

Legislative Analysis



LIGHTWEIGHT CONSTRUCTION SYMBOLS

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House Bill 5121 (passed by the House as substitute H-4)
Sponsor: Rep. Laura Cox
Committee: Regulatory Reform
Complete to 5-11-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5121 would amend the Stille-DeRossett-Hale Single State Construction Code Act to require the installation of a symbol on lightweight construction buildings. This symbol would be used to alert individuals conducting fire suppression or other emergency operations of the building's construction. The bill would take effect 90 days after being enacted into law.

FISCAL IMPACT: House Bill 5121 could have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of people who violate the provisions of the bill and are held responsible for paying state and/or municipal civil infractions. Civil infraction penalties would increase revenues going to the state Justice System Fund, which supports various justice-related endeavors in the judicial branch, and the Departments of State Police, Corrections, and Human Services. Also, the bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected caseloads and related administrative costs.

THE APPARENT PROBLEM:

According to testimony presented in committee, buildings made of lightweight construction materials are structurally sound for a reduced period of time during a fire compared to traditional building materials. Firefighters are concerned, as these construction materials become more common, that without an easily observable way to discover if a structure is made with lightweight building materials, a higher incidence of firefighter injury and death will occur.

THE CONTENT OF THE BILL:

House Bill 5121 would amend the Stille-DeRossett-Hale Single State Construction Code Act to require the installation of a symbol on lightweight construction buildings. This symbol would be used to alert individuals conducting fire suppression or other emergency operations of the building's construction. The bill would take effect 90 days after the date it is enacted into law.

The bill would add the following terms whose meanings would apply only to the newly created Section 4g:

"Affected building" would mean a multifamily dwelling of three or more stories, a commercial building, or an industrial building.

"Approved symbol" would mean a Maltese cross that meets all of the following requirements:

- Measures 8" horizontally and 8" vertically.
- Is bright red and reflective
- Has one of the following included within the sign's center circle, as applicable:
 - The letter "R" for a structure with a light-frame truss roof.
 - The letter "F" for a structure with a light-frame truss floor system.
 - The letters "RF" for a structure that has both a light-frame truss roof and floor system.

"Lightweight construction" would mean construction of any part of the roof or floor supporting systems from engineered or lightweight prefabricated materials made from wood, composite lumber, wood by-products, or cold-formed steel.

The approved symbol must be installed at each main entrance of an affected building within 24 inches to the left of the door or set of doors, and either permanently attached to the exterior surface of the structure on a contrasting background or mounted on a contrasting base material that is permanently attached to the exterior surface of the structure.

The owner of an affected building would have to comply with the signage requirement by the date of the affected building's completion or one year after the effective date of the bill, whichever is later.

The penalty for a violation of Section 4g would be a state civil fine of up to \$100. The attorney general or the county prosecutor where the affected building is located would be able to enforce the provisions of Section 4g. A state civil fine collected as the result of a violation of the signage requirement would be deposited into the state General Fund.

If a governmental subdivision has the responsibility of administering and enforcing the act, that governmental subdivision could designate a violation as a municipal civil infraction and specify a civil fine for the violation by ordinance. These penalties would be in addition to those provided under Section 23 of the act.

BACKGROUND INFORMATION:

Current law

Section 23 of the act establishes a misdemeanor carrying a penalty of up to \$500 and/or imprisonment for not more than 90 days when a person or corporation, including an officer, director, or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, does one of the following:

- Knowingly violates this act or the code or a rule for the enforcement of this act or code. A person is guilty of a separate offense for each knowing violation of this act or a rule promulgated under this act and for each false or misleading written statement or omission of required information or statement knowingly made in an

- application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission.
- Knowingly constructs or builds a structure or building in violation of a condition of a building permit. A person is guilty of a separate offense for each knowing violation of a condition of a building permit.
 - Knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the commission under the act. A person is guilty of a separate offense for each day there is a failure to comply with a stop construction order validly issued by an enforcing agency and for each week that the person fails to comply with any other order validly issued by an enforcing agency.
 - Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission. A person is guilty of a separate offense for each knowing violation of this act or a rule promulgated under this act and for each false or misleading written statement or omission of required information or statement knowingly made in an application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission.
 - Knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to this act.
 - Unreasonably interferes with an authorized inspection.
 - Knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of this act or a rule promulgated under this act or other applicable laws.
 - Knowingly conceals a violation, when there is a duty to report violations of this act or a rule promulgated under this act or other applicable laws.

Current statute also states that if a governmental subdivision has the responsibility of administering and enforcing the act and prosecutes a violation of the act, that unit of governmental subdivision may retain a fine imposed upon conviction. That governmental subdivision could also designate a violation as a municipal civil infraction and provide a civil fine for the violation by ordinance. The governmental subdivision may retain the civil fine imposed upon judgment.

ARGUMENTS:

For:

As stated above, buildings constructed of lightweight construction materials pose a hazard to fire suppression personnel who enter those buildings during fire suppression activities, because they are said to be prone to collapse more rapidly than traditionally built structures. Supporters say that requiring signage outside buildings constructed with lightweight materials, will provide fire suppression personnel with better information about how to fight a fire while protecting the safety of fire fighters.

Against:

Criticism of the bill centered on how a building owner could be expected to know if a building contained lightweight materials without opening up walls. In this scenario, critics were concerned that owners could be fined for not displaying the required symbol despite not having access to necessary information themselves.

POSITIONS:

The following indicated support for HB 5121:

Madonna University (2-24-16)

Livonia Firefighters (2-24-16)

[NOTE: The following organizations submitted cards in support of House Bill 4740 on November 4, 2015. HB 4740 is a bill substantially similar to HB 5121, also sponsored by Rep. Cox, that would have required a symbol signifying lightweight construction be posted on affected buildings. However, it was determined that the posted symbol requirement should be in the State Construction Code, rather than the Fire Prevention Code as proposed in HB 4740.]

Southeast Michigan Association of Fire Chiefs

Hartland-Deerfield Fire Authority

Michigan Professional Firefighters Union

Michigan Fire Service Coalition

Michigan Fire Inspectors Society

Building Owners and Managers Association of Metro Detroit

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