

# HOUSE BILL No. 4732

May 15, 2013, Introduced by Reps. MacMaster and McBroom 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),  
section 2a as amended by 2012 PA 103 and section 10 as amended by  
1999 PA 245.

## 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) ~~(b)~~—"Application for a building permit" means an  
5   application for a building permit submitted to an enforcing agency  
6   pursuant to this act and plans, specifications, surveys,  
7   statements, and other material submitted to the enforcing agency  
8   together or in connection with the application.

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

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

16          (F) ~~(e)~~—"Boards" means the state plumbing board created in  
17   section 13 of the state plumbing act, 2002 PA 733, MCL 338.3523,  
18   the board of mechanical rules created in section 3 of the Forbes  
19   mechanical contractors act, 1984 PA 192, MCL 338.973, the  
20   electrical administrative board created in section 2 of the  
21   electrical administrative act, 1956 PA 217, MCL 338.882, and the  
22   barrier free design board created in section 5 of 1966 PA 1, MCL  
23   125.1355.

24          (G) ~~(f)~~—"Building" means a combination of materials, whether  
25   portable or fixed, forming a structure affording a facility or  
26   shelter for use or occupancy by ~~persons,~~ **INDIVIDUALS**, animals, or  
27   property. Building does not include a building, whether temporary

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

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

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

15 (J) ~~(i)~~—"Business day" means a day of the year, exclusive of a  
16 Saturday, Sunday, or legal holiday.

17 (K) ~~(j)~~—"Chief elected official" means the chairperson of the  
18 county board of commissioners, the city mayor, the village  
19 president, or the township supervisor.

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

23 (M) ~~(l)~~—"Commission" means the state construction code  
24 commission created by section 3a.

25 (N) ~~(m)~~—"Construction" means the construction, erection,  
26 reconstruction, alteration, conversion, demolition, repair, moving,  
27 or equipping of buildings or structures.

(O) ~~(n)~~ "Construction regulation" means a law, act, rule, regulation, or code, general or special, or **A** compilation thereof, enacted or adopted by this state including a department, board, bureau, commission, or other agency ~~thereof~~, **OF THIS STATE**, relating to the design, construction, or use of ~~buildings and structures~~ and the installation of equipment in ~~the building or structure~~. **BUILDINGS AND STRUCTURES**. Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning.

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

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

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

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

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

(v) Ensures that the costs of principal, interest, taxes, insurance, and utilities will not be greater after the inclusion of

1 the proposed cost of the additional energy-saving construction  
2 features required by the proposed energy efficiency rules than  
3 under the provisions of the existing energy efficiency rules.

4 (Q) ~~(p)~~—"Department" means the department of licensing and  
5 regulatory affairs.

6 (R) ~~(q)~~—"Director" means the director of the department or an  
7 authorized representative of the director.

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

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

20 (U) ~~(t)~~—"Equipment" means plumbing, heating, electrical,  
21 ventilating, air conditioning, and refrigerating equipment.

22 (V) ~~(u)~~—"Governmental subdivision" means a county, city,  
23 village, or township that, in accordance with section 8a **OR 8B**, has  
24 assumed responsibility for administration and enforcement of this  
25 act and the code within its jurisdiction.

26 (W) ~~(v)~~—"Mobile home" means a vehicular, portable structure  
27 that meets all of the following requirements:

1 (i) Is built on a chassis pursuant to the national manufactured  
2 housing construction and safety standards act of 1974, 42 USC 5401  
3 to 5426.

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

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

9 (X) ~~(w)~~—"Other laws and ordinances" means other laws and  
10 ordinances whether enacted by this state or by a county, city,  
11 village, or township and the rules issued under those laws and  
12 ordinances.

13 (Y) ~~(x)~~—"Owner" means the owner of the freehold of the  
14 premises or lesser estate in the premises, a mortgagee or vendee in  
15 possession, an assignee of rents, receiver, executor, trustee, **OR**  
16 lessee, or any other person, sole proprietorship, partnership,  
17 association, or corporation directly or indirectly in control of a  
18 building, structure, or real property or his or her duly authorized  
19 agent.

20 (Z) ~~(y)~~—"Person with disabilities" means an individual whose  
21 physical characteristics limit that individual's ability to be  
22 self-reliant in the individual's movement throughout and use of the  
23 building environment.

24 (AA) ~~(z)~~—"Premanufactured unit" means an assembly of materials  
25 or products intended to comprise all or part of a building or  
26 structure, and that is assembled at other than the final location  
27 of the unit of the building or ~~structures~~ **STRUCTURE** by a repetitive

1 process under circumstances intended to ensure uniformity of  
2 quality and material content. Premanufactured unit includes a  
3 mobile home.

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

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

19 Sec. 10. (1) Except as otherwise provided in the code, before  
20 construction of a building or structure, the owner, or the owner's  
21 builder, architect, engineer, or agent, shall submit an application  
22 in writing to the appropriate enforcing agency for a building  
23 permit. The application shall be on a form prescribed by the  
24 commission and shall be accompanied by payment of the fee  
25 established by the enforcing agency. The application shall contain  
26 a detailed statement in writing, verified by affidavit of the  
27 ~~person~~**INDIVIDUAL** making it, of the specifications for the building

1 or structure, and full and complete copies of the plans drawn to  
2 scale of the proposed work. A site plan showing the dimensions, and  
3 the location of the proposed building or structure and other  
4 buildings or structures on the same premises, shall be submitted  
5 with the application. The application shall state in full the name  
6 and residence, by street and number, of the owner in fee of the  
7 ~~premises~~ **LAND** on which the building or structure will be  
8 constructed, and the purposes for which it will be used.

9 (2) If construction is proposed to be undertaken by a person  
10 other than the owner of the land in fee, the statement shall  
11 contain the full name and residence, by street and number, of the  
12 owner and also of the person proposing the construction. The  
13 affidavit shall state that the specifications and plans are true  
14 and complete and contain a correct description of the building or  
15 structure, lot **OR PARCEL**, and proposed work. The statements and  
16 affidavits may be made by an owner, or the owner's attorney, agent,  
17 engineer, architect, or builder, by the person who proposes to make  
18 the construction or alteration, or by that person's agent,  
19 engineer, architect, or builder. A person shall not be recognized  
20 as the agent, attorney, engineer, architect, or builder of another  
21 person unless the person **SEEKING RECOGNITION** files with the  
22 enforcing agency a written instrument, which shall be an  
23 architectural, engineering, or construction contract, power of  
24 attorney, or letter of authorization signed by that other person  
25 designating the person **SEEKING RECOGNITION** as the agent, attorney,  
26 architect, engineer, or builder and, in case of a residential  
27 builder or maintenance and alteration contractor, architect, or

1 engineer, setting forth the ~~person's~~ license number **OF THE PERSON**  
 2 **SEEKING RECOGNITION** and the expiration date of the license.

3 (3) A person licensed or required to be licensed as a  
 4 residential builder or residential maintenance and alteration  
 5 contractor under the occupational code, 1980 PA 299, MCL 339.101 to  
 6 ~~339.2721, a 339.2919, A PLUMBING CONTRACTOR OR~~ master or journeyman  
 7 plumber pursuant to ~~1929 PA 266, MCL 338.901 to 338.917, THE STATE~~  
 8 **PLUMBING ACT, 2002 PA 733, MCL 338.3511 TO 338.3569**, an electrical  
 9 contractor, ~~or master or journeyman electrician, OR ELECTRICAL~~  
 10 **JOURNEYMAN** pursuant to the electrical administrative act, 1956 PA  
 11 217, MCL 338.881 to 338.892, or pursuant to a local ordinance, or  
 12 ~~as a~~ mechanical contractor pursuant to the ~~forbes~~ **FORBES** mechanical  
 13 contractors act, 1984 PA 192, MCL 338.971 to 338.988, who applies  
 14 for a building permit to perform work on a residential building or  
 15 a residential structure shall, in addition to any other information  
 16 required pursuant to this act, provide on the building permit  
 17 application all of the following information:

18 (a) The occupational license number of the applicant and the  
 19 expiration date of the occupational license.

20 (b) One of the following:

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

25 (ii) The reasons for exemption from the requirement to be  
 26 insured if the applicant is not required to be insured under the  
 27 worker's disability compensation act of 1969, 1969 PA 317, MCL

1 418.101 to 418.941.

2 (c) One of the following:

3 (i) The employer identification number, if the applicant is  
4 required to have an employer identification number pursuant to  
5 section 6109 of the internal revenue code, **26 USC 6109**.

6 (ii) The reasons for exemption from the requirement to have an  
7 employer identification number pursuant to section 6109 of the  
8 internal revenue code, **26 USC 6109**, if the applicant is not  
9 required to have an employer identification number pursuant to **THAT**  
10 ~~section. 6109 of the internal revenue code.~~

11 (d) One of the following:

12 (i) The Michigan employment security commission employer  
13 number, if the applicant is required to make contributions pursuant  
14 to the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL  
15 421.1 to 421.75.

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

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

23 "Section 23a of the state construction code act of 1972, 1972  
24 PA 230, MCL 125.1523a, prohibits a person from conspiring to  
25 circumvent the licensing requirements of this state relating to  
26 persons who are to perform work on a residential building or a  
27 residential structure. Violators of section 23a are subjected to

1 civil fines."

2 (5) The application for a building permit shall be filed with  
3 the enforcing agency and the application and any other writing  
4 prepared, owned, used, in the possession of, or retained by the  
5 enforcing agency in the performance of an official function shall  
6 be made available to the public in compliance with the freedom of  
7 information act, 1976 PA 442, MCL 15.231 to 15.246. An application  
8 shall not be removed from the custody of the enforcing agency after  
9 a building permit has been issued.

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

20 (7) ~~Notwithstanding this section, a~~ **A** building permit is not  
21 required for ordinary repairs of a building ~~and~~ **OR** structure.

22 (8) ~~Notwithstanding this section, a~~ **A** building permit is not  
23 required for a building incidental to the use for agricultural  
24 purposes of the land on which the building is located if ~~it~~ **THE**  
25 **BUILDING** is not used in the business of retail trade.

26 (9) **A QUALIFYING ROADSIDE STAND IS EXEMPT FROM THE PLUMBING**  
27 **FIXTURE REQUIREMENTS OF THIS ACT AND THE CODE AND IS NOT REQUIRED**

1 TO HAVE ELECTRIC POWER. HOWEVER, A QUALIFYING ROADSIDE STAND THAT  
2 HAS ELECTRIC POWER MUST COMPLY WITH THE ELECTRICAL CODE. THIS  
3 SUBSECTION DOES NOT EXEMPT A QUALIFYING ROADSIDE STAND FROM A  
4 REQUIREMENT TO OBTAIN A BUILDING PERMIT. AS USED IN THIS  
5 SUBSECTION, "QUALIFYING ROADSIDE STAND" MEANS A ROADSIDE STAND THAT  
6 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

7 (A) IS USED ONLY FOR SEASONAL RETAIL TRADE IN AGRICULTURAL  
8 PRODUCTS PRODUCED ON THE LAND WHERE THE ROADSIDE STAND IS LOCATED.

9 (B) IS NOT LARGER THAN 400 SQUARE FEET.

10 (C) IS SECURELY ANCHORED TO THE GROUND.

11 (10) A TENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (9) (A)  
12 AND (B) IS EXEMPT FROM THIS ACT AND THE CODE.