

***** Act 54 of 1986 THIS ACT IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT

Act 54 of 1986

AN ACT to regulate and register building officials, plan reviewers, building inspectors, electrical inspectors, mechanical inspectors, and plumbing inspectors; to prescribe the powers and duties of the state construction code commission; to create a building officials advisory board; to require the approval of educational and training programs for building officials, plan reviewers, and inspectors; to provide for the establishment and disposition of fees; to provide for the promulgation of rules; and to prescribe penalties.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

The People of the State of Michigan enact:

***** 338.2301 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2301 Short title.

Sec. 1. This act shall be known and may be cited as the "building officials and inspectors registration act".

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

***** 338.2302 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2302 Definitions.

Sec. 2. As used in this act:

- (a) "Adopted", in reference to a rule or ordinance, means properly passed.
- (b) "Advisory board" means the building officials advisory board created pursuant to section 3.
- (c) "Approved" means reviewed and found acceptable by the commission.
- (d) "Building official" means a construction code enforcement person working as an inspector, or plan reviewer, or actively engaged in the administration and enforcement of adopted building, electrical, mechanical, or plumbing codes, or any combination of these codes.
- (e) "Code" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.
- (f) "Commission" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.
- (g) "Education or training program" means formal or informal courses, seminars, correspondence programs, and other teaching aids approved by the commission for building officials, plan reviewers, and inspectors.
- (h) "Enforcing agency" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.
- (i) "Fire protection system" means that term as defined in the Michigan building code.
- (j) "Fire protection system inspector" means a person meeting the qualifications established by this act responsible for the inspection of fire protection systems in accordance with the design and installation standards referenced by the Michigan building code.
- (k) "Fire protection system plan reviewer" means a person meeting the qualifications established by this act responsible for the review of fire protection system plans in accordance with the design and installation standards referenced by the Michigan building code.
- (l) "Inspector" means the person responsible for the administration and enforcement of the construction of buildings, structures, or appurtenances under the requirements of the code.
- (m) "Practical construction experience" means experience in construction related trades or code administration and enforcement that is found to be acceptable to the commission.
- (n) "Plan reviewer" means a person engaged in the practice of examining construction documents for the purpose of determining compliance with applicable codes.
- (o) "Provisional registration" means a building official, plan reviewer, or inspector who is registered subject to attaining the amount of training, education, and experience required by the appropriate board and the commission.
- (p) "Registered" means a building official, plan reviewer, inspector, fire protection system inspector, or fire protection system plan reviewer who is registered under this act.
- (q) "Test" means a method of determining qualifications of a person seeking registration as a building

official, plan reviewer, or inspector under this act. Tests may be written, oral, practical, or a combination of written, oral, and practical. Completion of education or training programs may be substituted for appropriate tests or portions of tests.

(r) "Code change cycle" means the publication by a nationally recognized code writing body of a new edition of a basic code which includes all approved changes to the basic code since the previous edition. Code change cycle does not include changes to the basic code approved and published in annual supplements to the code.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2013, Act 150, Eff. Feb. 4, 2014.

***** 338.2203 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2303 Building officials advisory board; creation; purpose; appointment, qualifications, and terms of members.

Sec. 3. (1) The building officials advisory board is created in the department of labor to assist the commission in establishing standards and criteria for the training and qualifications of building officials.

(2) The advisory board shall consist of 9 members appointed by the commission. Of those members first appointed, 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years. The advisory board shall consist of the following:

- (a) A building official who enforces the building officials and code administrators basic building code.
- (b) A building official who enforces the uniform building code.
- (c) A building official who enforces the Michigan building code.
- (d) Two members of the general public, 1 of whom shall be a person with 1 or more disabilities.
- (e) A registered architect or engineer.
- (f) A building contractor.
- (g) A building trades journey worker from a recognized apprentice course.
- (h) A representative of small business.

(3) Of the 3 building officials appointed pursuant to subsection (2)(a), (b), and (c), 1 shall represent a county, 1 shall represent a city, and 1 shall represent a township or village.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 1998, Act 50, Imd. Eff. Mar. 30, 1998.

***** 338.2304 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2304 Enforcement of construction codes; participation of boards; review and approval of educational and training programs, tests, and instructors; recommendation of criteria.

Sec. 4. (1) The commission shall promote effective and uniform enforcement of construction codes in the state by improving the competence of building officials, plan reviewers, and inspectors.

(2) The advisory board, barrier free design board, the electrical administrative board, the board of mechanical rules, and the state plumbing board shall participate in and work with the commission to establish both of the following:

(a) Minimum training and experience standards, qualifications, and classifications of responsibility applicable to persons engaged in the enforcement of codes, and plan reviews.

(b) Minimum criteria for the approval of educational or training programs and tests.

(3) The commission may review and approve prepared educational and training programs, tests, and instructors. The examination and evaluation of training and educational programs, instructors, and tests shall include, but not be limited to:

- (a) Construction code administration.
- (b) Specialty aspects of code program parts, including all of the following:
 - (i) Prohibited appliances.
 - (ii) Premanufactured units.
 - (iii) Approval of materials, products, and methods.
 - (iv) Barrier free design.
 - (v) Energy conservation.
- (c) Inspection techniques.
- (d) Communication skills.
- (e) Human and public relations.
- (f) Report writing.
- (g) Plans and specifications reading.
- (h) Pertinent laws, ordinances, rules, and policies.

(i) Construction practices.

(4) If the commission finds that the proposed educational or training courses or programs are acceptable under minimum requirements established under this section, the commission shall give approval to the courses or programs for a limited period of time and with appropriate qualifications as the commission prescribes.

(5) A board listed in section 4(2) shall recommend to the commission criteria for approval which relate to the board's function and are required by section 4(2). The commission shall give consideration to any submission by a board, but the commission shall have final responsibility for the approval of training standards and programs.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

***** 338.2305 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2305 Rules.

Sec. 5. The commission shall promulgate rules for the administration of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

Administrative rules: R 408.30001 et seq. of the Michigan Administrative Code.

***** 338.2306 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2306 Building official, plan reviewer, or inspector; registration; application.

Sec. 6. (1) Application for registration as a building official, plan reviewer, or inspector shall be made to the appropriate board listed in section 4(2) and to the commission along with the fee prescribed in section 13.

(2) Any person who on the effective date of this act has been engaged in the business of a building official, plan reviewer, or inspector for a period of 3 years shall, upon furnishing the appropriate board listed in section 4(2) with satisfactory evidence of having been so engaged, be registered if the person makes application to the commission within 6 months after the effective date of this act, and pays the fee prescribed in section 13.

(3) Any person who, on the effective date of this act, has been engaged in the business of a building official, plan reviewer, or inspector for a period of less than 3 years shall, upon furnishing the board with satisfactory evidence of having been so engaged, be provisionally registered if the person makes application to the commission within 6 months after the effective date of this act and pays the fee prescribed in section 13.

(4) Any person who, on the effective date of this act, has been engaged in the business of a building official, plan reviewer, or inspector for 3 of the 5 years immediately preceding the date of application shall, upon furnishing the appropriate board listed in section 4(2) with satisfactory evidence of having been so engaged, be registered, if the person makes application to the commission and pays the fee prescribed in section 13.

(5) The commission may issue an initial registration for a period of more or less than 3 years for the purpose of allowing subsequent registration renewal to coincide with the code change cycle.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

***** 338.2307 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2307 Renewal of registration; basis.

Sec. 7. A registered building official, plan reviewer, or inspector shall renew his or her registration by September 17 of every third year, beginning in 2015. Reregistration or renewal of an initial registration or provisional registration shall be based on a determination by the appropriate board listed in section 4(2) of all of the following:

(a) The applicant's familiarity with any changes to the codes that the applicant seeks to be registered to enforce.

(b) The applicant's familiarity with other pertinent laws.

(c) Evidence satisfactory to the appropriate board that the applicant has attended local in-service training and education programs on an ongoing basis.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2015, Act 88, Eff. Sept. 21, 2015.

***** 338.2308 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2308 Other requirements not superseded.

Sec. 8. This act does not supersede the requirements applicable to inspectors contained in Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws, or Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

***** 338.2309 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2309 Revocation or suspension of registration; enforcing agency as party in interest; hearing.

Sec. 9. Upon written notice of hearing, the commission may revoke or suspend the registration of any building official, plan reviewer, inspector, fire protection system inspector, or fire protection system plan reviewer if there is sufficient evidence showing that the registered individual has violated this act or rules promulgated under this act, in the performance of his or her duties. In any proceeding under this act, an enforcing agency that employs the individual may appear as a party in interest. The hearing shall be conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2013, Act 150, Eff. Feb. 4, 2014;—Am. 2015, Act 88, Eff. Sept. 21, 2015.

***** 338.2310 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2310 Conflicts of interest; inspection of own work in governmental subdivision prohibited; additional requirements and restrictions; construction of act.

Sec. 10. (1) Performing instructional duties for educational purposes and providing contractual inspection and consulting services in construction code enforcement shall not be considered conflicts of interest.

(2) An inspector shall not be permitted to inspect his or her own work in a governmental subdivision. As used in this subsection and subsection (3), "governmental subdivision" means governmental subdivision as defined in section 2(1)(t) of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being section 125.1502 of the Michigan Compiled Laws.

(3) A governmental subdivision may establish additional requirements and restrictions in the selection and hiring of construction code enforcement officials, inspectors, and plan reviewers.

(4) This act shall not be construed to limit or restrict the type of internal administrative organization an enforcing agency may choose, or to limit or otherwise affect the authority of the enforcing agency to dismiss or suspend a building official, inspector, or plan reviewer at its discretion.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986.

***** 338.2311 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2311 Registration or reregistration without examination; fee.

Sec. 11. (1) Upon receipt of the fee prescribed in section 13, the commission, without requiring an examination, shall register or reregister, as a building official, inspector, plan reviewer, fire protection system inspector, or fire protection system plan reviewer, an applicant licensed or certified under the laws of another state. However, the commission shall register or reregister the applicant only if the commission determines that the licensing or certification requirements of the other state are equivalent to the requirements of this state for the purpose of establishing reciprocity privileges for building officials, inspectors, plan reviewers, fire protection system inspectors, and fire protection system plan reviewers.

(2) Upon receipt of the fee prescribed in section 13, the commission, without requiring an examination, shall register or reregister as a building official, inspector, or plan reviewer an applicant licensed or certified by a national organization as a building official, inspector, or plan reviewer. However, the commission shall register or reregister the applicant only if the commission determines that the licensing or certification requirements of the national organization are equivalent to the requirements of this state for the purpose of establishing reciprocity privileges for building officials, inspectors, and plan reviewers.

(3) Upon the receipt of the fee prescribed in section 13, the commission, without requiring an examination, shall register or reregister as a fire protection system inspector an applicant who meets all the following requirements:

(a) Is certified by the national fire protection association or the international code council as a fire inspector I and fire inspector II.

(b) Attests to the department in his or her application to having an understanding of the Michigan building code.

(4) Upon the receipt of the fee prescribed in section 13, the commission, without requiring an examination, shall register or reregister as a fire protection system plan reviewer an applicant who meets all the following requirements:

(a) Is certified by the national fire protection association or the international code council as a fire inspector I and a plans examiner.

(b) Attests to the department in his or her application to having an understanding of the Michigan building code.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2013, Act 150, Eff. Feb. 4, 2014.

***** 338.2312 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2312 Registration required; provisional registration; notice to applicant not qualified for registration; appeal; employment by enforcing agency not required for registration.

Sec. 12. (1) Subject to subsection (2), an individual shall not be appointed or employed as a building official, inspector, or plan reviewer by an enforcing agency, unless the individual is registered under this act and the rules promulgated under this act.

(2) An individual who becomes employed by a governmental subdivision as a building official, plan reviewer, or inspector, if not already registered, shall within 30 days of employment apply to the commission for provisional registration. Upon payment of the fees prescribed in section 13, the individual shall be provisionally registered.

(3) If the commission determines that an applicant for registration does not qualify for registration, the commission shall notify the applicant of that fact in writing. The applicant may appeal an adverse decision pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) Notwithstanding any provision of this act, employment by an enforcing agency is not a requirement for registration or provisional registration as a building official, plan reviewer, or inspector under this act.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2015, Act 88, Eff. Sept. 21, 2015.

***** 338.2313 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.2313 Building officials, inspectors, and plan reviewers; registration fees; deposit; waiver.

Sec. 13. (1) The commission shall charge fees for registration of building officials, inspectors, and plan reviewers and for the examination and evaluation of training and educational programs and courses.

(2) An applicant for registration shall pay the following applicable registration fee to the commission for each year the registration covers:

(a) If paid after September 30, 2019, \$10.00.

(b) If paid on or before September 30, 2019, \$25.00.

(3) A fee established by the commission for the examination and evaluation of training and educational programs and courses shall bear a reasonable relation to the cost for those conducting those training and educational programs and courses.

(4) The commission shall deposit any fees received under this section in the state construction code fund created in section 22 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1522.

(5) The commission shall waive any fee otherwise required under this section if the individual responsible for paying the fee is, and provides proof satisfactory to the commission that he or she is, an honorably discharged veteran of the armed forces of the United States.

History: 1986, Act 54, Imd. Eff. Mar. 17, 1986;—Am. 2008, Act 373, Imd. Eff. Dec. 23, 2008;—Am. 2012, Act 314, Imd. Eff. Oct. 1, 2012;—Am. 2015, Act 64, Eff. Oct. 1, 2015.