

**State Public Acts and State Administrative Rules
Program #CP-23-00042**

Class Category: Acts and Rules

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COCM – May 10, 2023



Elevator Rules

Rules become effective June 27, 2023.

Elevator codes are updated to the following editions:

ASME 17.1-2016

ASME 17.2-2017

ASME 17.3-2017

ASME 18.1-2017

ASME A90.1-2009

ASME A10.4-2016

NFPA 70 (Michigan Electrical Code) 2017 NEC



Skilled Trades Regulation Rules

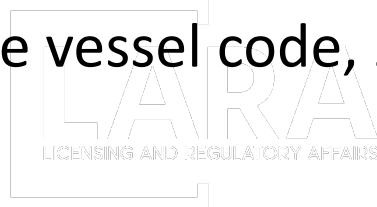
Became effective May 3, 2023.

Significant changes of note are the following:

- Fee changes for boiler licenses, permits, inspections, and certificates of operation.
- Fees are now required for license verifications and license reprints.
- License renewals submitted 60 days after expiration are subject to a \$100 late renewal fee.
- Examinees must score 75% to successfully pass an examination.
- If a qualifying licensed individual ceases to represent the associated electrical or plumbing contractor, the contractor license will summarily be suspended until another qualified licensed individual represents the contractor.

Skilled Trades Regulation Rules

- Boiler codes are updated to the following editions:
 - NBIC 2019.
 - ASME boiler and pressure vessel code, 2019.
 - ASME B31.1, 2018.
 - ASME CSD-1, 2018.
- Exams are now required for each registration to become a code official, inspector, and plan reviewer.
 - Exams will be conducted by our third-party vendor, PSI, and we are working with them on an implementation date.
 - Once the exams implementation date has been established with PSI, another notification will be provided with details.



Skilled Trades Regulation Rules

R 339.5102 Advertising.

Rule 102. (1) An individual who does not hold a license issued under the act shall not advertise for work that requires a license, as that term is defined in section 105 of the act, MCL 339.5105.

(2) A violation of this rule constitutes false advertising pursuant to section 607(f) of the act, MCL 339.5607.

Skilled Trades Regulation Rules

R 339.5112 License; name or address change, or both; duplicate license request.

Rule 112. Except as provided in the act, a licensee who is seeking to amend his or her contact name, address, phone number, or email address shall submit the department form with 1 of the following fees, as applicable:

- | | |
|---|-----------|
| (a) Name change with reprint | .\$10.00. |
| (b) Address change with reprint | .\$10.00. |
| (c) Name change, no reprint | No fee. |
| (d) Address change, no reprint | No fee. |
| (e) No data change, duplicate license request | \$10.00. |
| (f) Online data change, no reprint | No fee. |

Skilled Trades Regulation Rules

R 339.5116 Renewal for licensure application.

Rule 116. Unless otherwise specified in the act, a licensee who fails to submit the renewal for licensure application within 60 days after the license's expiration date shall pay to the department, in addition to the renewal fee, a late renewal fee of \$100.00 for renewal.

Skilled Trades Regulation Rules

R 339.5119 Code update courses; instructors; standards.

Rule 119. (1) Unless otherwise provided in the act, the department shall approve instructor-provided code update courses that comply with the act and these rules. Instructors shall be approved by the department. A certificate of completion must be issued, either electronically or by paper, by a course provider to an individual who has successfully completed the code update class by required attendance. The certificate must contain all of the following information: A course approval number granted by the department. The name and address of the individual, school, organization, or company who sponsors or administers the course. The date the certificate was issued. The student's name and license number.

Skilled Trades Regulation Rules

R 339.5151 Licenses; issuance.

Rule 151. (1) If a master electrician ceases to represent an electrical contractor, both the electrical contractor and the master electrician who was employed by the electrical contractor shall notify the department immediately of any changes in the employment status of the master electrician. The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed master electrician to qualify for the contractor.

Skilled Trades Regulation Rules

R 339.5264 Registration and reregistration; required hours of training; training categories

Rule 264. (1) An individual who is applying for renewal or reregistration shall complete not less than the required number of hours of continuing education in an approved educational or training program, as described in table 264 of this rule, in all the following categories:

State public acts and state administrative rules (admin/communication)

Technical

Plan review

Specialty

Skilled Trades Regulation Rules

R 339.5301 Acts and rules; continuing education.

Rule 301. (1) An individual who attends the acts and rules continuing education training, specified in R 339.5502, during his or her 3-year registration cycle will have satisfied the required training for all other registrations he or she may hold as an official, inspector, plan reviewer, or any other combination of those registrations for his or her renewal requirement. An individual who holds multiple registrations shall take the acts and rules continuing education training only once every 3-year registration cycle.

(2) All other courses must be tailored to either the specific trade inspector classification, the trade plan reviewer classification, or the building official registration, to attain the total number of continuing education training hours required for each registration renewal.

Skilled Trades Regulation Rules

R 339.5502 Rule is non-existent.

Rule 412 (R 339.5412) is last rule in rule set.

Any references to R 339.5502 mean Rule 264 (R 339.5264).



Skilled Trades Regulation Rules

R 339.5411 Master plumber and plumbing contractors; changes in employment status; license suspension.

Rule 411. (1) If a master plumber ceases to represent a plumbing contractor, both the plumbing contractor and the master plumber who was employed by the plumbing contractor shall notify the department immediately of any changes in the employment status of the master plumber.

(2) The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed master plumber to represent the plumbing contractor license.

BCC Interpretive Statement - Backflow Prevention Testing (TBD)

Skilled Trades Regulation Act (STRA) require that the testing of backflow prevention devices must be performed by a licensed plumber.

The STRA regulates the practice of plumbing in the State of Michigan, and it provides that a person shall not engage in or provide plumbing services without a license. MCL 339.6107.

“Plumbing” is defined as:

[T]he practice, materials, and fixtures, in or adjacent to a building, structure, or premises, used in the installation, maintenance, extension, or alteration of all piping, fixtures, plumbing appliances, or plumbing appurtenances, as defined in the state construction code, in connection with the sanitary drainage or storm drainage facilities, plumbing venting systems, medical gas systems, *backflow preventers*, and public or private water supply systems. [MCL 339.6103(c) (emphasis added)].

Building Management

Boilers and Elevators Operation Information

The Skilled Trades Regulation Act, 2016 PA 407, and the Elevator Safety Board Act, 1967 PA 227, provide for the installation, inspection, maintenance, and operation of boilers and elevators in Michigan. The Bureau of Construction Codes (BCC) within the Department of Licensing and Regulatory Affairs administers these regulations to assure the safety of building structures and occupants where these devices are located. The City of Detroit regulates these devices within its city limits with similar standards.

Building Management

Boilers and Elevators Operation Information

All boilers and elevators are required to maintain a current certificate of operation through routine inspections which are sometimes required to be conducted on an annual basis. Builder owners, operators, and managers are responsible for these certificates being up to date. These routine inspections are conducted by BCC and are safety measures in addition to preventative maintenance performed by boiler and elevator contractors.

If you are aware of building management changes where a boiler or elevator exists, please direct them to contact either the Boiler Section bccblr@michigan.gov or Elevator Section elevsafety@michigan.gov within BCC where we can update ownership or contact information changes.

Manufactured Housing Communities Ownership Licensing Information

The Mobile Home Commission Act, Act 96 of 1987, was created to provide licensure and regulation in the construction, operation, and management of mobile home parks in the State of Michigan. As designated by the Director of the Department of Licensing and Regulatory Affairs, the Bureau of Construction Codes oversees these regulations.

All mobile home parks with 3 or more homes are required to obtain and maintain a license. It is imperative that parks apply for licensure as soon as they are constructed, purchased, or ownership transferred. Annual inspections are conducted to ensure compliance in the parks and ensure the safety of the residents.

New park owners can reach out to the Bureau of Construction Codes at LARA-BCC-Licensing@Michigan.gov or 517-241-9316 for assistance in making application for a license and required documentation. Applications and additional information can be found at <https://www.michigan.gov/lara/bureau-list/bcc/sections/mobile>.

Property Maintenance Appeals

Can the State Construction Code Commission hear appeals regarding the International Property Maintenance Code?

Property Maintenance Appeals

At the April 12, 2023 meeting, the State Construction Code Commission decided that it lacks jurisdiction over matters involving the International Property Maintenance Code. The rationale behind the decision was dependent upon their understanding of MCL 125.1504 and the seven codes that the department must adopt and update on a reoccurring basis. The property maintenance code is not one of these mandated codes.

1972 PA 230 Exemptions

What buildings and structures are exempt from construction code requirements?

How can 1972 PA 230 apply to property owned by the federal government or sovereign nations?

1972 PA 230 Exemptions

Exemptions from the code ([entire act](#))

- Public universities (1972 PA 230)
- Federal buildings
- Sovereign nations



Exemptions from permit and inspections ([code applies without enforcement](#))

- Agricultural buildings (1972 PA 230)
- Heavy civil construction (bridges, dams, harbors, mines) (1972 PA 230)
- Facilities generating, transmitting, or distributing electricity (1972 PA 230)

Code Violation Notification Process

Do code violations need to be put in writing and provided to the contractor/permit holder?



If so, where is the authority for this requirement?

What happens if violations are found, but they are not issued in writing?

Code Violation Notification Process

While there are many instances in 1972 PA 230 supporting that violations need to be in writing and provided to those responsible for construction, MCL 125.1509b and MCL 125.1512 provide the clearest direction for this requirement. Inspection records include correction notices that must be provided to the permit holder or person doing the construction.

Existing violations found but are not documented become risk liabilities for the code official and permit holder if they are not corrected and result in harm to an individual. Situations of this nature can lead to litigation and determination of the party at fault.

Documenting Code Violations

Must be in writing

Must cite standard/regulation

Violations expressed verbally or lack regulatory reference can be deemed arbitrary and capricious (can impose high risk and liability to code official and code enforcement agency)

Appealing Code Violations

Code appeals are a code enforcement issue. Appeals must be filed with the enforcing agency. ([MCL 125.1514](#))

Code appeals do not automatically become a licensing matter. A licensing complaint is not the first step in this process. The code appeal process must be exhausted before the issue may become a licensing matter.

Appealing Code Violations

Differing application or different interpretations of the code do not automatically warrant a licensing action.

Variations typically arise as circumstances differ.

Practitioners and regulators strive for predictability and consistency.

Solutions – embrace code flexibility, network, training.

Code Interpretations

Can BCC answers code questions outside of its enforcing agency authority?



Can BCC provide guidance on the code for governmental subdivisions under the authority of a local enforcing agency?

Code Interpretations

BCC is responsible only for the authority granted under 1972 PA 230. BCC is charged with developing the code not interpreting the code.

Risk and liability – issuing code interpretations increases risk and liability for decisions made by others.

Legal guidance – BCC has been advised to not interject opinions or views where it does not have authority.

Personal liability – BCC staff providing assistance outside the scope of statutory authority risk losing their shield of governmental immunity. (potential need to hire personal lawyer)

Code Interpretations

Appeals Process—The Act provides for an appeal process if the licensee doing the work disagrees with a code determination. An appeal initiates at the local Board of Appeals and provides for an appeal to the State Construction Code Commission for review and decision. BCC is not an interested party in the interpretation of code or the code appeal process.

Code Interpretations

ICC Code Book—“**Inspections and Testing: General.** The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code.”

Network—Events like the one you are at here today are opportunities for you to meet other individuals in your profession with whom you can consult for “Best Practices”.

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(3) If construction is being undertaken contrary to a building permit, this act, or other applicable laws or ordinances, the enforcing agency shall give written notice to the holder of the building permit, or if a permit has not been issued then to the person doing the construction, notifying him of the violation of this act, or other applicable laws and ordinances, and to appear and show cause why the construction should not be stopped. If the holder of the permit or the person doing the construction fails to appear and show good cause within 1 full working day after notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction in violation of a stop construction order, except with permission of the enforcing agency to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the stop construction order.

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(4) Without limitation on other available remedies, an interested person may apply for an order, enjoining the continuation of construction undertaken in violation of a building permit, this act, the code or other applicable laws or ordinances, to the circuit court for the county in which the premises are located.

Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.5201(3) At the request of a building official, inspector, or employee of an enforcing agency, acting in his or her official capacity, an individual who is licensed under this act must present to that building official, inspector, or employee proof of licensure and a government-issued photo identification.

Electrical Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.5701(a) "Apprentice electrician" means an individual other than an electrical contractor, master electrician, or electrical journeyman, who is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment under the direct personal supervision of an electrical journeyman or master electrician.

MCL 339.5717(3) The ratio of electrical journeymen or master electricians to registered apprentice electricians shall be on the basis of 1 electrical journeyman or master electrician to no more than 3 registered apprentice electricians. The department or an enforcing agency shall enforce the ratio on a jobsite basis.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6107(1) A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless that person is licensed or registered under this article.

MCL 339.6117(4) An apprentice plumber shall, as his or her principal occupation, be engaged in learning and assisting in the installation of plumbing under the direct on-site jobsite supervision of a journey or master plumber.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6125(5) Master plumbers, journey plumbers, and apprentice plumbers shall carry their licenses and a form of identification that includes his or her photograph. If requested by an enforcing agency, a licensee or apprentice registrant shall present his or her license or registration and a form of identification that includes his or her photograph.

Licensing Enforcement

License matters must be filed with the licensing authority for investigation and appropriate action.

BCC has licensing authority for building, electrical, mechanical, and plumbing except City of Detroit which has licensing authority for electrical within its city limits.

These matters can be reported to the Licensing Compliance Section at BCC.

Email: LARA-BCC-Compliance@Michigan.Gov

A statement of complaint form is not necessary but can be utilized.

Licensing Enforcement

Action to be taken:

Request individual to leave job site until license can be provided

Report facts to licensing authority including:

Name, email address and phone number of code official making report

Job Location (address) and date of observation

Township, city, village and county of job location

Name and address of company/person not properly licensed

Work observed being performed (electrical, plumbing)

Permit worked formed under

Licensing Action

Action to be taken:

Reach out to individual to assist them with obtaining proper licensure

If licensure is not applied for, BCC to initiate one of the following options:

- File a formal complaint

- Issue a cease-and-desist order

- Issue a citation

Codes/Rule Sets

https://www.michigan.gov/lara/bureau-list/bcc/rules-acts/rules/currently-open?sc_site=lara



Reports

<https://www.michigan.gov/lara/bureau-list/bcc/leg-report>



LARA

Construction Codes Legislative Reports



Fiscal Year 2023 Quarterly Reports

FY2023 Q2 (1.1.23-3.31.23)

[View](#)

STATISTICAL REPORT ON COMPLAINTS AND INVESTIGATIONS

[FY 2019 - Bureau of Construction Codes Statistical Report on Complaints and Investigations](#)

ANNUAL REPORT - DEPARTMENT AND BOARD ACTIVITIES

[FY 2019 Annual Report - Department and Board Activities](#)

[FY 2020 Annual Report - Department and Board Activities](#)

[FY 2018 Annual Report - Department and Board Activities](#)

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