

HOUSE BILL No. 5376

January 10, 2018, Introduced by Reps. Iden, Bellino, Kesto, Crawford, Griffin, Webber, Brann and McCready 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 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

1 buildings and structures.

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

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

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

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

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

26 (d) To eliminate restrictive, obsolete, conflicting, or
27 unnecessary construction regulations that tend to increase

1 construction costs unnecessarily or restrict the use of new
2 materials, products, or methods of construction, or provide
3 preferential treatment to types or classes of materials or products
4 or methods of construction.

5 (e) To ensure adequate maintenance of buildings and structures
6 throughout this state and to adequately protect the health, safety,
7 and welfare of the people.

8 (f) To provide standards and requirements for cost-effective
9 energy efficiency that will be effective April 1, 1997.

10 (g) Upon periodic review, to continue to seek ever-improving,
11 cost-effective energy efficiencies.

12 (h) To develop a voluntary consumer information system
13 relating to energy efficiencies.

14 ~~(4) The code shall be divided into sections as the director~~
15 ~~considers appropriate including, without limitation, building,~~
16 ~~plumbing, electrical, and mechanical sections. The boards shall~~
17 ~~participate in and work with the staff of the director in the~~
18 ~~preparation of parts relating to their functions. Before the~~
19 ~~promulgation of an amendment to the code, the boards whose~~
20 ~~functions relate to that code may draft and recommend to the~~
21 ~~director proposed language. The director shall consider all~~
22 ~~submissions by the boards. However, the director has final~~
23 ~~responsibility for the promulgation of the code.~~**SUBJECT TO**

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

1 FOLLOWS:

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

5 (i) TWO REPRESENTATIVES FROM FIRE SERVICES.

6 (ii) TWO LICENSED ARCHITECTS.

7 (iii) ONE LICENSED STRUCTURAL ENGINEER.

8 (iv) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.

9 (v) ONE REGISTERED PLAN REVIEWER.

10 (vi) TWO COMMERCIAL CONTRACTORS.

11 (vii) ONE MULTIFAMILY CONTRACTOR.

12 (viii) TWO BUILDING OWNERS OR MANAGERS.

13 (ix) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.

14 (x) THE CHIEF OF THE BUILDING DIVISION OR HIS OR HER
15 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
16 ADVISORY COMMITTEE.

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

20 (i) ONE LICENSED ELECTRICAL CONTRACTOR.

21 (ii) ONE JOURNEYPEPERSON ELECTRICIAN.

22 (iii) ONE MASTER ELECTRICIAN.

23 (iv) TWO REGISTERED ELECTRICAL INSPECTORS.

24 (v) ONE BUILDING OWNER OR MANAGER.

25 (vi) ONE COMMERCIAL CONTRACTOR.

26 (vii) THE CHIEF OF THE ELECTRICAL DIVISION OR HIS OR HER
27 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE

1 ADVISORY COMMITTEE.

2 (C) THE ADVISORY COMMITTEE FOR THE COMMERCIAL CHAPTERS OF THE
3 INTERNATIONAL ENERGY CONSERVATION CODE SHALL BE COMPOSED OF THE
4 FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR:

5 (i) ONE ENERGY RATER OR MODELER.

6 (ii) THREE LICENSED ARCHITECTS.

7 (iii) ONE LICENSED STRUCTURAL ENGINEER.

8 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.

9 (v) ONE LICENSED MECHANICAL CONTRACTOR.

10 (vi) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.

11 (vii) ONE COMMERCIAL CONTRACTOR.

12 (viii) ONE MULTIFAMILY CONTRACTOR.

13 (ix) ONE BUILDING OWNER OR MANAGER.

14 (x) ONE ELECTRICAL UTILITY REPRESENTATIVE.

15 (xi) ONE GAS UTILITY REPRESENTATIVE.

16 (xii) THE DIRECTOR OF THE MICHIGAN AGENCY FOR ENERGY OR HIS OR
17 HER REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
18 ADVISORY COMMITTEE.

19 (D) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL EXISTING
20 BUILDING CODE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED
21 BY THE DIRECTOR:

22 (i) TWO REPRESENTATIVES FROM FIRE SERVICES.

23 (ii) ONE LICENSED ARCHITECT.

24 (iii) ONE LICENSED STRUCTURAL ENGINEER.

25 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.

26 (v) ONE REGISTERED PLAN REVIEWER.

27 (vi) TWO REGISTERED BUILDING OFFICIALS OR INSPECTORS.

1 (vii) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.

2 (viii) ONE CONTRACTOR SPECIALIZING IN RENOVATION AND
3 REHABILITATION OF EXISTING BUILDINGS.

4 (ix) ONE BUILDING OWNER OR MANAGER.

5 (x) THE CHIEF OF THE PLAN REVIEW DIVISION OR A REPRESENTATIVE
6 SHALL SERVE AS A NONVOTING MEMBER OF THE COMMITTEE.

7 (E) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL MECHANICAL
8 CODE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE
9 DIRECTOR:

10 (i) ONE LICENSED PROFESSIONAL MECHANICAL ENGINEER.

11 (ii) THREE LICENSED MECHANICAL CONTRACTORS.

12 (iii) TWO REGISTERED MECHANICAL INSPECTORS.

13 (iv) ONE BUILDING OWNER OR MANAGER.

14 (v) THE CHIEF OF THE MECHANICAL DIVISION OR HIS OR HER
15 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
16 ADVISORY COMMITTEE.

17 (F) THE ADVISORY COMMITTEE FOR THE INTERNATIONAL PLUMBING CODE
18 SHALL BE COMPOSED OF THE FOLLOWING MEMBERS APPOINTED BY THE
19 DIRECTOR:

20 (i) TWO LICENSED MASTER PLUMBERS.

21 (ii) THREE REGISTERED PLUMBING INSPECTORS.

22 (iii) ONE BUILDING OWNER OR MANAGER.

23 (iv) ONE PLUMBING CONTRACTOR.

24 (v) THE CHIEF OF THE PLUMBING DIVISION OR HIS OR HER
25 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
26 ADVISORY COMMITTEE.

27 (G) THE ADVISORY COMMITTEE FOR ALL CHAPTERS OF THE

1 INTERNATIONAL RESIDENTIAL CODE SHALL BE COMPOSED OF THE FOLLOWING
2 MEMBERS APPOINTED BY THE DIRECTOR:

- 3 (i) ONE LICENSED ARCHITECT.
- 4 (ii) ONE LICENSED STRUCTURAL ENGINEER.
- 5 (iii) ONE REPRESENTATIVE FROM FIRE SERVICES.
- 6 (iv) ONE LICENSED ELECTRICAL CONTRACTOR.
- 7 (v) ONE LICENSED MECHANICAL CONTRACTOR.
- 8 (vi) ONE LICENSED PLUMBING CONTRACTOR.
- 9 (vii) ONE LICENSED RESIDENTIAL BUILDER SPECIALIZING IN NEW
10 CONSTRUCTION.
- 11 (viii) ONE LICENSED BUILDER SPECIALIZING IN REMODELING,
12 RENOVATION, OR REHABILITATION.
- 13 (ix) ONE CONTRACTOR SPECIALIZING IN MULTIFAMILY HOUSING.
- 14 (x) THREE REGISTERED BUILDING OFFICIALS OR INSPECTORS.
- 15 (xi) ONE REGISTERED PLAN REVIEWER.
- 16 (xii) ONE ENERGY RATER OR MODELER.
- 17 (xiii) ONE REPRESENTATIVE OF PERSONS WITH DISABILITIES.
- 18 (xiv) THE CHIEF OF THE BUILDING DIVISION OR HIS OR HER
19 REPRESENTATIVE WHO SHALL SERVE AS A NONVOTING MEMBER OF THE
20 ADVISORY COMMITTEE.

21 (5) REPRESENTATIVES FROM COMPANIES ENGAGED IN THE MANUFACTURE,
22 PROMOTION, OR SALE OF MATERIALS OR COMPONENTS USED IN CONSTRUCTION
23 MAY NOT SERVE ON AN ADVISORY COMMITTEE. INDIVIDUALS MAY BE
24 APPOINTED TO SERVE ON MORE THAN 1 ADVISORY COMMITTEE.

25 (6) A NOTICE OF THE TIME AND PLACE OF MEETINGS OF THE ADVISORY
26 COMMITTEES ALONG WITH AN AGENDA SHALL BE POSTED ON THE DEPARTMENT'S
27 WEBSITE AT LEAST 5 BUSINESS DAYS IN ADVANCE OF THE MEETING. THE

1 NOTICE SHALL SPECIFY THE DATE, TIME, AND PLACE OF THE MEETING. ALL
2 MEETINGS SHALL BE HELD IN A PLACE AVAILABLE TO THE GENERAL PUBLIC.
3 ALL PERSONS SHALL BE PERMITTED TO ATTEND ANY MEETING. AT ANY SUCH
4 MEETING ALL PERSONS DESIRING TO DO SO SHALL BE AFFORDED A
5 REASONABLE OPPORTUNITY TO PRESENT THEIR VIEWS ON THE MATTERS BEFORE
6 THE ADVISORY COMMITTEE AT THAT MEETING PRIOR TO ANY VOTE ON THAT
7 MATTER.

8 (7) USING THE EXISTING PROMULGATED MICHIGAN CODE IN EFFECT AT
9 THE TIME OF THE REVIEW AS THEIR BASE DOCUMENT, THE ADVISORY
10 COMMITTEES WILL REVIEW AND COMPARE THE NEW EDITION OF THEIR
11 ASSIGNED MODEL CODE TO THE EXISTING MICHIGAN CODE AS WELL AS
12 CONSIDERING ANY PROPOSAL SUBMITTED FOR REVISION OR AMENDMENT TO THE
13 NEWEST EDITION OF THE MODEL CODE.

14 (8) EACH ADVISORY COMMITTEE SHALL PREPARE A REPORT FOR THE
15 DIRECTOR'S CONSIDERATION. THE REPORT SHALL BE SUBMITTED TO THE
16 DIRECTOR AND SHALL CONTAIN THE ADVISORY COMMITTEE'S RECOMMENDATIONS
17 FOR CHANGES TO THE EXISTING MICHIGAN CODE IN EFFECT AT THE TIME OF
18 THE REVIEW, INCLUDING THE ADOPTION OF ANY NEW LANGUAGE OR
19 REQUIREMENTS FROM THE LATEST EDITION OF THE RELEVANT MODEL CODE. IN
20 MAKING ITS RECOMMENDATIONS, THE ADVISORY COMMITTEE SHALL CONSIDER
21 ALL OF THE FOLLOWING:

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

23 (B) THE DEMONSTRATED NEED IN MICHIGAN FOR EACH PROPOSED
24 REVISION OR AMENDMENT.

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

27 (D) THE ECONOMIC REASONABLENESS AND FINANCIAL IMPACT OF THE

1 REVISION OR AMENDMENT.

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

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

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

11 (11) ~~(5)~~—The director shall add, amend, and rescind rules to
12 update the Michigan building code, the Michigan mechanical code,
13 the Michigan plumbing code, the Michigan rehabilitation code for
14 existing buildings, the Michigan electrical code, and the
15 commercial chapters of the Michigan energy code not less than once
16 every 3 years to coincide with the national code change cycle.

17 (12) ~~(6) Within 90 days after the effective date of the 2012~~
18 ~~act that amended this section,~~ **NOT LATER THAN JUNE 28, 2013,** the
19 director shall begin the process to add, amend, or rescind rules to
20 update the 2009 Michigan residential code, including the
21 residential energy code chapter. Commencing with the 2015 national
22 code change cycle, the director shall add, amend, and rescind rules
23 to simultaneously update all chapters of the Michigan residential
24 code not less frequently than once every 6 years or more frequently
25 than once every 3 years as the director determines is appropriate.
26 Not more than 200 days after the printed publication of the latest
27 edition of the international residential code book is made

1 available to the general public, the director shall hold a public
2 meeting in Lansing and offer persons an opportunity to present data
3 and comments on the general need to update the Michigan residential
4 code. The department shall give 30 days' advance notice of a
5 meeting under this subsection on the department's website. Not more
6 than 30 days after the meeting, the director shall issue a written
7 determination whether to update the Michigan residential code. The
8 department shall post notice of the determination on its website
9 for at least 45 days.

10 **(13)** ~~(7)~~—If the director makes the determination not to update
11 the Michigan residential code, a person may, within 45 days after
12 the determination, request the director to promulgate a rule to
13 amend a section or sections of the Michigan residential code.
14 Within 90 days after the filing of a request, the director shall
15 initiate the processing of a rule or shall issue to the requestor a
16 concise written statement of the principal reasons for denial of
17 the request and post the denial statement on the department's
18 website until the Michigan residential code is next updated. The
19 denial of the request is not subject to judicial review.

20 **(14)** ~~(8)~~—Before the Michigan building code, the Michigan
21 residential code, the Michigan plumbing code, the Michigan
22 mechanical code, the Michigan uniform energy code, and the Michigan
23 rehabilitation code may be enforced, the director shall make each
24 Michigan-specific code available to the general public for at least
25 45 days in printed, electronic, or other form that does not require
26 the user to purchase additional documents or data in any form in
27 order to have an updated complete version of each specific code,

1 excluding other referenced standards within each code. This
2 subsection does not apply to any code effective before April 1,
3 2005. If the Michigan residential code is updated on a 6-year
4 cycle, then use of a material, product, method of manufacture, or
5 method or manner of construction or installation provided for in an
6 interim edition of the international residential code is authorized
7 throughout this state and shall be permitted, but shall not be
8 mandated, by an enforcing agency or its building official or
9 inspectors. However, the enforcing agency or its building official
10 or inspectors may require that if such a material, product, method
11 of manufacture, or method or manner of construction or installation
12 provided for in an interim edition of the international residential
13 code is used, the use shall comply with all applicable requirements
14 set forth in the interim edition of the international residential
15 code.