governments to take advantage of fire inspectors' expertise before and during construction, the bill will streamline the process, while maintaining the safety of residents and businesses.

Response: Several concerns were raised by the Bureau of Construction Codes, in the Department of Licensing and Regulatory Affairs. First, fire inspectors might not have the qualifications to inspect certain aspects of a system, particularly the electrical parts. For example, it is possible that a fire inspector will approve a system, and it might even work, but an electrical inspector then will find that the wiring was not done correctly. An inspector's lack of qualifications might lead to jurisdictional conflicts, as well as delay and inconvenience for building contractors and others. Reportedly, in fact, in an incident last summer, a fire inspector working with a building department overstepped his authority and caused a retail structure to be evacuated over a weekend, resulting in lost sales to the owner.

In addition, the criteria for national certification do not adequately qualify a certified fire plan reviewer or certified fire inspector to review plans or inspect systems for new construction. Rather, the certification requirements are geared toward existing structures.

Also, instead of incorporating national standards in statute, the law should authorize the Construction Code Commission to set the standards for registering fire plan reviewers and inspectors. The Commission establishes the registration standards for other building officials through the rules promulgation process, and fire plan reviewers and inspectors should not be treated differently.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill will have a minor, but likely positive fiscal impact on the Department of Licensing and Regulatory Affairs. Under the bill, individuals holding certain fire safety certifications from a national association will be able to pay a \$25 fee to be registered as a fire protection system plan reviewer or a fire protection system inspector. The Department will use these fees for the support of the Bureau of Commercial Services.

Fiscal Analyst: Josh Sefton