

SUBSTITUTE FOR
SENATE BILL NO. 717

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending section 19 (MCL 125.1519).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) The ~~commission~~ DEPARTMENT shall promulgate
2 rules establishing a procedure by which a premanufactured unit
3 intended for use in this state may be issued a certificate of
4 acceptability by the ~~commission~~ DEPARTMENT at its place of
5 manufacture.

6 (2) The procedure shall require that the manufacturer submit
7 to the ~~commission~~ DEPARTMENT detailed plans and specifications
8 for the premanufactured unit for approval as in compliance with
9 the code. ~~It~~ THE DEPARTMENT may require that the manufacturer
10 submit ~~to the commission~~ test results on the premanufactured
11 unit or its components, ~~other~~ ANY material or information the

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1 ~~commission~~ DEPARTMENT considers relevant, or 1 or more of the
2 premanufactured units for testing and evaluation BY THE
3 DEPARTMENT. ~~It shall require that each~~

4 (3) EACH premanufactured unit SHALL be inspected by the
5 ~~commission~~ DEPARTMENT, or a qualified person ~~selected~~
6 APPROVED by ~~it~~ THE DEPARTMENT, to determine that the premanu-
7 factured unit has been manufactured in accordance with plans and
8 specifications submitted ~~to the commission and the code, or at~~
9 ~~the election of the commission, that each~~ UNDER SUBSECTION (2).
10 THE DEPARTMENT MAY ISSUE A CERTIFICATE OF ACCEPTABILITY FOR A
11 premanufactured unit ~~bear~~ THAT BEARS the approved label of an
12 independent, nationally recognized body having follow-up inspec-
13 tion service satisfactory to the commission, certifying that the
14 premanufactured unit complies with plans and specifications sub-
15 mitted ~~to the commission and the code~~ UNDER SUBSECTION (2).

16 (4) PLANS AND SPECIFICATIONS FOR 1- AND 2-FAMILY DWELLING
17 PREMANUFACTURED UNITS MAY BE REVIEWED BY THE DEPARTMENT OR BY AN
18 INDEPENDENT ENTITY APPROVED BY THE COMMISSION UNDER RULES PROMUL-
19 GATED BY THE DEPARTMENT. THE DEPARTMENT SHALL ESTABLISH SUBMIS-
20 SION PROCEDURES FOR PLANS AND SPECIFICATIONS REVIEWED BY AN INDE-
21 PENDENT ENTITY APPROVED BY THE COMMISSION.

22 (5) A local enforcing agency may also inspect a premanufac-
23 tured unit at its place of manufacture to determine that it has
24 been manufactured in accordance with plans and specifications
25 submitted ~~to the commission and in accordance with the code~~
26 UNDER SUBSECTION (2) and shall advise the state inspector and the
27 commission in writing of any deviations found.

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1 (6) AN APPROVED INDEPENDENT ENTITY SHALL NOT CONDUCT
2 IN-PLANT INSPECTIONS OF UNITS FOR WHICH IT PERFORMED PLAN
3 REVIEWS. HOWEVER, THE MANUFACTURER MAY REQUEST A VARIANCE FROM
4 THE COMMISSION IF THE LITERAL APPLICATION OF THE REQUIREMENTS OF
5 THIS SECTION WOULD RESULT IN AN EXCEPTIONAL, PRACTICAL DIFFICULTY
6 RELATING TO INSPECTION OF SPECIFIC UNITS. FOR PURPOSES OF THIS
7 SUBSECTION, "EXCEPTIONAL, PRACTICAL DIFFICULTY" INCLUDES, BUT IS
8 NOT LIMITED TO, A GEOGRAPHIC DISTANCE BETWEEN THE MANUFACTURING
9 FACILITY WHERE THE UNITS ARE MANUFACTURED AND THE PRIMARY BUSI-
10 NESS LOCATION OF THE INDEPENDENT ENTITY THAT CONDUCTS IN-PLANT
11 INSPECTIONS ON BEHALF OF THE MANUFACTURER OF MORE THAN 250 MILES
12 AND IS LOCATED IN ANOTHER STATE.

13 (7) ~~-(2)-~~ If an application for a building permit specifying
14 use of a premanufactured unit with a certificate of acceptability
15 is submitted to an enforcing agency, and if the application,
16 except for the part calling for use of a premanufactured unit
17 with a certificate of acceptability, complies with applicable
18 construction regulations, ~~and~~ zoning laws, and LOCAL ordi-
19 nances, the enforcing agency shall issue the building permit
20 within the time specified in this act.

21 (8) At the time of installation, a premanufactured unit with
22 a certificate of acceptability is subject only to ~~such~~ THE non-
23 destructive tests approved by the ~~commission~~ DEPARTMENT neces-
24 sary to determine that it has not been damaged in transit or
25 installation, and that it has been installed in accordance with
26 the building permit and construction regulations.

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1 (9) The fees established for a building permit when the
2 application ~~therefor~~ specifies use of a premanufactured unit
3 with a certificate of acceptability, or for inspection of the
4 installation of the premanufactured unit shall ~~be intended to~~
5 bear a reasonable relation to the costs incurred by the enforcing
6 agency in ~~performing such acts~~ ISSUING A PERMIT OR PERFORMING
7 AN INSPECTION. ~~A certificate of acceptability issued by the~~
8 ~~commission shall not be used for advertising purposes.~~

9 (10) ~~(3)~~ Notwithstanding ~~subsections (1) and (2)~~ ANY
10 OTHER PROVISION OF THIS SECTION, an enforcing agency may object
11 to use of a premanufactured unit with a certificate of accepta-
12 bility on the basis that the premanufactured unit does not comply
13 with the code. If an enforcing agency on receipt of an applica-
14 tion for a building permit specifying the use of a premanufac-
15 tured unit does object, it may set forth its objections in writ-
16 ing to the ~~commission~~ DEPARTMENT before issuance of a building
17 permit and within 10 business days after receipt of the
18 application. Within 10 business days after receipt of the objec-
19 tions, the commission, or a panel of 3 or more members designated
20 for that purpose by its chairman, shall hold a hearing on the
21 objections in accordance with rules ~~to be~~ promulgated by the
22 ~~commission~~ DEPARTMENT. After the hearing, the commission, or
23 its panel, within 3 business days shall determine 1 of the
24 following:

25 (a) The premanufactured unit does not comply with the code
26 ~~in which case subsections (1) and (2) shall not apply~~ AND ORDER
27 THAT THE CERTIFICATE OF ACCEPTABILITY BE VOIDED.

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1 (b) The premanufactured unit requires additional testing and
2 evaluation in which case the testing and evaluation shall be con-
3 ducted in accordance with ~~subsection (1)~~ THIS SECTION.

4 (c) The objections are not valid ~~in which case~~ AND ORDER
5 the enforcing agency ~~shall~~ TO issue the building permit within
6 3 business days.

7 (11) A CERTIFICATE OF ACCEPTABILITY ISSUED BY THE DEPARTMENT
8 SHALL NOT BE USED FOR ADVERTISING PURPOSES.