

SENATE BILL No. 379

May 22, 2013, Introduced by Senators BOOHER, CASPERSON, ANANICH, MOOLENAAR and HANSEN 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 2a and 10 (MCL 125.1502a and 125.1510),
section 2a as amended by 2012 PA 103 and section 10 as amended by
1999 PA 245.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2a. (1) As used in this act:

(a) "Agricultural or agricultural purposes" means of, or
pertaining to, or connected with, or engaged in agriculture or
tillage that is characterized by the act or business of cultivating
or using land and soil for the production of crops for the use of
animals or humans, and includes, but is not limited to, purposes
related to agriculture, farming, dairying, pasturage, horticulture,
floriculture, viticulture, and animal and poultry husbandry.

1 (B) "AGRICULTURAL PRODUCT" MEANS A FARM PRODUCT AS DEFINED IN
2 SECTION 2 OF THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL
3 286.472.

4 (C) ~~(b)~~—"Application for a building permit" means an
5 application for a building permit submitted to an enforcing agency
6 pursuant to this act and plans, specifications, surveys,
7 statements, and other material submitted to the enforcing agency
8 together or in connection with the application.

9 (D) ~~(c)~~—"Barrier free design" means design complying with
10 legal requirements for architectural designs that eliminate the
11 type of barriers and hindrances that deter persons with
12 disabilities from having access to and free mobility in and around
13 a building or structure.

14 (E) ~~(d)~~—"Board of appeals" means the construction board of
15 appeals of a governmental subdivision provided for in section 14.

16 (F) ~~(e)~~—"Boards" means the state plumbing board created in
17 section 13 of the state plumbing act, 2002 PA 733, MCL 338.3523,
18 the board of mechanical rules created in section 3 of the Forbes
19 mechanical contractors act, 1984 PA 192, MCL 338.973, the
20 electrical administrative board created in section 2 of the
21 electrical administrative act, 1956 PA 217, MCL 338.882, and the
22 barrier free design board created in section 5 of 1966 PA 1, MCL
23 125.1355.

24 (G) ~~(f)~~—"Building" means a combination of materials, whether
25 portable or fixed, forming a structure affording a facility or
26 shelter for use or occupancy by ~~persons,~~ **INDIVIDUALS**, animals, or
27 property. Building does not include a building, whether temporary

1 or permanent, incidental to the use for agricultural purposes of
2 the land on which the building is located if it is not used in the
3 business of retail trade. Building includes a part or parts of the
4 building and all equipment in the building unless the context
5 clearly requires a different meaning.

6 (H) ~~(g)~~—"Building envelope" means the elements of a building
7 that enclose conditioned spaces through which thermal energy may be
8 transferred to or from the exterior.

9 (I) ~~(h)~~—"Building official" means an individual who is
10 employed by a governmental subdivision and is charged with the
11 administration and enforcement of the code and who is registered in
12 compliance with the building officials and inspectors registration
13 act, 1986 PA 54, MCL 338.2301 to 338.2313. This individual may also
14 be an employee of a private organization.

15 (J) ~~(i)~~—"Business day" means a day of the year, exclusive of a
16 Saturday, Sunday, or legal holiday.

17 (K) ~~(j)~~—"Chief elected official" means the chairperson of the
18 county board of commissioners, the city mayor, the village
19 president, or the township supervisor.

20 (L) ~~(k)~~—"Code" means the state construction code provided for
21 in section 4 or a part of that code of limited application and
22 includes a modification of or amendment to the code.

23 (M) ~~(l)~~—"Commission" means the state construction code
24 commission created by section 3a.

25 (N) ~~(m)~~—"Construction" means the construction, erection,
26 reconstruction, alteration, conversion, demolition, repair, moving,
27 or equipping of buildings or structures.

1 (O) ~~(n)~~ "Construction regulation" means a law, act, rule,
 2 regulation, or code, general or special, or **A** compilation thereof,
 3 enacted or adopted by this state including a department, board,
 4 bureau, commission, or other agency ~~thereof~~, **OF THIS STATE**,
 5 relating to the design, construction, or use of ~~buildings and~~
 6 ~~structures and the installation of equipment in the building or~~
 7 ~~structure.~~ **BUILDINGS AND STRUCTURES.** Construction regulation does
 8 not include a zoning ordinance or rule issued pursuant to a zoning
 9 ordinance and related to zoning.

10 (P) ~~(e)~~ "Cost-effective", in reference to section 4(3)(f) and
 11 (g), means, using the existing energy efficiency standards and
 12 requirements as the base of comparison, the economic benefits of
 13 the proposed energy efficiency standards and requirements will
 14 exceed the economic costs of the requirements of the proposed rules
 15 based upon an incremental multiyear analysis that meets all of the
 16 following requirements:

17 (i) Considers the perspective of a typical first-time home
 18 buyer.

19 (ii) Considers benefits and costs over a 7-year time period.

20 (iii) Does not assume fuel price increases in excess of the
 21 assumed general rate of inflation.

22 (iv) Ensures that the buyer of a home who would qualify to
 23 purchase the home before the addition of the energy efficient
 24 standards will still qualify to purchase the same home after the
 25 additional cost of the energy-saving construction features.

26 (v) Ensures that the costs of principal, interest, taxes,
 27 insurance, and utilities will not be greater after the inclusion of

1 the proposed cost of the additional energy-saving construction
2 features required by the proposed energy efficiency rules than
3 under the provisions of the existing energy efficiency rules.

4 (Q) ~~(p)~~—"Department" means the department of licensing and
5 regulatory affairs.

6 (R) ~~(q)~~—"Director" means the director of the department or an
7 authorized representative of the director.

8 (S) ~~(r)~~—"Energy conservation" means the efficient use of
9 energy by providing building envelopes with high thermal resistance
10 and low air leakage, and the selection of energy efficient
11 mechanical, electrical service, and illumination systems,
12 equipment, devices, or apparatus.

13 (T) ~~(s)~~—"Enforcing agency" means the governmental agency that,
14 in accordance with section 8a or 8b, is responsible for
15 administration and enforcement of the code within a governmental
16 subdivision. However, for the purposes of section 19, enforcing
17 agency means the agency in a governmental unit principally
18 responsible for the administration and enforcement of applicable
19 construction regulations.

20 (U) ~~(t)~~—"Equipment" means plumbing, heating, electrical,
21 ventilating, air conditioning, and refrigerating equipment.

22 (V) ~~(u)~~—"Governmental subdivision" means a county, city,
23 village, or township that, in accordance with section 8a **OR 8B**, has
24 assumed responsibility for administration and enforcement of this
25 act and the code within its jurisdiction.

26 (W) ~~(v)~~—"Mobile home" means a vehicular, portable structure
27 that meets all of the following requirements:

1 (i) Is built on a chassis pursuant to the national manufactured
2 housing construction and safety standards act of 1974, 42 USC 5401
3 to 5426.

4 (ii) Is designed to be used without a permanent foundation as a
5 dwelling when connected to required utilities.

6 (iii) Is or is intended to be, attached to the ground, to
7 another structure, or to a utility system on the same premises for
8 more than 30 consecutive days.

9 (X) ~~(w)~~—"Other laws and ordinances" means other laws and
10 ordinances whether enacted by this state or by a county, city,
11 village, or township and the rules issued under those laws and
12 ordinances.

13 (Y) ~~(x)~~—"Owner" means the owner of the freehold of the
14 premises or lesser estate in the premises, a mortgagee or vendee in
15 possession, an assignee of rents, receiver, executor, trustee, **OR**
16 lessee, or any other person, sole proprietorship, partnership,
17 association, or corporation directly or indirectly in control of a
18 building, structure, or real property or his or her duly authorized
19 agent.

20 (Z) ~~(y)~~—"Person with disabilities" means an individual whose
21 physical characteristics limit that individual's ability to be
22 self-reliant in the individual's movement throughout and use of the
23 building environment.

24 (AA) ~~(z)~~—"Premanufactured unit" means an assembly of materials
25 or products intended to comprise all or part of a building or
26 structure, and that is assembled at other than the final location
27 of the unit of the building or ~~structures~~ **STRUCTURE** by a repetitive

1 process under circumstances intended to ensure uniformity of
2 quality and material content. Premanufactured unit includes a
3 mobile home.

4 (BB) ~~(aa)~~ "Structure" means that which is built or
5 constructed, an edifice or building of any kind, or a piece of work
6 artificially built up or composed of parts joined together in some
7 definite manner. Structure does not include a structure incident to
8 the use for agricultural purposes of the land on which the
9 structure is located and does not include works of heavy civil
10 construction including, but not limited to, a highway, bridge, dam,
11 reservoir, lock, mine, harbor, dockside port facility, an airport
12 landing facility and facilities for the generation, ~~or~~
13 transmission, or distribution of electricity. Structure includes a
14 part or parts of the structure and all equipment in the structure
15 unless the context clearly requires a different meaning.

16 (2) Unless the context clearly indicates otherwise, a
17 reference to this act, or to this act and the code, means this act
18 and rules promulgated pursuant to this act including the code.

19 Sec. 10. (1) Except as otherwise provided in the code, before
20 construction of a building or structure, the owner, or the owner's
21 builder, architect, engineer, or agent, shall submit an application
22 in writing to the appropriate enforcing agency for a building
23 permit. The application shall be on a form prescribed by the
24 commission and shall be accompanied by payment of the fee
25 established by the enforcing agency. The application shall contain
26 a detailed statement in writing, verified by affidavit of the
27 ~~person~~ **INDIVIDUAL** making it, of the specifications for the building

1 or structure, and full and complete copies of the plans drawn to
2 scale of the proposed work. A site plan showing the dimensions, and
3 the location of the proposed building or structure and other
4 buildings or structures on the same premises, shall be submitted
5 with the application. The application shall state in full the name
6 and residence, by street and number, of the owner in fee of the
7 ~~premises~~ **LAND** 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 **OR PARCEL**, and proposed work. The statements and
16 affidavits may be made by an owner, or the owner's attorney, agent,
17 engineer, architect, or builder, by the person who proposes to make
18 the construction or alteration, or by that person's agent,
19 engineer, architect, or builder. A person shall not be recognized
20 as the agent, attorney, engineer, architect, or builder of another
21 person unless the person **SEEKING RECOGNITION** files with the
22 enforcing agency a written instrument, which shall be an
23 architectural, engineering, or construction contract, power of
24 attorney, or letter of authorization signed by that other person
25 designating the person **SEEKING RECOGNITION** as the agent, attorney,
26 architect, engineer, or builder and, in case of a residential
27 builder or maintenance and alteration contractor, architect, or

1 engineer, setting forth the ~~person's~~ license number **OF THE PERSON**
 2 **SEEKING RECOGNITION** and the expiration date of the license.

3 (3) A person licensed or required to be licensed as a
 4 residential builder or residential maintenance and alteration
 5 contractor under the occupational code, 1980 PA 299, MCL 339.101 to
 6 ~~339.2721, a 339.2919, A PLUMBING CONTRACTOR OR~~ master or journeyman
 7 plumber pursuant to ~~1929 PA 266, MCL 338.901 to 338.917, THE STATE~~
 8 **PLUMBING ACT, 2002 PA 733, MCL 338.3511 TO 338.3569**, an electrical
 9 contractor, ~~or master or journeyman electrician, OR ELECTRICAL~~
 10 **JOURNEYMAN** pursuant to the electrical administrative act, 1956 PA
 11 217, MCL 338.881 to 338.892, or pursuant to a local ordinance, or
 12 ~~as a~~ mechanical contractor pursuant to the ~~forbes~~ **FORBES** mechanical
 13 contractors act, 1984 PA 192, MCL 338.971 to 338.988, who applies
 14 for a building permit to perform work on a residential building or
 15 a residential structure shall, in addition to any other information
 16 required pursuant to this act, provide on the building permit
 17 application all of the following information:

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

20 (b) One of the following:

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

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

1 418.101 to 418.941.

2 (c) One of the following:

3 (i) The employer identification number, if the applicant is
4 required to have an employer identification number pursuant to
5 section 6109 of the internal revenue code, **26 USC 6109**.

6 (ii) The reasons for exemption from the requirement to have an
7 employer identification number pursuant to section 6109 of the
8 internal revenue code, **26 USC 6109**, if the applicant is not
9 required to have an employer identification number pursuant to **THAT**
10 ~~section. 6109 of the internal revenue code.~~

11 (d) One of the following:

12 (i) The Michigan employment security commission employer
13 number, if the applicant is required to make contributions pursuant
14 to the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL
15 421.1 to 421.75.

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

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

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

1 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 application
8 shall not be removed from the custody of the enforcing agency after
9 a building permit has been issued.

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

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

22 (8) ~~Notwithstanding this section, a~~ **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~~ **THE**
25 **BUILDING** is not used in the business of retail trade.

26 (9) **A QUALIFYING ROADSIDE STAND IS EXEMPT FROM THE PLUMBING**
27 **FIXTURE REQUIREMENTS OF THIS ACT AND THE CODE AND IS NOT REQUIRED**

1 TO HAVE ELECTRIC POWER. HOWEVER, A QUALIFYING ROADSIDE STAND THAT
2 HAS ELECTRIC POWER MUST COMPLY WITH THE ELECTRICAL CODE. THIS
3 SUBSECTION DOES NOT EXEMPT A QUALIFYING ROADSIDE STAND FROM A
4 REQUIREMENT TO OBTAIN A BUILDING PERMIT. AS USED IN THIS
5 SUBSECTION, "QUALIFYING ROADSIDE STAND" MEANS A ROADSIDE STAND THAT
6 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

7 (A) IS USED ONLY FOR SEASONAL RETAIL TRADE IN AGRICULTURAL
8 PRODUCTS PRODUCED ON THE LAND WHERE THE ROADSIDE STAND IS LOCATED.

9 (B) IS NOT LARGER THAN 400 SQUARE FEET.

10 (C) IS SECURELY ANCHORED TO THE GROUND.

11 (10) A TENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (9) (A)
12 AND (B) IS EXEMPT FROM THIS ACT AND THE CODE.