

# SENATE BILL No. 1523

December 4, 2002, Introduced by Senator PETERS and referred to the Committee on Human Resources and Labor.

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 4 and 10 (MCL 125.1504 and 125.1510), as amended by 1999 PA 245.

**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 con-  
3 struction, use, and occupation of buildings and structures,  
4 including land area incidental to the buildings and structures,  
5 the manufacture and installation of building components and  
6 equipment, the construction and installation of premanufactured  
7 units, the standards and requirements for materials to be used in  
8 connection with the units, and other requirements relating to the  
9 safety, including safety from fire, and sanitation facilities of  
10 the buildings and structures.

1       (2) ~~Until the date sections 2a, 3a, 8a, 8b, and 9b apply,~~  
2 ~~the code shall consist of nationally recognized model building~~  
3 ~~codes, other nationally recognized model codes and standards, and~~  
4 ~~amendments, additions, or deletions to the building code or other~~  
5 ~~codes and standards as the director determines appropriate.~~

6 ~~After the date sections 2, 3, 8, 9, and 9a are repealed, the~~ THE  
7 code shall consist of the international residential code, the  
8 international building code, the international mechanical code,  
9 the international plumbing code published by the international  
10 code council, the national electrical code published by the  
11 national fire prevention association, and the Michigan uniform  
12 energy code with amendments, additions, or deletions as the  
13 director determines appropriate.

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

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

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

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

1 (d) To eliminate restrictive, obsolete, conflicting, and  
2 unnecessary construction regulations that tend to increase con-  
3 struction costs unnecessarily or restrict the use of new materi-  
4 als, products, or methods of construction, or provide preferen-  
5 tial treatment to types or classes of materials or products or  
6 methods of construction.

7 (e) To insure adequate maintenance of buildings and struc-  
8 tures throughout this state and to adequately protect the health,  
9 safety, and welfare of the people.

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

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

14 (h) The development of a voluntary consumer information  
15 system relating to energy efficiencies.

16 (I) TO PROVIDE STANDARDS AND REQUIREMENTS FOR A TEMPORARY  
17 BUILDING OR STRUCTURE THAT ENSURE THE PUBLIC HEALTH, SAFETY, AND  
18 GENERAL WELFARE AND TAKE INTO ACCOUNT THE TEMPORARY NATURE OF THE  
19 BUILDING OR STRUCTURE. UNLESS A BUILDING OFFICIAL GRANTS AN  
20 EXTENSION FOR DEMONSTRATED CAUSE, A TEMPORARY BUILDING OR STRUC-  
21 TURE SHALL NOT EXIST FOR MORE THAN 180 DAYS.

22 (4) The code shall be divided into sections as the director  
23 considers appropriate including, without limitation, building,  
24 plumbing, electrical, and mechanical sections. The boards shall  
25 participate in and work with the staff of the director in the  
26 preparation of parts relating to their functions. Before the  
27 promulgation of an amendment to the code, the boards whose

1 functions relate to that code shall be permitted to draft and  
2 recommend to the director proposed language. The director shall  
3 give consideration to all submissions by the boards. However,  
4 the director has final responsibility for the promulgation of the  
5 code.

6 (5) The code may incorporate the provisions of a code, stan-  
7 dard, or other material by reference. The director shall add,  
8 amend, and rescind rules to update the code not less than once  
9 every 3 years to coincide with the national code change cycle.

10 Sec. 10. (1) Except as otherwise provided in the code,  
11 before construction of a building or structure, the owner, or the  
12 owner's builder, architect, engineer, or agent, shall submit an  
13 application in writing to the appropriate enforcing agency for a  
14 building permit. The application shall be on a form prescribed  
15 by the commission and, EXCEPT AS PROVIDED IN SUBSECTION (9),  
16 shall be accompanied by payment of the fee established by the  
17 enforcing agency. The application shall contain a detailed  
18 statement in writing ~~—, verified by affidavit of the person~~  
19 ~~making it,~~ of the specifications for the building or structure,  
20 and full and complete copies of the plans drawn to scale of the  
21 proposed work. EXCEPT AS PROVIDED IN SUBSECTION (10), THE APPLI-  
22 CATION SHALL BE VERIFIED BY AFFIDAVIT OF THE PERSON MAKING IT. A  
23 site plan showing the dimensions, and the location of the pro-  
24 posed building or structure and other buildings or structures on  
25 the same premises, shall be submitted with the application. The  
26 application shall state in full the name and residence, by street  
27 and number, of the owner in fee of the premises on which the

1 building or structure will be constructed, and the purposes for  
2 which it will be used.

3 (2) If construction is proposed to be undertaken by a person  
4 other than the owner of the land in fee, the statement shall con-  
5 tain the full name and residence, by street and number, of the  
6 owner and also of the person proposing the construction. The  
7 affidavit shall state that the specifications and plans are true  
8 and complete and contain a correct description of the building or  
9 structure, lot, and proposed work. The statements and affidavits  
10 may be made by an owner, or the owner's attorney, agent, engi-  
11 neer, architect, or builder, by the person who proposes to make  
12 the construction or alteration, or by that person's agent, engi-  
13 neer, architect, or builder. A person shall not be recognized as  
14 the agent, attorney, engineer, architect, or builder of another  
15 person unless the person files with the enforcing agency a writ-  
16 ten instrument, which shall be an architectural, engineering, or  
17 construction contract, power of attorney, or letter of authoriza-  
18 tion signed by that other person designating the person as the  
19 agent, attorney, architect, engineer, or builder and, in case of  
20 a residential builder or maintenance and alteration contractor,  
21 architect, or engineer, setting forth the person's license number  
22 and the expiration date of the license.

23 (3) A person licensed or required to be licensed as a resi-  
24 dential builder or residential maintenance and alteration con-  
25 tractor under the occupational code, 1980 PA 299, MCL 339.101 to  
26 339.2721, a master or journeyman plumber ~~pursuant to~~ UNDER 1929  
27 PA 266, MCL 338.901 to 338.917, an electrical contractor or

1 master or journeyman electrician ~~pursuant to~~ UNDER the  
2 electrical administrative act, 1956 PA 217, MCL 338.881 to  
3 338.892, or ~~pursuant to~~ UNDER a local ordinance, or as a  
4 mechanical contractor ~~pursuant to~~ UNDER the ~~forbes~~ FORBES  
5 mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988,  
6 who applies for a building permit to perform work on a residen-  
7 tial building or a residential structure shall, in addition to  
8 any other information required ~~pursuant to~~ UNDER this act, pro-  
9 vide on the building permit application all of the following  
10 information:

11 (a) The occupational license number of the applicant and the  
12 expiration date of the occupational license.

13 (b) One of the following:

14 (i) The name of each carrier providing worker's disability  
15 compensation insurance to the applicant if the applicant is  
16 required to be insured ~~pursuant to~~ UNDER the worker's disabil-  
17 ity compensation act of 1969, 1969 PA 317, MCL 418.101 to  
18 418.941.

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

23 (c) One of the following:

24 (i) The employer identification number, if the applicant is  
25 required to have an employer identification number ~~pursuant to~~  
26 UNDER section 6109 of the internal revenue code OF 1986.

1           (ii) The reasons for exemption from the requirement to have  
2 an employer identification number ~~pursuant to~~ UNDER section  
3 6109 of the internal revenue code OF 1986 if the applicant is not  
4 required to have an employer identification number ~~pursuant to~~  
5 UNDER section 6109 of the internal revenue code OF 1986.

6           (d) One of the following:

7           (i) The Michigan employment security commission employer  
8 number, if the applicant is required to make contributions  
9 ~~pursuant to~~ UNDER the Michigan employment security act, 1936  
10 (Ex Sess) PA 1, MCL 421.1 to 421.75.

11           (ii) If the applicant is not required to make contributions,  
12 the reasons for exemptions from the requirement to make contribu-  
13 tions under the Michigan employment security act, 1936 (Ex Sess)  
14 PA 1, MCL 421.1 to 421.75.

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

18                       "Section 23a of the STILLE-DEROSSETT-HALE  
19                       SINGLE state construction code act, ~~of 1972,~~  
20                       1972 PA 230, MCL 125.1523a, prohibits a person  
21                       from conspiring to circumvent the licensing  
22                       requirements of this state relating to persons  
23                       who are to perform work on a residential build-  
24                       ing or a residential structure. Violators of  
25                       section 23a are subjected to civil fines."

26           (5) The application for a building permit shall be filed  
27 with the enforcing agency and the application and any other

1 writing prepared, owned, used, in the possession of, or retained  
2 by the enforcing agency in the performance of an official func-  
3 tion shall be made available to the public in compliance with the  
4 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

5 An application shall not be removed from the custody of the  
6 enforcing agency after a building permit has been issued.

7 (6) This section shall be construed to allow the imposition  
8 of requirements in the code, or in other laws or ordinances, for  
9 additional permits for particular kinds of work, including plumb-  
10 ing and electrical, or in other specified situations. The  
11 requirements of the code may provide for issuance of construction  
12 permits for certain of the systems of a structure and allow con-  
13 struction to commence on those systems approved under that permit  
14 even though the design and approval of all the systems of the  
15 structure have not been completed and subsequent construction  
16 permits have not been issued.

17 (7) Notwithstanding this section, a building permit is not  
18 required for ordinary repairs of a building and structure.

19 (8) Notwithstanding this section, a building permit is not  
20 required for a building incidental to the use for agricultural  
21 purposes of the land on which the building is located if it is  
22 not used in the business of retail trade.

23 (9) AN ENFORCING AGENCY SHALL NOT CHARGE A FEE FOR THE  
24 REVIEW OR APPROVAL OF PLANS FOR THE CONSTRUCTION OR USE OF A RES-  
25 IDENTIAL RAMP IF THE RESIDENTIAL RAMP IS A TEMPORARY STRUCTURE,  
26 AND THEREFORE WILL NOT EXIST FOR MORE THAN 180 DAYS, AND IF THE  
27 RESIDENTIAL RAMP COMPLIES WITH ALL OF THE FOLLOWING:



1 (i) IT IS NOT ATTACHED TO A BUILDING OR STRUCTURE.

2 (ii) NO PART OF THE RAMP OR A FOOTING FOR THE RAMP IS BELOW  
3 THE ADJACENT GRADE, AS THAT TERM IS USED IN THE CODE.

4 (iii) THE RAMP IS CONTIGUOUS TO A RESIDENCE.

5 (10) AN ENFORCING AGENCY SHALL NOT REQUIRE VERIFICATION BY  
6 AFFIDAVIT OF AN APPLICATION SUBMITTED UNDER SUBSECTION (1) FOR  
7 THE CONSTRUCTION OR USE OF A RESIDENTIAL RAMP IF THE RESIDENTIAL  
8 RAMP QUALIFIES FOR THE FEE EXEMPTION UNDER SUBSECTION (9) AND IF  
9 THE APPLICANT IS ALL OF THE FOLLOWING:

10 (A) THE OWNER OF THE RESIDENCE.

11 (B) A PERSON WITH DISABILITIES.

12 (C) RESIDING, AT THE TIME OF THE APPLICATION, IN A FACILITY  
13 THAT PROVIDES ORGANIZED NURSING CARE AND MEDICAL TREATMENT TO 7  
14 OR MORE UNRELATED INDIVIDUALS WHO ARE SUFFERING OR RECOVERING  
15 FROM ILLNESS, INJURY, OR INFIRMITY.

16 (D) INTENDING TO RESIDE IN THE RESIDENCE WHEN NO LONGER  
17 RESIDING IN THE FACILITY DESCRIBED IN SUBDIVISION (C).