

# HOUSE BILL No. 5130

December 9, 2015, Introduced by Reps. Zemke, Kelly, Faris, Potvin, Townsend, Dianda, Rutledge, Geiss, Aaron Miller, Plawecki, Neeley, Chang, McBroom, Hooker, Sheppard, Sarah Roberts, Durhal, Wittenberg and Love and referred to the Committee on Agriculture.

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), as  
amended by 2013 PA 125.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2       (a) "Agricultural or agricultural purposes" means of, or  
3       pertaining to, or connected with, or engaged in agriculture or  
4       tillage that is characterized by the act or business of cultivating  
5       or using land and soil for the production of crops for the use of  
6       animals or humans, and includes, but is not limited to, purposes  
7       related to agriculture, farming, dairying, pasturage, horticulture,  
8       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) "Application for a building permit" means an application  
5 for a building permit submitted to an enforcing agency pursuant to  
6 this act and plans, specifications, surveys, statements, and other  
7 material submitted to the enforcing agency together or in  
8 connection with the application.

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

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

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

23 (g) "Building" means a combination of materials, whether  
24 portable or fixed, forming a structure affording a facility or  
25 shelter for use or occupancy by individuals, animals, or property.  
26 Building does not include a building, whether temporary or  
27 permanent, ~~incidental to~~ **ASSOCIATED WITH** the use for agricultural

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

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

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

14 (j) "Business day" means a day ~~of the year, exclusive of a~~  
15 **OTHER THAN** Saturday, Sunday, or **A** legal holiday.

16 (k) "Chief elected official" means the chairperson of the  
17 county board of commissioners, the city mayor, the village  
18 president, or the township supervisor.

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

22 (m) "Commission" means the state construction code commission  
23 created by section 3a.

24 (n) "Construction" means the construction, erection,  
25 reconstruction, alteration, conversion, demolition, repair, moving,  
26 or equipping of buildings or structures.

27 (o) "Construction regulation" means a law, act, rule,

1 regulation, or code, general or special, or a compilation thereof,  
2 enacted or adopted by this state including a department, board,  
3 bureau, commission, or other agency of this state, relating to the  
4 design, construction, or use of and the installation of equipment  
5 in buildings and structures. Construction regulation does not  
6 include a zoning ordinance or rule issued pursuant to a zoning  
7 ordinance and related to zoning.

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

15 (i) Considers the perspective of a typical first-time home  
16 buyer.

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

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

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

24 (v) Ensures that the costs of principal, interest, taxes,  
25 insurance, and utilities will not be greater after the inclusion of  
26 the proposed cost of the additional energy-saving construction  
27 features required by the proposed energy efficiency rules than

1 under the provisions of the existing energy efficiency rules.

2 (q) "Department" means the department of licensing and  
3 regulatory affairs.

4 (r) "Director" means the director of the department or an  
5 authorized representative of the director.

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

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

18 (u) "Equipment" means plumbing, heating, electrical,  
19 ventilating, air conditioning, and refrigerating equipment.

20 (v) "Governmental subdivision" means a county, city, village,  
21 or township that, ~~in accordance with~~ **UNDER** section 8a or 8b, has  
22 assumed responsibility for administration and enforcement of this  
23 act and the code within its jurisdiction.

24 **(W) "HOOP HOUSE" MEANS A STRUCTURE, TYPICALLY USED TO EXTEND**  
25 **THE GROWING SEASON FOR PLANTS BY CREATING A WARMER ENVIRONMENT,**  
26 **THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

27 **(i) IS BUILT ACCORDING TO MANUFACTURER RECOMMENDATIONS OF A**

1 SERIES OF NONCOMBUSTIBLE ARCHES COVERED WITH TRANSLUCENT PLASTIC  
2 SHEETING.

3 (ii) DOES NOT HAVE A PERMANENT ANCHORING SYSTEM OR FOUNDATION.

4 (iii) DOES NOT HAVE AN IMPERMEABLE FLOOR.

5 (X) ~~(w)~~—"Mobile home" means a vehicular, portable structure  
6 that meets all of the following requirements:

7 (i) Is built on a chassis pursuant to the national  
8 manufactured housing construction and safety standards act of 1974,  
9 ~~42 USC 5401 to 5426.~~ PUBLIC LAW 93-383.

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

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

15 (Y) ~~(x)~~—"Other laws and ordinances" means other laws and  
16 ordinances whether enacted by this state or by a county, city,  
17 village, or township and the rules issued under those laws and  
18 ordinances.

19 (Z) ~~(y)~~—"Owner" means the owner of the freehold of the  
20 premises or lesser estate in the premises, a mortgagee or vendee in  
21 possession, an assignee of rents, receiver, executor, trustee, or  
22 lessee, or any other person, sole proprietorship, partnership,  
23 association, or corporation directly or indirectly in control of a  
24 building, structure, or real property or his or her duly authorized  
25 agent.

26 (AA) ~~(z)~~—"Person with disabilities" means an individual whose  
27 physical characteristics limit that individual's ability to be

1 self-reliant in the individual's movement throughout and use of the  
2 building environment.

3 (BB) ~~(aa)~~—"Premanufactured unit" means an assembly of  
4 materials or products intended to comprise all or part of a  
5 building or structure, and that is assembled at other than the  
6 final location of the unit of the building or structure by a  
7 repetitive process under circumstances intended to ensure  
8 uniformity of quality and material content. Premanufactured unit  
9 includes a mobile home.

10 (CC) ~~(bb)~~—"Structure" means that which is built or  
11 constructed, an edifice or building of any kind, or a piece of work  
12 artificially built up or composed of parts joined together in some  
13 definite manner. Structure does not include a structure incident to  
14 the use for agricultural purposes of the land on which the  
15 structure is located and does not include ~~works~~ **A WORK** of heavy  
16 civil construction including, but not limited to, a highway,  
17 bridge, dam, reservoir, lock, mine, harbor, dockside port facility,  
18 an airport landing facility, ~~and facilities~~ **OR FACILITY** for the  
19 generation, transmission, or distribution of electricity. Structure  
20 includes a part or parts of ~~the~~ **A** structure and all equipment in  
21 the structure unless the context clearly requires a different  
22 meaning.

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

26 Sec. 10. (1) Except as otherwise provided in the code, before  
27 construction of a building or structure, the owner, or the owner's

1 builder, architect, engineer, or agent, shall submit an application  
2 in writing to the appropriate enforcing agency for a building  
3 permit. The application shall be on a form prescribed by the  
4 commission and shall be accompanied by payment of the fee  
5 established by the enforcing agency. The application shall contain  
6 ~~a~~ **OR BE SUBMITTED WITH ALL OF THE FOLLOWING:**

7 (A) A detailed statement in writing, verified by affidavit of  
8 the individual making it, of the specifications for the building or  
9 structure, and full and complete copies of the plans drawn to scale  
10 of the proposed work.

11 (B) A site plan showing the dimensions, and the location of  
12 the proposed building or structure and other buildings or  
13 structures on the same premises. ~~, shall be submitted with the~~  
14 ~~application. The application shall state in full the~~

15 (C) **THE FULL** name and residence, by street and number, of the  
16 owner in fee of the land on which the building or structure will be  
17 constructed, and the purposes for which it will be used.

18 (D) ~~(2)~~ If construction is proposed to be undertaken by a  
19 person other than the owner of the land in fee, ~~the statement shall~~  
20 ~~contain~~ the full name and residence, by street and number, of the  
21 owner and also of the person proposing the construction.

22 (2) The affidavit **UNDER SUBSECTION (1) (A)** shall state that the  
23 specifications and plans are true and complete and contain a  
24 correct description of the building or structure, lot or parcel,  
25 and proposed work. The statements and ~~affidavits~~ **AFFIDAVIT** may be  
26 made by an owner, or the owner's attorney, agent, engineer,  
27 architect, or builder, by the person who proposes to make the



1 construction or alteration, or by that person's agent, engineer,  
 2 architect, or builder. A person shall not be recognized as the  
 3 agent, attorney, engineer, architect, or builder of another person  
 4 unless the person seeking recognition files with the enforcing  
 5 agency ~~a written instrument, which shall be an architectural,~~  
 6 engineering, or construction contract, **A** power of attorney, or **A**  
 7 letter of authorization **THAT MEETS ALL OF THE FOLLOWING**

**8 REQUIREMENTS:**

9 **(A) IS IN WRITING AND** signed by that other person. ~~designating~~

10 **(B) DESIGNATES** the person seeking recognition as the agent,  
 11 attorney, architect, engineer, or builder. ~~and, in~~

12 **(C) IN THE** case of a residential builder or maintenance and  
 13 alteration contractor, architect, or engineer, ~~setting~~ **SETS** forth  
 14 the license number of the person seeking recognition and the  
 15 expiration date of the license.

16 (3) A person licensed or required to be licensed as a  
 17 residential builder or residential maintenance and alteration  
 18 contractor under the occupational code, 1980 PA 299, MCL 339.101 to  
 19 ~~339.2919,~~ **339.2677**, a plumbing contractor or master or journeyman  
 20 plumber pursuant to the state plumbing act, 2002 PA 733, MCL  
 21 338.3511 to 338.3569, an electrical contractor, master electrician,  
 22 or electrical journeyman pursuant to the electrical administrative  
 23 act, 1956 PA 217, MCL 338.881 to 338.892, or pursuant to a local  
 24 ordinance, or a mechanical contractor pursuant to the Forbes  
 25 mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988,  
 26 who applies for a building permit to perform work on a residential  
 27 building or a residential structure shall, in addition to any other

1 information required pursuant to this act, provide on the building  
2 permit application all of the following information:

3 (a) The occupational license number of the applicant and the  
4 expiration date of the occupational license.

5 (b) One of the following:

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

10 (ii) The reasons for exemption from the requirement to be  
11 insured if the applicant is not required to be insured under the  
12 worker's disability compensation act of 1969, 1969 PA 317, MCL  
13 418.101 to 418.941.

14 (c) One of the following:

15 (i) The employer identification number, if the applicant is  
16 required to have an employer identification number pursuant to  
17 section 6109 of the internal revenue code **OF 1986**, 26 USC 6109.

18 (ii) The reasons for exemption from the requirement to have an  
19 employer identification number pursuant to section 6109 of the  
20 internal revenue code **OF 1986**, 26 USC 6109, if the applicant is not  
21 required to have an employer identification number pursuant to that  
22 section.

23 (d) One of the following:

24 (i) The Michigan employment security commission employer  
25 number, if the applicant is required to make contributions pursuant  
26 to the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL  
27 421.1 to 421.75.

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

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

8 "Section 23a of the state construction code act of 1972, 1972  
9 PA 230, MCL 125.1523a, prohibits a person from conspiring to  
10 circumvent the licensing requirements of this state relating to  
11 persons who are to perform work on a residential building or a  
12 residential structure. Violators of section 23a are subjected to  
13 civil fines."

14 (5) The application for a building permit shall be filed with  
15 the enforcing agency. ~~and the~~ **THE** application and any other writing  
16 prepared, owned, used, in the possession of, or retained by the  
17 enforcing agency in the performance of an official function shall  
18 be made available to the public in compliance with the freedom of  
19 information act, 1976 PA 442, MCL 15.231 to 15.246. An application  
20 shall not be removed from the custody of the enforcing agency after  
21 a building permit has been issued.

22 (6) This section ~~shall be construed to allow the imposition of~~  
23 **DOES NOT PROHIBIT** requirements in the code, or in other laws or  
24 ordinances, for additional permits for particular kinds of work,  
25 including plumbing and electrical, or in other specified  
26 situations. The ~~requirements of the~~ code may provide for issuance  
27 of construction permits for certain of the systems of a structure

1 and allow construction to commence on those systems approved under  
2 that permit even though the design and approval of all the systems  
3 of the structure have not been completed and subsequent  
4 construction permits have not been issued.

5 (7) A building permit is not required for ordinary repairs of  
6 a building or structure.

7 (8) A building permit is not required for a building  
8 incidental to the use for agricultural purposes of the land on  
9 which the building is located if the building is not used in the  
10 business of retail trade.

11 (9) A qualifying roadside stand is exempt from the plumbing  
12 fixture requirements of this act and the code and is not required  
13 to have electric power. However, a qualifying roadside stand that  
14 has electric power must comply with the electrical code. This  
15 subsection does not exempt a qualifying roadside stand from a  
16 requirement to obtain a building permit. As used in this  
17 subsection, "qualifying roadside stand" means a roadside stand that  
18 meets all of the following requirements:

19 (a) Is used only for seasonal retail trade in agricultural  
20 products.

21 (b) At least 50% of the agricultural products offered for sale  
22 at the roadside stand are produced on a farm that is owned or  
23 controlled by the person who owns the roadside stand.

24 (c) Is not larger than 400 square feet.

25 (d) Is securely anchored to the ground.

26 (10) A tent that meets the requirements of subsection (9)(a),  
27 (b), and (c) is exempt from this act and the code.

1           (11) A HOOP HOUSE THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS  
2 IS EXEMPT FROM THIS ACT AND THE CODE:

3           (A) IS NOT USED TO STORE SOLVENTS, GASES, OR OTHER CHEMICALS  
4 OR FLAMMABLE MATERIALS.

5           (B) DOES NOT REDIRECT EXISTING DRAINAGE.

6           (C) IF USED FOR THE SALE OF AGRICULTURAL PRODUCTS, NOT MORE  
7 THAN 400 SQUARE FEET ARE USED FOR SEASONAL TRADE IN AGRICULTURAL  
8 PRODUCTS AND AT LEAST 50% OF THE AGRICULTURAL PRODUCTS OFFERED FOR  
9 SALE ARE PRODUCED ON A FARM THAT IS OWNED OR CONTROLLED BY THE  
10 PERSON WHO OWNS THE HOOP HOUSE.

11           (12) SUBSECTION (11) DOES NOT LIMIT THE APPLICABILITY TO HOOP  
12 HOUSES OF ANY EXCLUSIONS FROM THE DEFINITIONS OF BUILDING AND  
13 STRUCTURE.

14           Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.