

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Construction Code - Part 9A Mechanical Code

5. Rule numbers or rule set range of numbers:

R 408.30901 - R 408.30998

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The proposed rules will adopt by reference the 2024 edition of the International Mechanical Code (IMC), with amendments, deletions, and additions deemed necessary for use in Michigan. Part 9a. of the Construction Code currently adopts by reference the 2021 edition of the IMC, which is based on mechanical principles used in mechanical codes across the country. Part 9A also includes rules that amend the IMC to address mechanical practices that are specific to Michigan and deletes those requirements in the IMC that do not pertain to Michigan because of the state's geographic and environmental features.

The proposed rules will provide the latest standards to protect the health and promote the safety and welfare of Michigan's residents by regulating the installation and inspection of mechanical equipment and systems within the state.

Adoption of the 2024 edition of the IMC, as well as an update of the rules, could result in a cost savings for homeowners and contractors who will be able to use the latest materials and technology as a result of the revision of the rules.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 125.1504(5) and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008- 4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are mandated by the Stille-DeRossett-Hale Single State Construction Code Act of 1972 PA 230, MCL 125.1504(5).

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules or regulations adopted by the state, regional or federal government.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No, the subject matter of the rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operations memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, these rules are listed on the department's annual regulatory plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional, or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No. The rules do not incorporate the recommendations from the public regarding any complaints or comments regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last updated and took effect on March 12, 2024. The rule set is being amended to adopt by reference the 2024 edition of the IMC.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no changes or developments since implementation that indicate the Michigan Mechanical rules, or any portion of the rules, should be discontinued.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.