

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

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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:

Part 9 Mechanical Code Rules

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:

Amanda Johnson

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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 2018 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 2015 edition of the IMC, which is based on mechanical principals 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 that delete 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 2018 edition of the IMC as well as an update of the rules could result in 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 and Boards & Commission.

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

The authority to promulgate the proposed rules is found in Section 4 of 1972 PA 230, MCL 125.1504(5) which provides that the director shall add, amend, and rescind rules to update the code not less than once every three years to coincide with the national code change cycle. In addition, authority is conferred under 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.

The authority to promulgate the proposed rules is found in Section 4 of 1972 PA 230, MCL 125.1504(5) which provides that the director shall add, amend, and rescind rules to update the code not less than once every three years to coincide with the national code change cycle.

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.

There are no similar rules or regulations adopted by the state, regional and 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?

There is no subject matter in these rules that is 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?

The rules are listed on the departments annual regulatory plan as rules to be processed for the current year.

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 and 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.

These rules do incorporate the recommendations received from the public regarding any complaints or comments regarding these rules. The comments or complaints from the public came from either the Public Informal Advisory Meeting or from the Proposed Rule/Code Change Request Form.

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 last date of evaluation for this rule set is estimated to be 3 years ago.

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?

No.

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