

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 10
BUILDING OFFICIALS AND INSPECTORS

339.6001 Definitions; A to F.

Sec. 1001. As used in this article:

- (a) "Adopted", in reference to a rule or ordinance, means properly passed.
- (b) "Advisory board" means each of the following:
 - (i) The building officials advisory board described in section 1005.
 - (ii) The barrier free design board created in section 5 of 1966 PA 1, MCL 125.1355.
 - (iii) The electrical administrative board described in section 705.
 - (iv) The board of mechanical rules described in section 805.
 - (v) The state plumbing board described in section 1105.
- (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) "Commission" means the state construction code commission created in section 3a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1503a.
- (f) "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.
- (g) "Fire protection system" means that term as defined in the Michigan building code.
- (h) "Fire protection system inspector" means an individual who meets the qualifications established under this article and is responsible for the inspection of fire protection systems in accordance with the design and installation standards referenced by the Michigan building code.
- (i) "Fire protection system plan reviewer" means an individual who meets the qualifications established under this article and is responsible for the review of fire protection system plans in accordance with the design and installation standards referenced by the Michigan building code.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6003 Definitions; I to R.

Sec. 1003. As used in this article:

- (a) "Inspector" means the individual who is responsible for the administration and enforcement of the construction of buildings, structures, or appurtenances under the state construction code.
- (b) "Plan reviewer" means an individual who is engaged in the practice of examining construction documents for the purpose of determining compliance with applicable codes.
- (c) "Practical construction experience" means experience in construction related trades or code administration and enforcement that the commission finds acceptable.
- (d) "Provisional registration" means a building official, plan reviewer, or inspector who is registered subject to his or her completion of the amount of training, education, and experience required by the commission and the appropriate advisory board and described in section 1007(2).
- (e) "Registered" means a building official, plan reviewer, inspector, fire protection system inspector, or fire protection system plan reviewer who is registered under this article.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6005 State construction code commission; designation as board; building officials advisory board; purpose; appointment, qualifications, and terms of members.

Sec. 1005. (1) The state construction code commission created in section 3a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1503a, is designated as the board for purposes of this article.

(2) The building officials advisory board created in section 3 of former 1986 PA 54 shall continue in existence and shall continue to assist the commission in establishing standards and criteria for the training and qualifications of building officials. The building officials advisory board shall consist of 9 members, appointed by the commission as follows:

- (a) Subject to subsection (3), a building official who enforces the building officials and code administrators

basic building code.

- (b) Subject to subsection (3), a building official who enforces the uniform building code.
- (c) Subject to subsection (3), a building official who enforces the Michigan building code.
- (d) Two members of the general public, 1 of whom is an individual 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 under subsection (2)(a), (b), and (c), 1 shall represent a county, 1 shall represent a city, and 1 shall represent a township or village.

(4) A member of the building officials advisory board shall serve a term of 3 years. A member serving on the building officials advisory board on the day immediately preceding the effective date of this act under former 1986 PA 54 shall continue to serve until the expiration of his or her term under former 1986 PA 54.

History: 2016, Act 407, Eff. Apr. 4, 2017.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of building officials advisory board to department of licensing and regulatory affairs, see E.R.O. No. 2017-1, compiled at MCL 339.3102.

339.6007 Enforcement of construction codes; participation of advisory boards; review and approval of educational and training programs, tests, and instructors; recommendation of criteria for approval.

Sec. 1007. (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 boards 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 individuals who are 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 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 any appropriate qualifications established by the commission.

(5) An advisory board shall recommend to the commission criteria for approval that relate to the advisory board's function and are required under subsection (2). The commission shall give consideration to any submission by an advisory board, but the commission has final responsibility and authority for the approval of training standards and programs.

History: 2016, Act 407, Eff. Apr. 4, 2017.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of building officials advisory board to department of licensing and regulatory affairs, see E.R.O. No. 2017-1, compiled at MCL 339.3102.

339.6009 Building official, plan reviewer, or inspector; registration; application; fee; initial registration.

Sec. 1009. (1) An individual shall apply for registration as a building official, plan reviewer, or inspector to

the appropriate advisory board and to the commission. The applicant shall include the application fee established by the department under article 4.

(2) 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: 2016, Act 407, Eff. Apr. 4, 2017.

339.6011 Renewal of registration.

Sec. 1011. A registered building official, plan reviewer, or inspector shall renew his or her registration by September 17 of every third year. Reregistration or renewal of an initial registration or provisional registration shall be based on a determination by the appropriate advisory board 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: 2016, Act 407, Eff. Apr. 4, 2017.

339.6013 Effect of requirements included in article 7 or 11.

Sec. 1013. This article does not supersede the requirements applicable to inspectors included in article 7 or 11.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6015 Revocation or suspension of registration; enforcing agency as party in interest.

Sec. 1015. After written notice and an opportunity for a 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 article or rules promulgated under this article in the performance of his or her duties. In any proceeding under this section, an enforcing agency that employs the individual may appear as a party in interest. The commission shall conduct a hearing held under this section in the manner provided in the administrative procedures act of 1969.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6017 Conflict of interest; inspection of own work in government subdivision prohibited; additional requirements and restrictions; construction of article.

Sec. 1017. (1) Performing instructional duties for educational purposes and providing contractual inspection and consulting services in construction code enforcement are not considered a conflict of interest.

(2) An inspector is not permitted to inspect his or her own work in a governmental subdivision.

(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 article 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: 2016, Act 407, Eff. Apr. 4, 2017.

339.6019 Registration or reregistration without examination; fee.

Sec. 1019. (1) If it receives a fee in an amount determined by the department under article 4, 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 who is 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) If it receives a fee in an amount determined by the department under article 4, the commission, without requiring an examination, shall register or reregister as a building official, inspector, or plan reviewer an applicant who is 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) If it receives a fee in an amount determined by the department under article 4, 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 that he or she understands the Michigan building code.

(4) If it receives a fee in an amount determined by the department under article 4, 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 reviewer.

(b) Attests to the department in his or her application that he or she understands the Michigan building code.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6021 Registration required; provisional registration; notice that applicant unqualified; appeal; employment by enforcing agency not required for registration.

Sec. 1021. (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 article and the rules promulgated under this article.

(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. On payment of the fee established by the department under article 4, the commission shall provisionally register the individual.

(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 under the administrative procedures act of 1969.

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

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6022 Appointment of electrical inspector by governmental subdivision; qualification.

Sec. 1022. In addition to the requirements of section 1021, a governmental subdivision shall only appoint as an electrical inspector an individual who is licensed as an electrical journeyman or master electrician under article 7.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.6023 Building officials, inspectors, and plan reviewers; fees; deposit.

Sec. 1023. (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 a registration fee in the amount of \$25.00 to the commission for each year the registration covers.

(3) A fee established by the department 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, MCL 125.1522.

History: 2016, Act 407, Eff. Apr. 4, 2017.