

**SUBSTITUTE FOR
HOUSE BILL NO. 5376**

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 2012 PA 504.

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.

(2) The code shall consist of the international residential code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical code published by the national fire prevention association, with amendments, additions, or deletions as the director determines appropriate. The director may adopt all or any part of these codes or the standards contained within these codes by reference.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

(d) To eliminate restrictive, obsolete, conflicting, or unnecessary construction regulations that tend to increase 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 ensure adequate maintenance of buildings and structures
5 throughout this state and to adequately protect the health, safety,
6 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) To develop a voluntary consumer information system
12 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 may draft and recommend to the~~
20 ~~director proposed language. The director shall consider all~~
21 ~~submissions by the boards. However, the director has final~~
22 ~~responsibility for the promulgation of the code.~~**SUBJECT TO**

23 **SUBSECTION (5), BEFORE PROMULGATION OF A NEW EDITION OF A CODE**
24 **DESCRIBED IN SUBSECTION (2), THE DIRECTOR SHALL APPOINT SEPARATE**
25 **ADVISORY COMMITTEES FOR EACH OF THE CODES LISTED IN SUBSECTION (2).**
26 **MEMBERSHIP IN EACH OF THE SEPARATE ADVISORY COMMITTEES SHALL BE AS**
27 **FOLLOWS:**

1 (A) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL BUILDING CODE
2 SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE
3 DIRECTOR:

- 4 (i) TWO REPRESENTATIVES FROM FIRE SERVICES.
- 5 (ii) TWO LICENSED ARCHITECTS.
- 6 (iii) ONE REGISTERED ENGINEER.
- 7 (iv) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.
- 8 (v) ONE REGISTERED PLAN REVIEWER.
- 9 (vi) TWO COMMERCIAL CONTRACTORS.
- 10 (vii) ONE MULTIFAMILY CONTRACTOR.
- 11 (viii) TWO BUILDING OWNERS OR MANAGERS.
- 12 (ix) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.
- 13 (x) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
14 MANUFACTURERS.
- 15 (xi) THE CHIEF OF THE BUILDING DIVISION OR HIS OR HER
16 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
17 ADVISORY COMMITTEE.

18 (B) THE ADVISORY COMMITTEE FOR THE NATIONAL ELECTRICAL CODE
19 SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE
20 DIRECTOR:

- 21 (i) ONE LICENSED ELECTRICAL CONTRACTOR.
- 22 (ii) ONE JOURNEYPERSON ELECTRICIAN.
- 23 (iii) ONE MASTER ELECTRICIAN.
- 24 (iv) TWO REGISTERED ELECTRICAL INSPECTORS.
- 25 (v) ONE BUILDING OWNER OR MANAGER.
- 26 (vi) ONE COMMERCIAL CONTRACTOR.
- 27 (vii) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL

1 MANUFACTURERS.

2 (viii) THE CHIEF OF THE ELECTRICAL DIVISION OR HIS OR HER
3 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
4 ADVISORY COMMITTEE.

5 (C) THE ADVISORY COMMITTEE FOR THE COMMERCIAL CHAPTERS OF THE
6 INTERNATIONAL ENERGY CONSERVATION CODE SHALL BE COMPOSED OF THE
7 FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR:

8 (i) ONE ENERGY RATER OR MODELER.

9 (ii) THREE LICENSED ARCHITECTS.

10 (iii) ONE REGISTERED ENGINEER.

11 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.

12 (v) ONE LICENSED MECHANICAL CONTRACTOR.

13 (vi) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.

14 (vii) ONE COMMERCIAL CONTRACTOR.

15 (viii) ONE MULTIFAMILY CONTRACTOR.

16 (ix) ONE BUILDING OWNER OR MANAGER.

17 (x) ONE ELECTRICAL UTILITY REPRESENTATIVE.

18 (xi) ONE GAS UTILITY REPRESENTATIVE.

19 (xii) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
20 MANUFACTURERS.

21 (xiii) THE DIRECTOR OF THE MICHIGAN AGENCY FOR ENERGY OR HIS
22 OR HER REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
23 ADVISORY COMMITTEE.

24 (D) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL EXISTING
25 BUILDING CODE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED
26 BY THE DIRECTOR:

27 (i) TWO REPRESENTATIVES FROM FIRE SERVICES.

1 (ii) ONE LICENSED ARCHITECT.

2 (iii) ONE REGISTERED ENGINEER.

3 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.

4 (v) ONE REGISTERED PLAN REVIEWER.

5 (vi) TWO REGISTERED BUILDING OFFICIALS OR INSPECTORS.

6 (vii) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.

7 (viii) ONE CONTRACTOR SPECIALIZING IN RENOVATION AND
8 REHABILITATION OF EXISTING BUILDINGS.

9 (ix) ONE BUILDING OWNER OR MANAGER.

10 (x) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
11 MANUFACTURERS.

12 (xi) THE CHIEF OF THE PLAN REVIEW DIVISION OR A REPRESENTATIVE
13 SHALL SERVE AS A NONVOTING MEMBER OF THE COMMITTEE.

14 (E) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL MECHANICAL
15 CODE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE
16 DIRECTOR:

17 (i) ONE LICENSED PROFESSIONAL MECHANICAL ENGINEER.

18 (ii) THREE LICENSED MECHANICAL CONTRACTORS.

19 (iii) TWO REGISTERED MECHANICAL INSPECTORS.

20 (iv) ONE BUILDING OWNER OR MANAGER.

21 (v) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
22 MANUFACTURERS.

23 (vi) THE CHIEF OF THE MECHANICAL DIVISION OR HIS OR HER
24 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
25 ADVISORY COMMITTEE.

26 (F) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL PLUMBING CODE
27 SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE

1 DIRECTOR:

2 (i) TWO LICENSED MASTER PLUMBERS.

3 (ii) THREE REGISTERED PLUMBING INSPECTORS.

4 (iii) ONE BUILDING OWNER OR MANAGER.

5 (iv) ONE PLUMBING CONTRACTOR.

6 (v) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
7 MANUFACTURERS.

8 (vi) THE CHIEF OF THE PLUMBING DIVISION OR HIS OR HER
9 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
10 ADVISORY COMMITTEE.

11 (G) THE ADVISORY COMMITTEE FOR ALL CHAPTERS OF THE
12 INTERNATIONAL RESIDENTIAL CODE SHALL BE COMPOSED OF THE FOLLOWING
13 MEMBERS APPOINTED BY THE DIRECTOR:

14 (i) ONE LICENSED ARCHITECT.

15 (ii) ONE REGISTERED ENGINEER.

16 (iii) ONE REPRESENTATIVE FROM FIRE SERVICES.

17 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.

18 (v) ONE LICENSED MECHANICAL CONTRACTOR.

19 (vi) ONE LICENSED PLUMBING CONTRACTOR.

20 (vii) ONE LICENSED RESIDENTIAL BUILDER SPECIALIZING IN NEW
21 CONSTRUCTION.

22 (viii) ONE LICENSED BUILDER SPECIALIZING IN REMODELING,
23 RENOVATION, OR REHABILITATION.

24 (ix) ONE CONTRACTOR SPECIALIZING IN MULTIFAMILY HOUSING.

25 (x) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.

26 (xi) ONE REGISTERED PLAN REVIEWER.

27 (xii) ONE ENERGY RATER OR MODELER.

1 (xiii) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.

2 (xiv) ONE REPRESENTATIVE OF MATERIAL SUPPLIERS OR MATERIAL
3 MANUFACTURERS.

4 (xv) THE CHIEF OF THE BUILDING DIVISION OR HIS OR HER
5 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
6 ADVISORY COMMITTEE.

7 (5) INDIVIDUALS MAY BE APPOINTED TO SERVE ON MORE THAN 1
8 ADVISORY COMMITTEE.

9 (6) A NOTICE OF THE TIME AND PLACE OF MEETINGS OF THE ADVISORY
10 COMMITTEES ALONG WITH AN AGENDA SHALL BE POSTED ON THE DEPARTMENT'S
11 WEBSITE AT LEAST 5 BUSINESS DAYS IN ADVANCE OF THE MEETING. THE
12 NOTICE SHALL SPECIFY THE DATE, TIME, AND PLACE OF THE MEETING. ALL
13 MEETINGS SHALL BE HELD IN A PLACE AVAILABLE TO THE GENERAL PUBLIC.
14 ALL PERSONS SHALL BE PERMITTED TO ATTEND ANY MEETING. AT ANY SUCH
15 MEETING ALL PERSONS DESIRING TO DO SO SHALL BE AFFORDED A
16 REASONABLE OPPORTUNITY TO PRESENT THEIR VIEWS ON THE MATTERS BEFORE
17 THE ADVISORY COMMITTEE AT THAT MEETING PRIOR TO ANY VOTE ON THAT
18 MATTER.

19 (7) USING THE EXISTING PROMULGATED MICHIGAN CODE IN EFFECT AT
20 THE TIME OF THE REVIEW AS THEIR BASE DOCUMENT, THE ADVISORY
21 COMMITTEES WILL REVIEW AND COMPARE THE NEW EDITION OF THEIR
22 ASSIGNED MODEL CODE TO THE EXISTING MICHIGAN CODE AS WELL AS
23 CONSIDERING ANY PROPOSAL SUBMITTED FOR REVISION OR AMENDMENT TO THE
24 NEWEST EDITION OF THE MODEL CODE.

25 (8) EACH ADVISORY COMMITTEE SHALL PREPARE A REPORT FOR THE
26 DIRECTOR'S CONSIDERATION. THE REPORT SHALL BE SUBMITTED TO THE
27 DIRECTOR AND SHALL CONTAIN THE ADVISORY COMMITTEE'S RECOMMENDATIONS

1 FOR CHANGES TO THE EXISTING MICHIGAN CODE IN EFFECT AT THE TIME OF
2 THE REVIEW, INCLUDING THE ADOPTION OF ANY NEW LANGUAGE OR
3 REQUIREMENTS FROM THE LATEST EDITION OF THE RELEVANT MODEL CODE.
4 EACH ADVISORY COMMITTEE SHALL SUBMIT ITS REPORT TO THE DIRECTOR
5 WITHIN 45 DAYS OF COMPLETION OF ITS DELIBERATIONS OF PROPOSED
6 REVISIONS OR AMENDMENTS. IN MAKING ITS RECOMMENDATIONS, THE
7 ADVISORY COMMITTEE SHALL CONSIDER ALL OF THE FOLLOWING:

8 (A) THE REASON FOR EACH PROPOSED REVISION OR AMENDMENT.

9 (B) THE DEMONSTRATED NEED IN MICHIGAN FOR EACH PROPOSED
10 REVISION OR AMENDMENT.

11 (C) THE IMPACT THAT THE REVISION OR AMENDMENT MAY HAVE UPON
12 THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

13 (D) THE ECONOMIC REASONABLENESS AND FINANCIAL IMPACT OF THE
14 REVISION OR AMENDMENT.

15 (E) THE TECHNICAL FEASIBILITY OF THE REVISION OR AMENDMENT.

16 (9) EACH COMMITTEE SHALL VOTE PUBLICLY AND BY ROLL CALL ON
17 EACH PROPOSED REVISION OR AMENDMENT. A MAJORITY OF THOSE PRESENT
18 AND CASTING VOTES IS NEEDED TO APPROVE ANY REVISION OR AMENDMENT.
19 ALL VOTES SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE WITHIN 48
20 HOURS OF EACH MEETING.

21 (10) THE DIRECTOR SHALL CONSIDER ALL SUBMISSIONS AND
22 RECOMMENDATIONS FROM THE ADVISORY COMMITTEES. HOWEVER, THE DIRECTOR
23 HAS FINAL RESPONSIBILITY FOR THE PROMULGATION OF THE CODE.

24 (11) MEMBERS OF THE ADVISORY COMMITTEES MAY PARTICIPATE IN
25 MEETINGS OF THE ADVISORY COMMITTEE IN PERSON OR THROUGH USE OF
26 ELECTRONIC OR TELEPHONIC MEANS AS DETERMINED BY THE DIRECTOR.

27 (12) ~~(5)~~—The director shall add, amend, and rescind rules to

1 update the Michigan building code, the Michigan mechanical code,
2 the Michigan plumbing code, the Michigan rehabilitation code for
3 existing buildings, the Michigan electrical code, and the
4 commercial chapters of the Michigan energy code not less than once
5 every 3 years to coincide with the national code change cycle.

6 **(13)** ~~(6) Within 90 days after the effective date of the 2012~~
7 ~~act that amended this section,~~ **NOT LATER THAN JUNE 28, 2013,** the
8 director shall begin the process to add, amend, or rescind rules to
9 update the 2009 Michigan residential code, including the
10 residential energy code chapter. Commencing with the 2015 national
11 code change cycle, the director shall add, amend, and rescind rules
12 to simultaneously update all chapters of the Michigan residential
13 code not less frequently than once every 6 years or more frequently
14 than once every 3 years as the director determines is appropriate.
15 Not more than 200 days after the printed publication of the latest
16 edition of the international residential code book is made
17 available to the general public, the director shall hold a public
18 meeting in Lansing and offer persons an opportunity to present data
19 and comments on the general need to update the Michigan residential
20 code. The department shall give 30 days' advance notice of a
21 meeting under this subsection on the department's website. Not more
22 than 30 days after the meeting, the director shall issue a written
23 determination whether to update the Michigan residential code. The
24 department shall post notice of the determination on its website
25 for at least 45 days.

26 **(14)** ~~(7)~~ If the director makes the determination not to update
27 the Michigan residential code, a person may, within 45 days after

1 the determination, request the director to promulgate a rule to
2 amend a section or sections of the Michigan residential code.
3 Within 90 days after the filing of a request, the director shall
4 initiate the processing of a rule or shall issue to the requestor a
5 concise written statement of the principal reasons for denial of
6 the request and post the denial statement on the department's
7 website until the Michigan residential code is next updated. The
8 denial of the request is not subject to judicial review.

9 **(15)** ~~(8)~~—Before the Michigan building code, the Michigan
10 residential code, the Michigan plumbing code, the Michigan
11 mechanical code, the Michigan uniform energy code, and the Michigan
12 rehabilitation code may be enforced, the director shall make each
13 Michigan-specific code available to the general public for at least
14 45 days in printed, electronic, or other form that does not require
15 the user to purchase additional documents or data in any form in
16 order to have an updated complete version of each specific code,
17 excluding other referenced standards within each code. This
18 subsection does not apply to any code effective before April 1,
19 2005. If the Michigan residential code is updated on a 6-year
20 cycle, then use of a material, product, method of manufacture, or
21 method or manner of construction or installation provided for in an
22 interim edition of the international residential code is authorized
23 throughout this state and shall be permitted, but shall not be
24 mandated, by an enforcing agency or its building official or
25 inspectors. However, the enforcing agency or its building official
26 or inspectors may require that if such a material, product, method
27 of manufacture, or method or manner of construction or installation

1 provided for in an interim edition of the international residential
2 code is used, the use shall comply with all applicable requirements
3 set forth in the interim edition of the international residential
4 code.