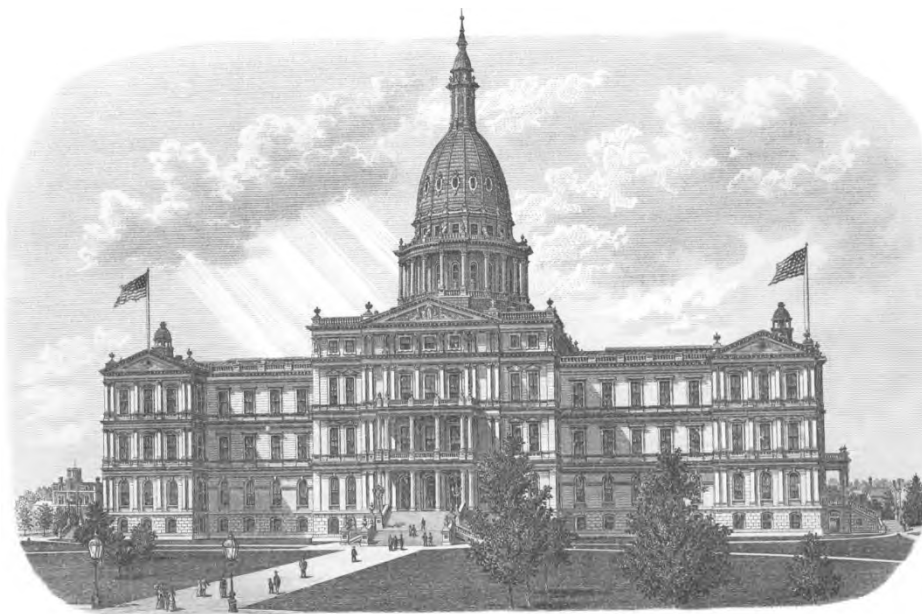


Michigan Register

Issue No. 23 – 2020 (Published January 1, 2021)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

**Published pursuant to § 24.208 of
The Michigan Compiled Laws**



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(This issue, published January 1, 2021, contains
documents filed from December 1, 2020 to December 15, 2020)

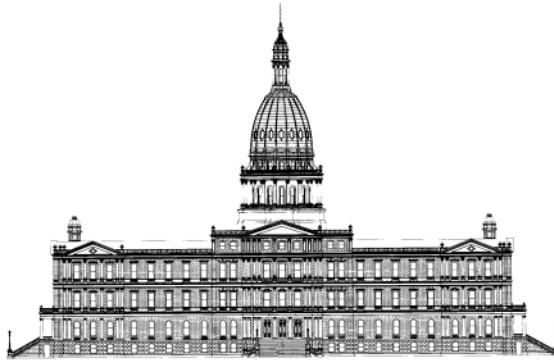
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Michigan Office of Administrative Hearings and Rules

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Katherine Wienczewski, State Administrative Manager, Michigan Office of Administrative Hearings and Rules;
Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2020 MR 1 refers to the year of issue (2020) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2020 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2020	February 1, 2020
2	February 1, 2020	February 15, 2020
3	February 15, 2020	March 1, 2020
4	March 1, 2020	March 15, 2020
5	March 15, 2020	April 1, 2020
6	April 1, 2020	April 15, 2020
7	April 15, 2020	May 1, 2020
8	May 1, 2020	May 15, 2020
9	May 15, 2020	June 1, 2020
10	June 1, 2020	June 15, 2020
11	June 15, 2020	July 1, 2020
12	July 1, 2020	July 15, 2020
13	July 15, 2020	August 1, 2020
14	August 1, 2020	August 15, 2020
15	August 15, 2020	September 1, 2020
16	September 1, 2020	September 15, 2020
17	September 15, 2020	October 1, 2020
18	October 1, 2020	October 15, 2020
19	October 15, 2020	November 1, 2020
20	November 1, 2020	November 15, 2020
21	November 15, 2020	December 1, 2020
22	December 1, 2020	December 15, 2020
23	December 15, 2020	January 1, 2021
24	January 1, 2021	January 15, 2021

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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the secretary of state on December 10, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of professional engineers by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041 of the Michigan Administrative Code are amended, and R 339.16024, R 339.16033, R 339.16034, R 339.16042, R 339.16043, and R 339.16044 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

Rule 1. (1) As used in these rules:

- (a) “Act” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (b) “Board” means the Michigan board of professional engineers created under section 2002 of the act, MCL 339.2002.
 - (c) “Continuing education” means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee’s area of professional practice.
 - (d) “Course” means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice.
 - (e) “Department” means the Michigan department of licensing and regulatory affairs.
- (2) Terms defined in the act have the same meanings when used in these rules.

PART 2. LICENSURE

R 339.16021 Educational requirement.

Rule 21. An applicant for licensure shall submit to the department 1 of the following to satisfy the educational requirement under the act:

(a) Transcripts verifying that he or she received a baccalaureate degree or higher degree in engineering from a program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET) or the Canadian Engineering Accreditation Board (CEAB).

(b) Transcripts verifying that he or she received a master's degree or doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her master's degree or doctorate.

(c) A credentials evaluation from the National Council of Examiners for Engineering and Surveying (NCEES) that verifies all of the following:

(i) The applicant for licensure received either of the following:

(A) A baccalaureate degree in engineering from a non-United States-based program.

(B) A master's degree or doctorate in engineering from a non-EAC/ABET-accredited program.

(ii) The applicant for licensure completed not less than 32 college semester credit hours in the areas of mathematics and science.

(iii) The applicant for licensure completed not less than 48 college semester credit hours in engineering science or engineering design courses that satisfy the course requirements established under the NCEES Engineering Education Standard.

(d) A credentials evaluation that verifies he or she received a baccalaureate degree in engineering from an educational program that is substantially equivalent to an EAC/ABET-accredited baccalaureate degree program in engineering. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.

Rule 22. (1) Pursuant to section 2004(2)(a) of the act, MCL 339.2004(2)(a), an applicant for professional engineer licensure shall document at least 8 years of professional experience in engineering work, including not more than 5 years of education granted under subrule (4) of this rule. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) An applicant for licensure shall submit either of the following to the department to receive credit for professional experience in engineering work:

(a) Proof acceptable to the department verifying that he or she has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state.

(b) All of the following:

(i) The dates of performing engineering work that qualifies as professional experience under subrule (3) of this rule.

(ii) The supervising individual's name and license or registration number and the state in which the supervising individual is licensed or registered as a professional engineer.

(iii) Documentation from the supervising individual attesting to the work experience, dates of work, and supervision.

(3) Engineering work that satisfies all of the following requirements qualifies as professional experience:

(a) The work involves the use of engineering principles and data.

(b) The work is in the form of consultation, investigation, evaluation, planning, design, or review of materials or completed phases of work in the construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.

(c) The work is performed while under the direction of a professional engineer licensed in Michigan or licensed or registered in another state.

(4) The department shall grant not more than 5 years of professional experience credit to an applicant holding a degree that satisfies the requirements under R 339.16021. Credit shall be limited to the following amounts:

(a) Not more than 4 years of professional experience for a baccalaureate degree in engineering. Experience shall be granted for only 1 baccalaureate degree.

(b) Not more than 1 year of professional experience for a post-baccalaureate degree in engineering. Experience shall be granted for only 1 post-baccalaureate degree.

R 339.16024 Rescinded.

R 339.16025 Relicensure requirements.

Rule 25. (1) An applicant whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the act, MCL 339.411(3), by satisfying all of the following requirements:

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Submitting proof to the department verifying that he or she has completed 15 hours of continuing education in activities approved under R 339.16041 during the 12 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the act, MCL 339.411(4), by satisfying all of the following requirements:

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Establishing that he or she has met all of the requirements for initial licensure under the act and these rules.

(d) Submitting proof to the department verifying that he or she has completed 30 hours of continuing education in activities approved under R 339.16041 during the 24 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

R 339.16026 Examination requirements.

Rule 26. An applicant for professional engineer licensure shall submit to the department both of the following to satisfy the examination requirements under the act:

(a) Verification that he or she achieved a passing score as determined by NCEES on either of the following examinations:

(i) The NCEES Principals and Practice of Engineering examination.

(ii) Both components of the NCEES Structural Engineering examination, known as SE-I and SE-II.

(b) Verification of either of the following:

(i) He or she achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) He or she received a doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her doctorate in engineering.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031 Professional conduct; requirements; restrictions.

Rule 31. (1) A licensee shall comply with all of the rules of conduct under this part.

(2) A licensee shall do all of the following:

(a) If he or she is the person in responsible charge, he or she shall notify his or her employer or client, and any other appropriate authority when his or her judgment is overruled under circumstances that endanger life or property.

(b) If he or she is not the person in responsible charge, he or she shall notify the person in responsible charge when his or her judgment is overruled under circumstances that endanger life or property.

(c) Participate in phases of a project in which he or she is competent.

(d) Undertake assignments in which he or she is qualified by education or experience in the specific technical field involved.

(e) Complete, sign, seal, or approve engineering documents that conform with the law and applicable professional standards.

(f) Be objective and truthful in professional reports, statements, or testimony and include all relevant and pertinent information in these reports, statements, or testimony.

(g) Disclose to an employer, client, or public body on which he or she serves all known or potential conflicts of interest that could influence or appear to influence his or her judgment or the quality of his or her services.

(3) A licensee shall not do any of the following:

(a) Disclose confidential information obtained in a professional capacity without the prior consent of the client or employer, unless authorized or required by law or these rules.

(b) Partner, practice, or offer to practice with any person or firm or assist any person or firm that he or she knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify his or her qualifications or the qualifications of his or her associates or permit misrepresentations of his or her qualifications or the qualifications of his or her associates.

(d) Misrepresent or exaggerate his or her experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact or omitting a material fact or knowingly make statements that deceive the public.

(f) Attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensed professional engineers.

(g) Give or offer to give, directly or indirectly, to a client, potential client, the agent of a client, or the agent of a potential client, a commission, contribution, gift, or other valuable consideration to secure or retain engineering work. This restriction does not include payments to an employment agency for securing employment or employees for salaried positions.

(h) Solicit or accept a compensation, contribution, gift, or other valuable consideration, directly or indirectly, from more than 1 party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(i) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, from other parties dealing with his or her clients or employers, or from outside agents who have no dealings with his or her client or employer, in connection with the work for which he or she is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

(j) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, under circumstances in which his or her judgment may be compromised.

(k) Complete, sign, seal, or approve engineering documents that do not conform with the law or applicable professional standards.

(4) Work for which the licensee is responsible, the procedures followed, and the decisions made by persons under the licensee's supervision must be subject to sustained review and approval by the licensee.

R 339.16032 Professional engineer seal.

Rule 32. (1) Effective 2 years after the promulgation of this rule, the seal of a professional engineer must include the licensee's full name and license number, as shown on his or her state-issued professional engineer license, and indicate "State of Michigan" and "Licensed Professional Engineer" in the legend surrounding the seal. The seal must have a design substantially similar to figure 32 below.

(2) A licensee's seal shall be used by the licensee whose name appears on the seal for as long as the license remains in effect. A licensee is responsible for the security of his or her seal.

FIGURE 32



R 339.16033 Rescinded.

R 339.16034 Rescinded.

PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

Rule 40. (1) An applicant for license renewal who has been licensed during the 2-year period immediately preceding the expiration date of the license shall obtain not less than 30 hours of continuing

education in activities approved under R 339.16041 during the 2-year period immediately preceding the expiration date of the license.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.16041.

(3) A licensee shall retain documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years from the date of filing the application for license renewal.

(4) A licensee is subject to audit under this part and may be required to submit documentation as described by R 339.16041 upon request of the department.

(5) A request for a continuing education waiver pursuant to section 204(2) of the act, MCL 339.204(2), must be received by the department before the expiration date of the license.

R 339.16041 Acceptable continuing education; limitations.

Rule 41. (1) The department shall grant credit for in-person or online continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	<p>Completing a continuing education program or activity related to professional engineering that is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state's board of engineers. • A professional engineering association, organization, or society. • NCEES. • ABET. <p>If audited, a licensee shall submit documentation or certificate of completion showing the licensee's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	The number of continuing education hours approved by the approving entity are granted for this activity.
(b)	<p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher degree in an engineering program that is accredited by EAC/ABET or CEAB.</p> <p>If audited, a licensee shall submit a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p>	Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are granted for each quarter credit.
(c)	Attending a seminar, in-house course, workshop, or professional or technical	One continuing education hour is granted for every

	<p>presentation related to professional engineering.</p> <p>If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p>	<p>50 minutes attending the activity.</p>
(d)	<p>Teaching, instructing, or presenting a subject related to professional engineering.</p> <p>If audited, a license shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.</p>	<p>Two continuing education hours are granted for every 50 minutes of teaching, instruction or presenting.</p> <p>A maximum of 12 continuing education hours are granted for this activity during each renewal period.</p>
(e)	<p>Publication of a peer-reviewed paper, article, or book related to professional engineering.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Six continuing education hours are granted for this activity.</p> <p>Credit is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 18 continuing education hours are granted for this activity during each renewal period.</p>
(f)	<p>Serving as a voting member on a state or national committee, board, council, or association related to professional engineering. To receive credit, a licensee must participate in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall submit documentation satisfactory to the department verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association and provide verification of the licensee's status as a voting member on the committee,</p>	<p>Three continuing education hours are granted for the year in which the licensee serves as a member.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p>

	board, council, or association.	
(g)	<p>Attending a Michigan board of professional engineers meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The licensee shall present a valid government-issued photo identification to the department employee for verification.</p> <p>If audited, the licensee shall submit a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	<p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hour are granted for this activity during each renewal period.</p>
(h)	<p>Serving as a school-sponsored mentor to an engineering student in a school-sponsored program. To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	<p>Four continuing education hours are granted for this activity.</p> <p>A maximum of 8 continuing education hours are granted for this activity during each renewal period.</p>
(i)	<p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall submit documentation or a certificate of completion issued by the company presenting the seminar or training showing the licensee's name, company name, subject of seminar or training, and the date on which the seminar or training was held.</p>	<p>One continuing education hour is granted for every 50 minutes of the seminar or training.</p>

(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the renewal period.

(3) Not more than 12 continuing education hours shall be earned during a 24-hour period.

R 339.16042 Rescinded.

R 339.16043 Rescinded.

R 339.16044 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

RESPONSIBILITIES OF PROVIDERS OF BASIC LOCAL EXCHANGE SERVICE THAT CEASE
TO PROVIDE THE SERVICE

Filed with the secretary of state on December 10, 2020

These rules become effective on March 21, 2021

(By authority conferred on the public service commission by sections 202 and 213 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2202 and 484.2213)

R 484.1001, R 484.1002, R 484.1003, R 484.1004, R 484.1005, R 484.1006, R 484.1007, R 484.1008, and R 484.1009 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 484.1001 Applicability.

Rule 1. These rules apply to providers of basic local exchange service that cease to provide service to any segment of end users or geographic area, go out of business, or withdraw from the state, including the transfer of customers to other providers and the reclaiming of unused telephone numbers.

R 484.1002 Definitions.

Rule 2. (1) As used in these rules:

- (a) “Act” means the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to 484.2603.
 - (b) “Commission” means the Michigan public service commission.
 - (c) “Customer” means the person that is the end subscriber of the retail telecommunications service.
 - (d) “License” means a license to provide basic local exchange service issued pursuant to the act.
 - (e) “Provider” means a person, firm, partnership, corporation, or other entity that provides retail basic local exchange service as defined by section 102(b) of the act.
 - (f) “Reclamation” means the process of removing active and non-active telephone numbers from the inventory of a provider that ceases to provide basic local exchange service.
 - (g) “Wholesale provider” means a person, firm, partnership, corporation, or other entity that provides a resale or local wholesale basic local exchange service product to a provider.
- (2) A term defined in the act that is not defined in this rule has the same meaning when used in these rules.

R 484.1003 Expiration.

Rule 3. These rules expire 3 years from the effective date of the rules. The commission may, before the expiration of the rules, promulgate new rules.

PART 2. RESPONSIBILITIES OF PROVIDERS AND WHOLESALE PROVIDERS INVOLVED IN A DISCONNECTION DISPUTE

R 484.1004 Attempt at resolution.

Rule 4. In the case of a billing dispute between a provider and a wholesale provider, the parties shall make a good faith effort to work with each other to determine what portion, if any, of the bill for resale or the purchase of a local wholesale product provided by the wholesale provider to the provider is disputed and which portion is undisputed. The wholesale provider and the provider shall work together to resolve the billing dispute and arrange for payment of the undisputed charges, pursuant to the agreement between the wholesale provider and the provider.

R 484.1005 Notification of discontinuance.

Rule 5. (1) When the wholesale provider plans to disconnect a service that will make the provider unable to furnish basic local exchange service to its customers due to a dispute concerning resale or the purchase of a local wholesale product, the wholesale provider shall notify the commission and the provider of this disconnection in writing not less than 45 days from the date of the impending disconnect.

(2) Notice required under subrule (1) of this rule must include, to the extent known by the wholesale provider, but not be limited to, all of the following:

- (a) The name, address, and account number or numbers of the provider.
- (b) The number and type of customers to be disconnected.
- (c) An indication of whether the wholesale provider is furnishing resale service or a local wholesale product.
- (d) The reason for the disconnection.
- (e) A statement or citation describing where the right to disconnect or deny service is found, such as in an interconnection agreement or other contract.
- (f) If the dispute is related to billing and charges, an estimate of the charges owed and amounts of those charges that are disputed and undisputed and the amount required to be repaid to avoid disruption of services.
- (g) The date and time, or range of dates and times, when the wholesale provider intends to discontinue the service.

(3) The wholesale provider shall notify the commission as soon as reasonably practicable but no less than 1 business day before the date of the notice required by the provider under subrule (4) of this rule if the notice to discontinue service to the provider has been modified or withdrawn.

(4) Within 10 business days of receiving notice from the wholesale provider, the provider shall notify all of its affected customers, the governor of the state of Michigan, and the commission of the discontinuance of service pursuant to 47 CFR 63.71 (2018) and any other federal rules applicable to discontinuance of basic local exchange service. Notice to the commission must include both of the following:

- (a) A statement of the company's prospective intent for the disposition of its license and any tariffs on file with the commission.
- (b) A list of customers being served by the provider that may be affected by the discontinuance of service, which must include billing name, billing address, and service telephone number. For non-published numbers, only the NPA-NXX must be provided. The list must also identify end users of the provider that are public utilities, governmental agencies, schools, or medical facilities.

(5) If the provider fails to provide the notice under subrule (4) of this rule by the 11th business day, the commission may post a notice of the discontinuance on its website.

(6) These rules do not relieve a provider from any obligations it has under section 313 of the act, MCL 484.2313.

(7) The provider shall contact the commission to provide periodic updates of the status of the disconnection and transition of its customers as requested by commission staff.

(8) The provider shall return all deposits to customers and shall apply all appropriate credits to customer accounts associated with the discontinued service within 30 days of the discontinuance.

R 484.1006 Notification of transfer of customer base.

Rule 6. (1) A provider that is acquiring all or part of a customer base from another provider shall comply with the transfer of customer base notice requirements as set forth in 47 CFR 64.1120(e) (2018) and any other state and federal rules applicable to the transfer of all or part of a customer base. The provider shall submit a copy of this notice to the commission at the same time as it files its application with the federal communications commission.

(2) Notice to the commission must include both of the following:

(a) A statement of the prospective intent for the disposition of the license and any tariff of the company that is transferring its customer base.

(b) The number and type of customers affected by the transfer.

(3) If the commission considers it necessary to protect the public interest, it may institute a longer period of time for the transition of a customer base to another provider, but not to exceed 60 days in length.

R 484.1007 Reclamation of telephone numbers.

Rule 7. (1) Inactive telephone numbers of a provider that ceases to provide service are considered abandoned.

(2) The provider ceasing to provide service shall contact the North American numbering plan administrator, the national number pool administrator, and the national portability administration center regarding the NPA-NXX-Xs affected by the discontinuation of service.

(3) The commission staff shall work with the North American numbering plan administrator, the national number pool administrator, and the national portability administration center to assist in the reclamation of numbering resources.

R 484.1008 Resolution of disputes between providers.

Rule 8. If a provider disputes disconnection by another provider, the providers shall follow the appropriate procedures for resolution as set forth in their interconnection agreement and may apply to the commission for resolution as allowable under the act.

PART 3. REMEDIES

R 484.1009 Remedies.

Rule 9. Violation of these rules may result in penalties issued under section 601 of the act, MCL 484.2601, including, but not limited to, revocation of a license to provide basic local exchange service.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

SKI AREA SAFETY – GENERAL RULES

Filed with the secretary of state on December 10, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of the ski area safety act of 1962, 1962 PA 199, MCL 408.326, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.65 of the Michigan Administrative Code is amended, as follows:

R 408.65 Adoption of standards by reference.

Rule 5. A person shall construct, install, and operate a ski lift as prescribed in ANSI standards B77.1-2017 entitled "American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Standard," which is adopted by reference in these rules. This standard may be purchased as an electronic download from the American National Standards Institute, Inc. at <https://www.ansi.org> for \$200.00. The standard is available for inspection and purchase for \$200.00 at the Department of Licensing and Regulatory Affairs, of Construction Codes, at 611 W. Ottawa Street, Lansing, Michigan 48933, phone: (517) 241-9273.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

SKILLED TRADES REGULATION RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 207, 209, and 907 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, 339.5209, and 339.5907, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 339.3102)

R 339.5101, R 339.5102, R 339.5109, R 339.5110, R 339.5111, R 339.5112, R 339.5113, R 339.5114, R 339.5115, R 339.5116, R 339.5117, R 339.5118, R 339.5126, R 339.5130, R 339.5135, R 339.5140, R 339.5141, R 339.5150, R 339.5151, R 339.5152, R 339.5153, R 339.5154, R 339.5155, R 339.5200, R 339.5201, R 339.5202, R 339.5203, R 339.5204, R 339.5205, R 339.5206, R 339.5207, R 339.5208, R 339.5209, R 339.5210, R 339.5211, R 339.5212, R 339.5213, R 339.5214, R 339.5215, R 339.5216, R 339.5217, R 339.5218, R 339.5219, R 339.5220, R 339.5221, R 339.5222, R 339.5223, R 339.5224, R 339.5225, R 339.5226, R 339.5227, R 339.5228, R 339.5229, R 339.5230, R 339.5231, R 339.5232, R 339.5233, R 339.5234, R 339.5235, R 339.5236, R 339.5237, R 339.5238, R 339.5239, R 339.5240, R 339.5241, R 339.5242, R 339.5243, R 339.5244, R 339.5245, R 339.5246, R 339.5247, R 339.5248, R 339.5249, R 339.5501, R 339.5502, R 339.5504, R 339.5505, R 339.5506, R 339.5507, R 339.5508, R 339.5509, R 339.5510, R 339.5511, R 339.5512, R 339.5513, R 339.5514, R 339.5515, R 339.5516, and R 339.5517 of the Michigan Administrative Code are added, as follows:

PART 1. GENERAL PROVISIONS

R 339.5101 Definitions.

Rule 101.

(1) As used in these rules, “act” means the skilled trades regulation act, 2016 PA 407, MCL 339.5101 to 339.6133.

(2) A term defined in the act has the same meaning when used in these 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 defined in section 105(i) 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.

PART 2. ISSUANCE OF LICENSES

R 339.5109 Reprint of license.

Rule 109. (1) Except as provided in the act, a licensee shall pay \$30.00 to reprint a license.

(2) A licensee shall submit on a form prepared by the department a request for license reprint with the required fee.

R 339.5110 Verification of licensure.

Rule 110. An individual who is seeking written verification that a person is or is not licensed shall submit to the department a written request for this verification, along with a \$30.00 fee.

R 339.5111 License amendments.

Rule 111. A licensee who is seeking to amend his or her contact address, phone number, or email address may submit to the department a request for amendment form, along with a nonrefundable payment of \$30.00. Information may be updated, at no cost to the licensee, if submitted on the bureau's website, www.michigan.gov/bcc.

R 339.5112 License classification.

Rule 112. (1) A licensee who is seeking an additional mechanical license classification shall submit to the department an application provided by the department along with the nonrefundable application fee of \$250.00.

(2) A boiler licensee who is seeking to upgrade his or her license to a higher classification shall maintain his or her current license in good standing for a minimum of 1 year and take the prescribed examination. A boiler licensee may only upgrade his or her license 1 classification at a time.

R 339.5113 License examination; minimum grade.

Rule 113. An individual who is applying for licensure pursuant to section 201 of the act, MCL 339.5201, shall take an examination approved by the department. A score of 75% is required to pass the examination.

R 339.5114 Minimal standards.

Rule 114. (1) The minimal standard of acceptable practice is the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A licensee who deviates from the Stille-DeRossett-Hale Single state construction code act or the specified requirements of applicable codes, rules, or acts may be considered to have committed an act demonstrating incompetence as described in section 607(g) of the act, MCL 339.5607.

(2) The department may verify any work or experience information provided by an applicant for licensure, which is used to establish the applicant's minimum practical experience in the applicant's desired license trade or classification. This work may be inspected, when practical, or may be proven by the applicant submitting to the department pictures, diagrams, or other evidence as considered necessary and appropriate by the department.

R 339.5115 Renewal for licensure application.

Rule 115. Unless otherwise specified in the act, a licensee who fails to submit the renewal for licensure application within 60 days after the license expiration date shall pay to the department, in addition to the renewal fee, a late renewal fee of \$100.00 for renewal.

R 339.5116 License renewal.

Rule 116. Unless otherwise specified in the act, an individual's license for his or her trade shall expire on December 31 of every calendar year.

R 339.5117 Relicensure.

Rule 117. Unless otherwise specified in the act, a licensee who fails to renew a license 3 or more years after the license expired or who had his or her license revoked shall meet the requirements in section 411 of the act, MCL 339.5411, and shall take and pass the required examination. A successful applicant for relicensure shall receive a new license number.

R 339.5118 Code update courses; instructors; standards.

Rule 118. (1) Unless otherwise provided in the act, the department shall approve instructor-provided code update courses that comply with the act and these rules.

(2) Instructors shall be approved by the department.

(3) 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) A course approval number granted by the department.

(b) The name and address of the individual, school, organization, or company who sponsors or administers the course.

(c) The date the certificate was issued.

(d) The student's name and license number.

(4) The department may withdraw the approval of a course if the approval was issued in error, if the approval was issued on the basis of incorrect information, or if the course is found to be in violation of these rules. Notice of withdrawal of approval must be in writing and must state the reason for the withdrawal of approval. An appeal of the withdrawal must be processed pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

PART 4. LICENSE FEES

R 339.5126 Application fee.

Rule 126. The application fee is the initial license fee, as established pursuant to the respective cycle duration, as specified in the applicable article within the act.

PART 6. PENALTIES AND REMEDIES

R 339.5130 Violations.

Rule 130. A licensee shall respond to the department 21 days from date of their complaint or citation when a complaint or citation is issued against the licensee. Failure to respond to the department is a violation of the act.

PART 7. ELECTRICIANS AND ELECTRICAL CONTRACTORS

R 339.5135 Licenses; issuance.

Rule 135. (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.

(2) If a fire alarm specialty technician ceases to represent a fire alarm contractor, both the fire alarm contractor and the fire alarm specialty technician who was employed by the fire alarm contractor shall notify the department immediately of any changes in the employment status of the fire alarm specialty technician. 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 fire alarm specialty technician to qualify for the contractor license.

(3) If a sign specialist ceases to represent a sign contractor, both the sign contractor and the sign specialist who was employed by the sign contractor shall notify the department immediately of any changes in the employment status of the sign specialist. 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 sign specialist to qualify for the contractor license.

PART 8. MECHANICAL CONTRACTORS

R 339.5140 Mechanical specialty license classifications.

Rule 140. (1) A mechanical specialty license is a license limited to a specific type of mechanical installation. Specialty licenses are not required if the work is covered under a different license classification, as follows:

(a) Limited to solar heating and cooling. Solar heating and cooling is the installation of equipment and systems intended to utilize solar energy for space heating or cooling.

(b) Limited to solid fuel and vented decorative gas appliances. Solid fuel equipment and vented decorative gas appliances is the installation of equipment that utilizes combusted solid fuel to produce heat or a vented fuel gas appliance wherein the primary function lies in the aesthetic effect of the flames.

(c) Limited to LP distribution piping. LP distribution piping is limited to the installation of fuel gas piping from the outlet of the first stage regulator to the inlet of the second stage regulator.

(d) Limited to fuel gas piping. Fuel gas piping is the installation of piping, valves, and fittings from the outlet of the point of delivery to the outlet of the appliance shut off valve used to convey natural gas, manufactured gas, liquefied petroleum gas, or a mixture of these gases.

(e) Limited to fuel gas piping and venting. Fuel gas piping and venting is the installation of fuel gas piping and the installation of a continuous open passageway from the flue collar or draft hood of an appliance to the outside atmosphere for the purpose of removing flue or vent gases.

(2) An individual who holds a heating, ventilation and air conditioning (HVAC) equipment license is not required to obtain a specialty license limited to solid fuel and vented decorative gas appliances, or limited to LP distribution piping, limited to solar heating and cooling, limited to fuel gas piping, or limited to fuel gas piping and venting.

R 339.5141 Examination qualifications.

Rule 141. When evidence is produced that an individual who is applying is a graduate of a department-recognized mechanical trade school, credit may be given to him or her, but this credit shall not exceed 1 year of the required 3 years of experience.

PART 9. BOILER

SUBPART A. BOILER LICENSES

R 339.5150 Scope of rules; adoption of national examination.

Rule 150. (1) These rules establish minimum requirements for each of the following:

- (a) The licensing of boiler inspectors, boiler repairers, boiler installers, and stationary engineers.
- (b) The requirements for the issuance of permits to install, repair, and alter boilers, boiler external piping, and non-boiler external piping.
- (c) The fees charged by the department for the issuance of a boiler license or boiler permit.

(2) Under section 927 of the act, MCL 339.5927, the board adopts the examination prepared by the National Institute for Uniform Licensing of Power Engineers (NIULPE), Inc., 910 W. Van Buren, #220 Chicago, Illinois 60607. PH: 888.648.5566, Fax: 888.648.5577. The examination topics may be reviewed under the certification requirements for each level of boiler operator or stationary engineer at <http://www.niulpe.org/>. The written examination for all classifications of boiler operator and stationary engineer shall be delivered and administered by NIUPLE.

R 339.5151 Out-of-state applicant for licensure in this state.

Rule 151. If an individual holds a national organization's license as a boiler repairer or boiler installer in another state, that individual may be licensed in this state for the work he or she is licensed to perform by the national organization. The individual must submit to the department both of the following:

- (a) An application with a copy of his or her current and valid national license.
- (b) Payment of the nonrefundable application fee.

R 339.5152 Boiler installer's or repairer's license.

Rule 152. (1) A boiler installer or repairer shall be licensed as required by section 939 of the act, MCL 339.5939, of the act.

(2) An individual who is applying for a boiler installer's license shall have not less than 5 years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of 2 years' experience toward the 5 years of experience may be given for 2 years of experience in the design, construction, manufacture, or inspection of boilers.

(3) An individual who is applying for a boiler repairer's license shall have at least 5 years of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of 3 years of experience towards the 5 years of experience may be given for 3 years of experience in the design, construction, manufacture, or inspection of boilers.

R 339.5153 Classes of boiler installer's licenses.

Rule 153. (1) A class 1B installer's license qualifies an individual to install a low-pressure boiler that does not exceed a firing rate of 1,000,000 BTU per hour as certified by the boiler manufacturer. For a class 1B license, the sum of all modules in a modular boiler must not exceed a firing rate of 1,000,000 BTU per hour as certified by the boiler manufacturer.

(2) A class 2B installer's license qualifies an individual to do both of the following:

- (a) Install a low-pressure boiler of any capacity or firing rate.
- (b) Perform work covered by a class 1B license.

(3) A class 3B installer's license qualifies an individual to do all of the following:

- (a) Install a power boiler that has a capacity of not more than 5,000 pounds of steam per hour.
- (b) Install or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5208.
- (c) Perform work covered by a class 2B license.

(4) A class 4B installer's license qualifies an individual to do all of the following:

- (a) Install a power boiler that has a capacity of not more than 300,000 pounds of steam per hour.
- (b) Install or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5208.
- (c) Perform work covered by a class 3B license.
- (5) A class 5B installer's license qualifies a person to do all of the following:
 - (a) Install a power boiler of any capacity or firing rate. Exception: a nuclear heat source boiler.
 - (b) Install or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5208.
 - (c) Perform work covered by a class 4B license.
- (6) A class 6B installer's license qualifies an individual to install a boiler that utilizes a nuclear heat source or its parts, appurtenances, or system components. Before a license is issued, an individual who is applying for a class 6B license shall submit evidence of both of the following:
 - (a) Familiarity with and knowledge of all federal rules and regulations regarding the installation of a boiler that has a nuclear heat source.
 - (b) Employment by a company in possession of a valid ASME nuclear code symbol applicable to the portions of any nuclear boiler system that the company proposes to install.
- (7) A class P license qualifies an individual to install or replace non-boiler external piping or repair non-boiler external piping as defined by ASME code B31.1 and R 339.5208.

R 339.5154 Boiler repairers; classes of licenses.

Rule 154. (1) A class I license allows a licensee to repair a low pressure boiler by means other than welding, riveting, or other fabrication process.

- (2) A class II license allows a licensee to do both of the following:
 - (a) Repair a low-pressure boiler, a hot water supply boiler, and a fire tube boiler of any pressure.
 - (b) Perform work covered by a class I license.
- (3) A class III license allows a licensee to do all of the following:
 - (a) Repair a high-pressure boiler.
 - (b) Repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 339.5208.
 - (c) Perform work covered by a class II license.
- (4) A class IV license allows a licensee to do all of the following:
 - (a) Repair or field-erect a boiler of any pressure. Exception: a boiler that has a nuclear heat source.
 - (b) Repair or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5208.
- (5) A class V license allows a licensee to erect and repair a boiler that has a nuclear heat source or its parts, appurtenances, or system components, and also provides that the licensee may repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 339.5208. Before a license is issued, an applicant for a class V license shall submit evidence of the following:
 - (a) Familiarity with and knowledge of all federal rules and regulations regarding the construction of a boiler that has a nuclear heat source.
 - (b) Employment by a company in possession of a valid ASME N-type symbol stamp applicable to the portions of any nuclear boiler system he or she proposes to repair.
- (6) A class P license qualifies a person to install or repair non-boiler external piping as defined by ASME code B31.1 and R 339.5208.

R 339.5155 Fees.

Rule 155. (1) Fees for licenses, examinations, boiler operator and stationary engineer registration; permit applications, certificates, and inspections are as follows:

Licenses

Installer license	\$100.00
Installer exam.....	\$100.00

Installer renewal.....	\$100.00
Repairer license.....	\$100.00
Repairer exam	\$100.00
Repairer renewal	\$100.00
Inspector license.....	\$100.00
Inspector exam	\$100.00
Inspector renewal	\$75.00
Boiler operator registration	\$80.00
Boiler operator examination	\$100.00
Boiler operator registration renewal	\$80.00
Stationary engineer registration	\$100.00
Stationary engineer written examination	\$100.00
Stationary engineer registration renewal	\$100.00
Out of State Applicant	\$200.00

Permit applications

Nuclear installation permit application	\$1,500.00
Nuclear repair permit application	\$500.00
Low-pressure installation permit application.....	\$100.00
High Pressure installation permit application.....	\$ 130.00 + .06 per foot of piping
Repair permit application.....	\$75.00

Permit application fees are nonrefundable.

Certificates

Certificates	\$75.00
Reprinting of certificate more than 30 days after issuance	\$40.00

Inspections

Power boilers-150 square feet or less.....	\$85.00
Power boilers-more than 150 square feet to 4,000 square feet.....	\$175.00
Power boilers-more than 4,000 square feet to 10,000 square feet.....	\$200.00
Power boilers-more than 10,000 square feet.....	\$225.00
Low-pressure heating boiler without manhole.....	\$85.00

Inspection of an additional low-pressure heating boiler without a manhole at the same physical location, on the same date..... \$70.00

Low-pressure heating boiler with manhole.....	\$85.00
Low-pressure hot water supply boilers.....	\$85.00
Inspection of an additional low-pressure hot water supply boiler at the same physical location, on the same date.....	\$65.00
Low-pressure process boiler without manhole	\$85.00
Low-pressure process boiler with manhole.....	\$85.00
Miniature hobby locomotive boiler	\$15.00

Certificate inspection reports submitted to the boiler division of the department for data entry must be assessed a fee of \$5.00 per page.

A copy of a boiler report will be provided by the department at a cost of \$1.00 per page. Payment must be received by the department before a copy of a report will be released.

(2) The boiler division shall provide special inspections not otherwise covered in subrule (1) of this rule or section 919 of the act, MCL 339.5919, of the act. The fee assessed by the department for special inspections shall be at the rate of \$100.00 for the first hour and \$120.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.

SUBPART B. BOILER INSPECTORS, INSTALLERS, REPAIRERS, AND OPERATORS AND STATIONARY ENGINEERS

PART 1. GENERAL PROVISIONS

R 339.5200 Scope.

Rule 200. These rules establish minimum standards of safety for the use, construction, installation, inspection, alteration, and repair of boilers, boiler external piping, and non-boiler external piping; licensing of boiler inspectors, boiler repairers, and boiler installers; requirements for permits to install, repair, and alter; and fees to be changed.

R 339.5201 Definitions.

Rule 201. (1) As used in this part:

(a) “Accident” means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler that necessitates the repair or replacement of the boiler or a part of the boiler. “Accident” does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:

(i) Normal erosion.

(ii) Corrosion.

(iii) Wastage of metal that requires restoration.

(iv) Leaking tubes.

(v) Weakened metal, such as water legs or handhole areas.

(b) “Aftercooler” means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.

(c) “Alteration” means any change in the item described on the original manufacturer’s data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable pressure, whether internal or external, or design temperature of a boiler or its piping is an alteration.

(d) “ASME”, “ASME boiler and pressure vessel code”, “ASME code”, or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.

(e) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.

(f) “Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.

(g) “Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.

(h) “Boiler blowdown vessel” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

(i) “Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.

(j) “CSD-1” means the ASME code for controls and safety devices for automatically fired boilers.

(k) “Certificate of competency” means a certificate issued to a person who has passed an examination for inspectors prescribed by the board of boiler rules.

(l) “Chief inspector” means the chief boiler inspector appointed under the act.

(m) “Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.

(n) “Department” means the department of licensing and regulatory affairs.

(o) “Deputy inspector” means an inspector who is licensed under the act and employed by the director.

(p) “Existing installation” means any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

(q) “External inspection” means an inspection that is conducted while the boiler is under pressure and that does not involve examination of the internal surfaces of the pressure parts of the boiler.

(r) “Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.

(s) “Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication process.

(t) “Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

(u) “Hobby” means an interest or activity that a person pursues in his or her leisure time without compensation.

(v) “Hot water heating and hot water supply boiler” means a boiler that operates at pressure of not more than 160 psi or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.

(w) “Incompetence” means a departure from, or a failure to conform to, minimal standards of acceptable practice for the occupation.

(x) “Inspector” means an individual who holds a valid certificate of competency and national board commission.

(y) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

(z) “Labeled” means devices, equipment, appliances, or material to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic

inspection of the production of the items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(aa) “Licensed boiler installer” means a person licensed under the act to engage in the business of making piping connections to a boiler or in the business of field-assembling boilers.

(bb) “Licensed boiler repairer” means a person licensed under the act to engage in making or supervising all phases of boiler repair, alterations, or field erection.

(cc) “Listed” means equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment, appliances, or materials, and whose listing states either that the equipment, appliances, or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

(dd) “Maximum allowable working pressure” or “MAWP” means the maximum gage pressure permissible for boiler to operate.

(ee) “Maximum operating pressure” means the maximum operating pressure of the complete boiler system as designed, which includes supply, return, feed, and blow off piping.

(ff) “Mechanical assembly” means the work necessary to establish or restore a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.

(gg) “Mechanical repair” means a method of repair which restores a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.

(hh) “Miniature boiler” means a power boiler that does not have any of the following:

(i) An inside diameter of the shell of more than 16 inches.

(ii) A working pressure of more than 100 psig.

(iii) A gross volume of more than 5 cubic feet.

(iv) More than 20 square feet of heating surface.

(ii) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler that operates on a narrow-gauge track that is less than 24 inches wide and that is for public display or use.

(jj) “Modular boiler” means a steam or hot-water heating assembly consisting of a grouping of individual boilers called modules, intended to be installed as a unit, with a single inlet and a single outlet. Modules may be under 1 jacket or may be individually jacketed.

(kk) “NBIC” means national board inspection code.

(ll) “Nonstandard boiler” means a boiler that does not bear the national board stamping or stamp of any state or political subdivision that has adopted a standard of construction equivalent to that required by the board of boiler rules.

(mm) “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.

(nn) “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.

(oo) “Out-of-use boiler” means a boiler not ready for use having the fuel supply, electricity, and all piping that may pressurize the boiler disconnected.

(pp) “Portable boiler” means a boiler that is primarily intended for temporary location and that is, by its construction and usage, obviously portable.

(qq) “Pressure-retaining items” means any boiler, pressure vessel, piping, or material

used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination of these methods.

(rr) “Reinstalled boiler” means a boiler that is removed from its original setting and that is reinstalled at the same location or reinstalled at a new location.

(ss) “Reinstatement” means the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been suspended by the chief inspector.

(tt) “Rental boiler” means a boiler that is in temporary use for not more than 1 year regardless of whether installed inside a boiler room, temporary room, or temporary shed or without external covering.

(uu) “Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.

(vv) “Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.

(ww) “Special inspector” means a boiler inspector who holds a license in this state pursuant to the act, and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or by any city that is exempt under the act and has an authorized boiler inspection department.

(xx) “Standard boiler” means a boiler that bears the stamp of the national board of boiler and pressure vessel inspectors or of another state or political subdivision that has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.

(yy) “Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.

(zz) “Used boiler” means a boiler that is being reinstalled by the same owner.

(aaa) “Water heater” means a heater for use in commercial or industrial size providing corrosion resistance for supplying potable hot water at pressure not exceeding 160 psi or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any of the following is exempt from these rules:

- (i) A heat input of more than 200,000 BTU per hour.
 - (ii) A water temperature of more than 210 degrees Fahrenheit.
 - (iii) A nominal water-containing capacity of more than 120 gallons.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 339.5202 Adoption of NBIC.

Rule 202. (1) An owner of a boiler shall ensure the inspection, repair, and alteration of boilers, piping, and blowdown vessels is pursuant to the NBIC, 2019 edition. The code is adopted and amended by reference in these rules and available for inspection at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or for purchase from the National Board of Boiler and Pressure Vessels Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, at a cost as of the time of adoption of these rules of \$325.00 for each code book.

(2) The accreditation program described in the NBIC for repairs and alterations to pressure retaining items is mandatory for repairs to all power boilers and high-pressure high temperature water boilers and alterations to any boiler not exempted by these rules. Repair companies in possession of a certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items shall have in their employ an individual who has an appropriate class repairer license issued by the boiler division of the department. Repair companies not currently in

possession of the certificate of authorization or a certificate of authorization issued by ASME shall have 1 year from the date of adoption of this rule to secure the certificate. Companies currently in possession of a valid certificate issued by ASME have until the next certificate review or 1 year, whichever is greater, to secure the certificate of authorization identified above. The board may waive the time requirement if appropriate justification is presented.

(3) Where the text of the NBIC refers to the “certificate holder,” the reference applies to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping, the reference refers to repair companies in possession of a valid certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items.

(4) The standard welding procedures referenced in the NBIC are accepted for use in this state, but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures shall file a list of the standard welding procedure identification numbers with the boiler division of the department before conducting any repairs or alterations requiring welding.

R 339.5203 ASME code adoption.

Rule 203. (1) A boiler, blow down vessel, and expansion tank must be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, section I, II, III, IV, V, VIII, IX, X, XI, 2019 edition, and ASME code B31.1, 2018 edition, power piping, are adopted by reference as amended in these rules and are available for inspection at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or purchase from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these rules of \$335.00 for each code book.

(2) An owner of a boiler shall not recalculate design maximum allowable working pressures based on ASME codes published after 1998 for boilers in-service before December 31, 1998.

R 339.5204 Inspection and stamping during construction.

Rule 204. A manufacturer shall register a boiler, blowdown vessel, and expansion tank other than a cast sectional boiler built or constructed for use in this state after the effective date of these rules, with the national board of boiler and pressure vessel inspectors.

R 339.5205 Adoption; ASME code CSD-1.

Rule 205. (1) An owner or user of a boiler shall ensure that the installation, maintenance, operation, and testing of controls and safety devices is pursuant to manufacturer’s instructions and ASME code CSD-1, 2018 edition. The code is adopted by reference as amended in these rules and available for inspection at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or for purchase from the ASME, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these rules of \$103.00 for each code book.

(2) An owner or user of a boiler system shall ensure that the maintenance and testing of controls and safety devices is conducted by an individual with a valid mechanical contractor license with the appropriate classification pursuant to the act. Individuals conducting maintenance and testing shall be under the guidance and supervision of a licensed mechanical contractor.

(3) An owner or user shall provide the inspector, at the time of certificate inspection, with evidence showing what maintenance has been performed and what tests have been completed. The evidence must be a dated and signed service report or checklist, listing each control and safety device tested with the manufacturer’s name, model number, set point, and actual operational test point. The service report must

include the license number and heating service classification of the mechanical contractor who is performing or supervising the work.

(a) If an owner does not provide the inspector with the required evidence of maintenance and testing between certificate inspections, then the inspector may issue a certificate of inspection for a term less than that stated in R 339.5212.

(b) For hot water heating and hot water supply boilers with a BTU input of 400,000 or less, the requirements of this subrule must be conducted once during an inspection cycle but must be performed within 12 months before the certificate inspection required by R 339.5212.

(4) An owner or user, or operator of a boiler system shall ensure that the daily, weekly, and monthly operational checks are performed and documented pursuant to the manufacturer's instructions and these rules. If the manufacturer's instructions are not available, CSD-1, 2018 edition, nonmandatory appendix D contains a recommended checklist for additional information on periodic checks.

(5) A manually operated remote shutdown switch as required by CSD-1, 2018 edition, must be located outside of each exit access doorway to the boiler room. The switch may be located just inside each exit access doorway should a possibility of tampering or weather conditions exist. A licensee may request a deviation from the requirements of this subrule by submitting a drawing clearly showing the deviation and stating justification for the request to the chief inspector for review and approval before the installation of a boiler. The chief inspector shall notify the licensee of the approval or denial of the request.

(6) A single manually-operated remote shutdown switch may be used in a multiple boiler installation that shares a common boiler room.

Exception: Kitchen cooking boilers, steam kettles, and steam cookers used for food preparation located in a kitchen are exempt from having a manually operated remote shutdown switch and lockable disconnect.

(7) Where applicable, the boiler installation must comply with the Michigan mechanical code, R 408.30901a to R 408.30996; the Michigan plumbing code, R 408.30701 to R 408.30792; and the Michigan electrical code, R 408.30801 to R 408.30883.

R 339.5206 Manufacturer's data reports: filing.

Rule 206. A manufacturer's data report for boilers must be signed by an authorized inspector and must be filed by the manufacturer with the chief inspector before installation. A data report that is signed by an authorized inspector and the ASME stamp on the boiler denotes that the boiler has been constructed pursuant to these rules. If a boiler is of special design, blueprints showing details of the proposed construction must be submitted to the chief inspector and his or her approval must be secured before construction is started.

R 339.5207 Installation and reinstallation of boilers.

Rule 207. (1) An owner shall ensure that the installation of a new boiler or a reinstalled boiler is pursuant to the requirements of these rules; the ASME boiler and pressure vessel code, 2019 edition, which is adopted and amended in R 339.5203; the NBIC 2019 edition, which is adopted and amended in R 339.5202; and ASME CSD-1 2018, which is adopted and amended in R 339.5205.

Exception: The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required.

Exception: Witnessing of the pressure test required by the NBIC part 1, section 2, paragraph 2.10.2, is not required.

(2) Where applicable, the boiler installation must comply with the Michigan mechanical code, R 408.30901a to R 408.30996; the Michigan plumbing code, R 408.30701 to R 408.30792; and the Michigan electrical code, R 408.30801 to R 408.30873.

(3) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.30701 to R 408.30792.

(4) The NBIC code, part 1, section 3, paragraph 3.6.1, is enforced by the Michigan mechanical code, R 408.30901a to R 408.30996.

R 339.5208 Non-boiler external piping; power boilers; adoption and amendment of standards.

Rule 208. (1) An owner of a boiler shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, 2019 edition, is installed as prescribed by the ASME code for pressure piping, B31.1, 2018 edition, adopted and amended in R 3393.5203.

(2) The owner of a chemical plant or petroleum refinery shall comply with subrule (1) of this rule or shall ensure the installation is installed as prescribed by ASME code for chemical plants and petroleum refineries, B31.3, 2019 edition.

(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but shall hold a valid installer's license.

(4) The owner shall ensure that the installation of all of the following piping is pursuant to subrule (1) of this rule:

- (a) Blowoff piping beyond the second valve out to the safe point of discharge.
- (b) Steam piping out to the load.
- (c) Feed-water piping from the pump.
- (d) Condensate piping.

R 339.5209 Permits; documentation for installation, reinstallation, alteration, and repair of boilers, boiler external piping, and non-boiler external piping.

Rule 209. (1) All of the following provisions apply to installation permits:

(a) A licensee who is applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(b) An individual shall not install, alter, repair, or replace welded pipe without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

(c) An individual shall not install or replace nonwelded pipe without holding a proper license. A permit is not required.

(2) All of the following provisions apply to repair and alteration permits or reports:

(a) The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided by section 941 of the act, MCL 339.5941.

(b) An individual shall not repair or replace welding piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 941 of the act, MCL 339.5941.

(c) An individual shall not perform welded repairs to nonwelded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 941 of the act, MCL 339.5941.

(d) A licensee who makes welded repairs to boilers or boiler external piping requiring the use of the national board "R" symbol stamp shall furnish the boiler division of the department with 1 copy of the approved permit application, along with reports as required by the NBIC, upon completion of the work.

(e) A public utility or industrial plant that has been granted an exemption under section 947 of the act, MCL 339.5947, that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by these rules.

(3) A permit is required for either of the following:

(a) A change in use of an existing boiler from high pressure to low pressure and low pressure to high pressure, hot water heat to hot water supply and hot water supply to hot water heat, steam heating to hot water heating and hot water heating to steam heating, or steam heating to hot water supply and hot water supply to steam heating. The change must comply with these rules.

(b) Replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles.

(4) A licensee replacing boiler components required by these rules to be code symbol stamped and national board registered shall provide the boiler division with the manufacturer's data reports.

(5) Any changes in the scope of work stated on the original permit application must be submitted to the boiler division for approval.

(6) A licensed boiler repairer shall secure a permit for a change in use of an existing boiler or replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles in accordance with the act.

R 339.5210 Registration of boilers.

Rule 210. (1) Within 6 months from the effective date of these rules, all owners or users of boilers and their installations now in use or installed ready for use in this state shall report to the chief inspector on forms prescribed by the department, giving the location, type, capacity, age, and date of installation.

(2) Before transfer of ownership of a boiler is complete, the current owner shall ensure that all invoices for inspection certificates and inspections for services rendered under his or her ownership are paid in full. Upon completion of transfer of ownership, the new owner of a boiler shall notify the boiler division of the department of the change in ownership of a boiler or change in ownership of a location where a boiler is installed. Upon written notification, a new certificate of inspection must be issued in the name of the new owner.

(3) A boiler owner or user shall notify the boiler division of the department immediately when his or her boiler insurance has been discontinued.

R 339.5211 Right of access.

Rule 211. The director, chief inspector, deputy inspector, or any special inspector shall have free access, during reasonable hours, to any premises in the state where a boiler is being constructed, installed, repaired, operated, or connected and ready for use for the purpose of ascertaining whether the boiler is in compliance with the act.

R 339.5212 Boiler inspection.

Rule 212. After a boiler has been inspected by the chief or deputy inspector and the boiler and its installation approved by the department, all certificate inspections must be conducted pursuant to the NBIC and these rules by an inspector who is properly licensed to inspect boilers in this state.

R 339.5213 Extension of internal inspection certificate to 24 or 36 months.

Rule 213. (1) An internal boiler inspection may be increased from an annual inspection to a 24-month inspection frequency by approval of the board of boiler rules. An employee delegated by the utility or industrial facility shall apply for the extension and submit a copy of the document that controls its program for approval by the board of boiler rules. The information must be addressed by plant orders, procedures, or policies. The following information may be contained in 1 document or several documents if 1 document contains references to all other documents addressing the required information:

(i) Operator training.

- (ii) Boiler maintenance.
- (iii) Water chemistry.
- (iv) Operating parameters.
- (v) Chemical cleaning schedule.
- (vi) Protective devices.
- (vii) Boiler external inspection.
- (viii) Testing of pressure relief devices pursuant to the NBIC. Repairs must be conducted by the valve manufacturer or a “VR” stamp holder.

(2) The plant owner shall establish a review committee. The inspector shall be a member of the committee. The purpose of the committee is to determine the acceptability of a boiler to operate safely for a 24- month period. The committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review committee meeting must be conducted within 30 days after the internal inspection. The committee may decrease the period of time the boiler may operate, but shall not extend the period beyond 24 months. The signed summary report of the review committee meetings must be submitted to the boiler division of the department. The grace period provided under R 408.4057 does not apply to this rule. The inspector shall indicate the next inspection due date on his or her inspection report to the boiler division of the department.

(3) An internal boiler inspection may be increased from a 24-month inspection to a 36-month inspection frequency by approval of the board of boiler rules. An employee designated by the utility or industrial facility shall request in writing the extension and shall submit a copy of the document that controls its program with supporting documentation that demonstrates compliance with all of the following for approval by the board of boiler rules.

(a) The boiler complies with all of the requirements of subrule (1) of this rule, and is currently inspected under 24-month inspection frequency approved by the board of boiler rules.

(b) The boiler is a power boiler.

(c) The following information must be addressed by the program document, plant orders, plant procedures, or plant policies:

(i) The boiler is fully attended during operations by qualified personnel designated by the owner to operate the boiler.

(ii) The owner has a designated organization that provides oversight to boiler maintenance, and monitors boiler conditions to prevent significant deterioration from scaling, corrosion, erosion, or overheating to boiler components. The program document must contain an organizational chart that delineates the reporting structure of this organization along with the organization responsible for boiler operation and maintenance within the owner’s organization.

(iii) The owner has installed instrumentation available and functioning for continuous monitoring of water chemistry parameters as identified by the boiler manufacturer and routine calibration is performed. This instrumentation must be maintained on a list for each boiler to which this paragraph applies to.

(iv) The owner has a program for routine monitoring of the water chemistry condition, which includes physical samples being analyzed by the owner’s staff. The owner shall maintain a list of the physical samples for each boiler to which this paragraph applies to.

(v) The owner has alarm response procedures that provide direction to operators for actions to correct variations to chemistry parameters that include removing the boiler from service.

(d) The establishment of a review committee whose purpose is to determine the acceptability of a boiler to operate safely for a 36-month period. The review committee must be made of, at a minimum, the following members:

(i) A representative from the owner’s boiler operating and maintenance organization.

(ii) A representative from the owner’s organization designated to provide oversight to boiler maintenance and monitoring of boiler condition.

(iii) The inspector.

(e) The review committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler.

(f) The review committee meeting must be conducted within 30 days after the internal inspection. The review committee may shorten the period of time that the boiler may operate, but shall not extend the period beyond that permitted by the board of boiler rules.

(g) The summary report of the review committee meeting must be submitted to the boiler division of the department.

(h) The grace period provided under section 943(c) of the act, MCL 339.5943, does not apply to this rule. The inspector shall indicate the next inspection due date on the inspection report submitted to the boiler division of the department.

(3) Utilities or industrial facilities with a prescheduled boiler internal certificate inspection period shall communicate with the boiler division the date when the boiler is removed from service. The boiler internal inspection may occur at any time during the outage period. The next operating period shall be calculated based on the date of the certificate inspection conducted during this period.

(4) An external inspection of the boiler must be conducted while under pressure, within 12 months of the certificate inspection, and every 12 months thereafter until the next boiler internal inspection.

R 339.5214 Reporting unregistered boilers.

Rule 214. (1) If a special inspector visits a location to conduct an inspection as required by these rules, then he or she shall report the location of all boilers that are not registered. The reporting is in addition to the reporting pertaining to the inspection of registered boilers and their installation. The chief inspector shall assign a deputy to visit the location to inspect all unregistered boilers and affix a Michigan serial number.

(2) If a special inspector makes an inspection of a boiler that does not bear a Michigan serial number, then the inspector shall attempt to verify whether the boiler is unregistered or is missing the serial number tag. If the inspector is unable to determine that the boiler is registered, then he or she shall report it as prescribed in subrule (1) of this rule.

R 339.5215 Filing of welding procedures.

Rule 215. (1) If welding is employed in the installation, reinstallation, repair, replacement, or alteration of a boiler then the licensed installer or repairer shall file welding procedure specifications and the procedure qualification reports qualified pursuant to the requirements of ASME code section IX, welding and brazing qualifications, with the boiler division of the department, before conducting any welding.

(2) A licensed installer or repairer who utilizes welding in the installation, reinstallation, repair, replacement or alteration shall have available, for the inspector's review, welding procedure specifications and welder performance qualification records to be used or that were used in the installation, reinstallation, repair, replacement or alteration at the work site or other mutually agreed upon locations.

R 339.5216 Inspection of components and systems in a nuclear power plant.

Rule 216. (1) A preservice or a baseline inspection, in-service inspection, repair, replacement, modification, alteration, examination, testing, records, and reports of individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, applicable associated auxiliary systems, and complete nuclear power plants that are in compliance with all of the requirements of the construction code ASME BPV Code, section III, when the requirements have been completed, irrespective of the physical location, shall be as prescribed in section XI, rules for in service inspection of nuclear power

plant components, of the ASME boiler and pressure vessel code. A copy of the current edition of section XI-2019, is available for inspection at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933, or for purchase from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these rules of \$14,990 for the BPV Code books.

(2) The owner of a nuclear power plant shall file inspection plans and schedules, pump and valve testing programs, and requests for relief from section XI of the ASME code requirements with the boiler division of the department.

(3) The nuclear power plant shall maintain compliance with requirements, as prescribed by the nuclear regulatory commission.

R 339.5217 Reports of inspection to be filed.

Rule 217. (1) Certificate inspection reports submitted electronically must be in a form acceptable to the boiler division of the department.

(2) Certificate inspection reports submitted to the boiler division of the department for data entry must be assessed a fee of \$5.00 per report.

(3) An inspector shall leave a signed and dated inspection sticker or inspection report at the inspection location.

(4) An inspector shall record his or her national board of boiler and pressure vessel commission number on the inspection report.

R 339.5218 Rental boilers.

Rule 218. A rental boiler must be inspected before it is rented, and the boiler must be approved for temporary installation. An inspection certificate for an approved rental boiler is valid for 12 months.

R 339.5219 Refusal of inspection or nonpayment of fee.

Rule 219. If the owner or user of a boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the fee prescribed by R 339.5155, the certificate of inspection shall be suspended by the chief inspector until the owner or user allows the inspection or pays the fee.

R 339.5220 Notice of violation.

Rule 220. (1) A written notice of violation containing the code deficiencies must be sent to, or served upon, the owner or user by the chief inspector, deputy inspector, or special inspector advising of the existing conditions and stating a compliance date when the violation must be corrected. If the code deficiencies are not corrected by the compliance date, the violation notice serves as a suspension of the certificate.

(2) When the notice of violation is issued as certificate blocking, the inspection certificate is suspended, and a written notice must be given to the owner or user at the time of the violation issuance. The certificate blocking violation continues in effect until the boiler has been made to conform to these rules and until the certificate has been reinstated.

(3) A fee must be charged pursuant to R 339.5155 for all following-up visits by the chief inspector or deputy inspector.

R 339.5221 Defacing or removing certificate or numbers.

Rule 221. No individual except the chief inspector or a deputy inspector shall deface or remove any certificate of inspection or mark of identification number on a boiler.

R 339.5222 Boiler policies; newly written, canceled, or suspended.

Rule 222. All insurance companies shall notify the chief inspector within 30 days of all boilers newly insured, canceled, not renewed, or suspended because of unsafe conditions.

R 339.5223 Notification; defective boilers.

Rule 223. If a special inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that the company refuses insurance, the company shall immediately notify the chief inspector and submit a notice of violation of the defects.

R 339.5224 Notification in case of accident that renders boiler inoperative.

Rule 224. (1) If an accident occurs that renders a boiler inoperative, then the owner or user shall immediately notify the chief inspector.

(2) For a serious accident, notice must be given immediately by the quickest method available, and neither the boiler nor any of its parts shall be removed or disturbed before an inspection has been made by the chief inspector, deputy inspector, or special inspector, unless the removal is to save human life. A condition or failure which results in bodily injury or physical damage to equipment or property other than the boiler or which creates a unique or unusual explosion hazard must be reported as a serious accident.

(3) A detailed accident report must be submitted by the owner's or user's insurance company boiler inspector.

R 339.5225 Restamping of boilers.

Rule 225. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler must be made to the chief inspector and proof of the original stamping must accompany the request made to the chief inspector. Restamping authorized by the chief inspector shall be done only by an inspector, and must be identical with the original stamping, except that it is not required to restamp the ASME code symbol. Notice of completion of such restamping must be filed with the chief inspector by the inspector who stamped the boiler, together with a facsimile of the stamping applied.

R 339.5226 Condemned boilers.

Rule 226. A boiler that has been inspected and declared unsafe by the chief inspector, deputy inspector, or special inspector and that the owner has determined will be scrapped must be placed out of service and stamped or labeled with the word "condemned". The stamping must be as shown by the following facsimile and must be situated in several conspicuous locations determined by the inspector.

-CONDEMNED-

R 339.5227 Reinstallation of boilers repaired out of state.

Rule 227. Repairs conducted outside of this state to boilers or pressure parts of boilers that will be reinstalled in this state must be conducted by an organization in possession of valid certificate of authorization to repair boilers. The organization shall conduct the repair pursuant to the NBIC and submit all forms required by the NBIC.

R 339.5228 Nonstandard boilers.

Rule 228. (1) An individual may petition the board to approve the use of a nonstandard boiler. Upon receipt of the petition, the board shall require the appropriate testing and evaluation for the nonstandard boiler to determine whether construction is equivalent to standards specified in R 339.5203.

(2) A boiler owner requesting to have a special installation and operation permit shall submit the following items to the board of boilers rule, as applicable, in the English language and units:

(a) A list of all existing or proposed design and service conditions, maximum allowable working pressure (MAWP), and temperature, internal and external loading, corrosion and erosion allowance, heat treatment, service requirements, or service conditions.

(b) Documentation that the manufacture of the boiler is based on requirements from the applicable ASME code section as follows:

(i) Power boilers- section I.

(ii) Materials specifications- section II.

(iii) Nuclear power plant components- section III, division 1 and 2.

(iv) Heating boilers- section IV.

(v) Pressure vessels- section VIII, division 1 and 2.

(vi) Welding and brazing qualifications- section IX.

(vii) Fiberglass- reinforced plastic pressure vessels- section X.

(viii) Power piping- ASME B31.1.

(3) If the design, construction, and certification were not based on ASME code rules, the manufacturer of the boiler shall provide a copy of the design rules and show how they meet or exceed the ASME code requirements by providing all of the following:

(a) A complete set of design drawings showing weld joint details and construction including internal and external attachments.

(b) A list of all pressure boundary materials or those materials and the material's thickness subject to stress due to pressure and loading. The list must include a material specification to meet or exceed the applicable ASME codes specification. If material used is a specification other than referenced in the applicable ASME code section, the manufacturer of the boiler through the owner shall submit a copy of the material specifications used in the vessel construction and indicate how it is considered equivalent to the ASME Code stress value permitted for materials in the applicable ASME code section.

(c) Documentation of any mill identification, including location of identification.

(d) Manufacturers' materials test reports and traceability including test reports required by applicable code section.

(e) Welding or brazing procedure specifications and welder or brazer performance qualification records.

(f) NDE procedures and results of examinations.

(g) Record of pressure test or proof test.

(h) Documentation showing the quality assurance program used by the manufacturer is equivalent to requirements of the ASME code.

(i) Identification of the inspection agency performing inspections and certifying the manufacturer's data report or equivalent.

(j) Evidence of qualification or certification of the inspection agency by a jurisdictional authority.

(k) Documentation to show that inspectors making certification inspections have been certified as required by the jurisdictional authority. Individual names and national board commission number, if any, must be provided. System of supervisory control of inspection must be included.

(l) Documentation of fabrication inspections by the manufacturer and inspection agency.

(m) An internal and external inspection report by inspection agency inspectors.

(n) A facsimile of the nameplate or stamping.

(o) A copy of the manufacturer's data report or equivalent document certified by the manufacturer and the inspection agency's inspector.

(p) A copy of any code or standard used for design or construction.

(4) The original code of construction must be used to establish the allowable stresses and joint efficiencies when calculating the MAWP of a vessel.

R 339.5229 Clearance between boilers and other objects.

Rule 229. (1) A licensee performing an installation shall ensure the installation is made pursuant to the NBIC part 1 section 2.3.3 and 3.3.4. Exception: The minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery.

(2) The licensee shall ensure that clearances are pursuant to the manufacturer's instructions where required clearances are greater than the minimum required by this rule. The boiler owner shall ensure that the clearances are maintained for the life of the boiler and shall not be infringed upon by items in storage.

(3) The elevation of a boiler above the floor must be as specified in the Michigan mechanical code, R 408.30901a to R 408.30996.

(4) A licensee may request a deviation from the requirements of this rule by submitting a drawing and the manufacturer's installation requirements to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.

(5) Where applicable, the boiler installation clearances must comply with the Michigan electrical code, R 408.30801 to R 408.30873

R 339.5230 Steam kettles.

Rule 230. (1) A fired or electrically heated steam kettle, irrespective of size, that has piped feed connections must comply with these rules.

(2) A fired or electrically heated kettle, irrespective of size without feed piping connections, must comply with these rules. Instead of an installation permit, an owner or user shall report the installation to the chief inspector before the unit is operated. The chief inspector shall assign a deputy inspector to visit the installation location to inspect the kettle to determine its safety for operations. A kettle that is operated at or below 15 psi must be inspected biennially. A kettle that is operated at more than 15 psi must be inspected annually.

(3) Steam kettles manufactured to ASME section VIII division-1 2019 must have the minimum appurtenances and controls that are required in mandatory appendix 19.

R 339.5231 Safety appurtenances and controls.

Rule 231. An individual shall not attempt to remove, or do any work upon, any safety appurtenance or control prescribed by these rules while a boiler is in operation. If an appurtenance or control is repaired during an outage of a boiler, it must be reinstalled and in proper working order before the appurtenance or control is placed back in service. A person shall not load the safety valves to maintain a working pressure of more than that stated on the certificate of inspection.

R 339.5232 Prevention of contamination of potable water supply.

Rule 232. The boiler owner shall ensure that a boiler has proper connections to the potable water supply system to prevent contamination. The connections must be as specified in the Michigan plumbing code, R 408.30701 to R 408.30791.

R 339.5233 Platforms.

Rule 233. (1) A platform must be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.

(2) An inspector shall notify the owner or user who is required to conform to this rule and shall give written notice of a violation to the owner or user that the installation of the required stairway, runaway, platform, or ladder is to be made. The owner or user is allowed 1 year from the date of the violation to complete the work.

(3) A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.

R 339.5234 Exits from boiler rooms.

Rule 234. An owner shall ensure that the exit from a boiler room complies with the requirements specified in the Michigan building code, R 408.30401 to R 408.30499.

R 339.5235 Existing steam boilers.

Rule 235. “Existing steam boilers,” as used in this part, means steam boilers that are in actual use, or which are installed and ready for use before August 10, 1917. This definition does not apply to secondhand boilers, rental boilers, or to boilers that are subject to change in ownership or are to be reset, in which case the rules for new construction shall apply.

R 339.5236 Age limit of nonstandard existing steam boilers.

Rule 236. The age limit of any boiler of nonstandard construction, installed before July 1, 1966, is 30 years except that after a thorough internal and external inspection and a hydrostatic pressure of 1 ½ times the allowable working pressure and held for a period of at least 30 minutes, during which no distress or leakage develops, any boilers having other than a lap-riveted longitudinal joint may be continued in operation without reduction in working pressure.

R 339.5237 Age limit of lap seam boilers.

Rule 237. The age limit of any boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psi is 20 years. This type of boiler, when removed from existing setting, shall not be reinstalled for a pressure in excess of 15 psi. A reasonable time for replacement, not to exceed 1 year, may be given at the discretion of the chief inspector.

R 339.5238 Lap seam crack.

Rule 238. The shell or drum of a boiler in which a typical lap seam crack is discovered along a longitudinal riveted joint or lap joints shall be permanently discontinued for use under pressure. “Lap seam crack” as used in this rule means the typical crack frequently found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

R 339.5239 Age limit of standard existing boilers.

Rule 239. The age limit of boilers of standard construction is dependent on a thorough internal and external inspection and hydrostatic pressure test of 1 ½ times the allowable working pressure for a period of 30 minutes. If a boiler under these test conditions exhibits no distress or leakage, it may be continued in operation at the same working pressure.

R 339.5240 Portable boilers.

Rule 240. Portable boilers, used for purely portable purposes and transported from place to place, must comply with the rules for new construction when reinstalled at a new location. These portable boilers must have a factor of safety of at least a 5.5 strength- to- strength ratio regarding butt-strap construction and a factor of not less than a 6 strength- to- strength ratio when the boiler is lap-seam construction.

R 339.5241 Cast-iron headers and mud drums.

Rule 241. The maximum allowable working pressure on a water-tube boiler, the tubes of which are secured to cast-iron or malleable-iron headers, or which have cast-iron mud drums, must not exceed 160 psig.

R 339.5242 Safety valves on connected boilers of different pressures.

Rule 242. When 2 or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping must be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum amount of steam that can flow into the lower pressure system.

R 339.5243 Hydrostatic testing of traction boilers.

Rule 243. (1) A traction boiler designed to pull farm equipment or to convert steam power into flywheel energy driving farm apparatus, such as thrashers, saws, or grinding equipment are subject to both of the following provisions:

(a) They must be tested hydrostatically every 3 years to a hydrostatic pressure of 1 ½ times working pressure, held for sufficient time to permit visual observation of all seams, joints, supports, and attachments.

(b) All seams, attachments, supports, and joints must be exposed for each such annual inspection.

(2) Traction boilers used for display or hobby purposes must not be operated for any other purpose except for the purpose that they were originally constructed.

(3) Lap seam boilers must not be operated in excess of 100 psi.

(4) Any repairs by welding or riveting to traction boilers shall be made by licensed repair shops only after an approved permit has been obtained and subject to the approval of the inspector before and after repair is made.

R 339.5244 Miniature hobby locomotive boilers.

Rule 244. (1) At the initial inspection of a miniature hobby locomotive boiler, the owner shall provide the chief boiler inspector with design specifications and calculations for review and acceptance. If a boiler is approved for use, then the boiler division of the department shall issue an identifying state number and a deputy boiler shall attach it to the boiler.

(2) The owner shall ensure that a miniature hobby locomotive boiler has all of the following minimum equipment:

(a) A pressure gauge graduated to approximately 1 ½ times the operating pressure, but not more than 4 times the operating pressure.

(b) A means to extinguish the fire in the firebox if of a low water condition.

(c) Two means of feeding water to the boiler, 1 of which must be operable while the locomotive is stationary.

(d) A water level gauge glass located so that the top of the bottom nut of the gauge glass is approximately 10% of the distance between the crown sheet and the shell, but not less than ½ inch above the crown sheet.

(e) Two safety valves set at not more than 10% above the operating pressure for boilers fabricated after the effective date of the rules. The capacity of the safety valves must be equal to or greater than the calculated steam generated capacity of the boilers.

(3) The owner shall determine the maximum allowable working pressure of the miniature hobby locomotive boiler by calculation. In place of acceptable calculations, the owner shall subject the boiler to a hydrostatic pressure test of 1 ½ times the owner specified operating pressure.

(4) Triennially, during the certificate inspection, the owner shall hydrostatically test the boiler to not more than 1 ½ times the operating pressure.

(5) The boiler division of the department shall develop procedures, policies, and check lists necessary to accomplish the inspections and tests required by these rules.

(6) Repairs to miniature hobby locomotive boilers are exempt from the licensing and permitting requirements of the act. Repair welding must be made pursuant to the requirements of ASME code section IX. Welding procedures and performance qualifications must be filed with the boiler division of the department for review.

R 339.5245 Failure to prepare boiler for internal inspection.

Rule 245. If a boiler has not been properly prepared for an internal inspection, an inspector may decline to make the inspection or test and a certificate blocking violation must be issued as provided in R 339.5219.

R 339.5246 Stripping of riveted boiler to determine required data.

Rule 246. If a riveted boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, and if data cannot be determined by other means, enough of the jacketing, setting wall, or other form of casing or housing must be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained.

R 339.5247 Replacement of heating or process boiler pressure relief device.

Rule 247. When it is necessary to replace pressure relief devices on low pressure heating or process boilers for any reason, the replacement must be made with other than top-outlet type valves.

R 339.5248 Rerolling tubes.

Rule 248. Rerolling a tube is considered maintenance, except rerolling a tube required as a result of an accident is considered a repair. This repair work requires a repair permit and must be performed by a licensed repairer.

R 339.5249 Qualified technical education program content; department approval; application and approval process, standards; fees.

Rule 249. (1) An organization requesting approval of a qualified technical education program (QTEP) or an employer requesting approval of a qualified training program (QTP) pursuant to section 903(e) and (f) of the act, MCL 339.5903, shall submit an application provided by the department. All applications must be complete. If an application is incomplete, a full evaluation is not possible, and the incomplete application will be disapproved. The applicant shall be notified in writing, by the boiler division, of the deficiencies within 30 days of the date that the application is received.

(2) A fee of \$100.00 must accompany the application for the review.

(3) The QTEP and QTP are not required to address subject matter in refrigeration.

(4) An application and supporting documentation submitted to the boiler division for QTEP and QTP for low- or high-pressure boiler operators must contain at a minimum, the subject matter listed in section 935 of the act, MCL 339.5935.

(5) An application and supporting documentation submitted to the boiler division for QTEP or QTP intended for training third, second, and first class stationary engineers must contain the following subject matter in addition to the subjects listed in section 935 of the act, MCL 339.5935:

(a) Third-class stationary engineer: Thermodynamics, applied science, applied mechanics, public acts and boiler codes, prime movers, water treatment, control instrumentation, and industrial legislation.

(b) Second-class stationary engineer: In addition to continuing training in the subjects listed in section 935 of the act, MCL 339.5935, and subdivision (a) of this subrule, the following subjects must be included: metallurgy and material testing, power plant systems, mechanical drawing, and environmental protection.

(c) First-class stationary engineer: In addition to continuing training in the subjects listed in section 935 of the act, MCL 339.5935, and subdivisions (a) and (b) of this subrule, the following subjects must be included: principles of fluid mechanics; thermodynamics and plant cycles; applied engineering technologies; safety, loss, and environmental management; and business and workforce management.

(6) An application and supporting documentation to the boiler division for QTEP or QTP must contain all of the following general information:

(a) The name and address of the applicant and all training site addresses.

(b) Name and contact information of the individual responsible for the program.

(c) Policies and procedures for the selection of instructional staff.

(d) A statement of purpose and objectives of the program.

(e) Administrative and technical criteria for the development and delivery of the program.

(f) A description of the facilities, equipment, and instructional materials consistent with the purpose, design, and intended outcome of each learning experience in the program.

(g) A syllabus or course description, including contact hours and topics for each course.

(h) A statement of the criteria used to determine successful completion by participants in each of the training programs offered by the applicant.

(i) A list of instructional materials and other resources essential for the successful presentation of the program.

(7) Approval of a program by the department must be evidenced by a program approval report prepared by the boiler division and issued to the applicant. The report must include all of the following:

(a) Name and address of the applicant.

(b) Program identification number.

(c) The date of approval.

(d) The conditions of approval.

(8) A program or amendment that has been approved by the department must not be altered. If an organization wishes to amend any part of a program, the organization shall submit a draft document clearly identifying the changes for department review. The organization shall not implement changes to the program without approval by the department. All changes must be submitted in writing for approval. The authorization must be in writing from the department.

(9) The department shall have access to any location during the presentation of an approved program for the purpose of evaluation to determine compliance with an approved program.

PART 10. BUILDING OFFICIALS, INSPECTORS AND PLAN REVIEWERS

R 339.5501 Applicability.

Rule 501. These rules apply to all of the following:

- (a) The registration and reregistration of all building officials, plan reviewers, and inspectors.
- (b) The approval of educational and training programs, required testing and instructors for the purpose of qualifying individuals for registration, reregistration as building officials, plan reviewers, or inspectors.
- (c) The minimum training and experience standards, qualifications, and classification of responsibility applicable to individuals who are engaged in the administration and enforcement of codes and plan reviews.

R 339.5502 Educational and training program; program approval process; instructional qualifications.

Rule 502. (1) A provider of an educational and training program shall apply for approval of the program by completing an application for program approval as provided by the department and submitting the application with the required fee to the department.

(2) To qualify as an instructor of an educational and training program, an individual shall possess experience or education, or both, to supervise and instruct courses as required under section 1007 of the act, MCL 339.6007. An individual shall be at least 1 of the following to be considered as qualified:

- (a) A licensed, certified, or approved instructor at any of the following in this state:
 - (i) A high school.
 - (ii) An intermediate school district.
 - (iii) A community college.
 - (iv) A public or private university.
 - (v) The bureau of construction codes in the department.
 - (vi) The Michigan Occupational Safety and Health Administration.
 - (vii) Any other federal, state, or local governmental agency.
 - (viii) A proprietary school licensed by the department.
 - (b) Be currently licensed with at least 3 years of experience, and possess equivalent qualifications or relevant experience in the subject matter being taught.
- (3) The subject matter of educational and training programs must meet the minimum requirements of section 1007 of the act, MCL 339.6007, and must be relevant to the subject trade for which the applicant is seeking approval.

R 339.5504 Changes to program, provider information, or test.

Rule 504. (1) A provider of an approved education and training program or test wishing to make changes to the program, provider information, or test shall notify the bureau, in writing, within 10 days of making any of the following changes:

- (a) A change in the name of the applicant.
 - (b) A change in the address of the applicant.
 - (c) A change in the principal officers of an applicant organization.
- (2) Any changes with respect to the program shall be made only when approved by the bureau in advance. If the illness of an instructor, natural disaster, or other emergency causes a change in the approved program, the provider shall notify the bureau at the earliest opportunity. A written notice that confirms the verbal report must be submitted to the bureau within 10 days of the verbal notification.

R 339.5505 Registration and reregistration; required hours of training; training categories; effective date.

Rule 505. (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 505 of this rule, in all of the following categories:

(a) State public acts and state administrative rules that must include programs and courses designed to enhance an individual's understanding of technical writing, public speaking, laws, rules, and the administration and enforcement of related statutes and regulations.

(b) Technical, which must include programs and courses designed to enhance an individual's understanding of state laws, state rules, and the state administration and enforcement of related statutes and regulations.

(c) Plan review, which must include programs to enhance an individual's ability to review and approve residential and commercial construction documents to determine compliance with applicable codes, standards, and statutes.

(d) Specialty, which must include courses designed to increase an individual's knowledge of inspection and construction techniques in the various registration classifications.

(2) Continuing education is valid for reregistration only when accrued during an individual's current 3-year registration period, except as provided in subrule (3) of this rule.

(3) The bureau may approve any of the following types of educational or training programs for the purpose of satisfying registration or reregistration requirements by the individual.

(a) Association programs that are sponsored by any of the following entities:

(i) Inspector organizations.

(ii) Township, municipal, and county organizations.

(iii) Professional and trade organizations.

(b) Home study courses, such as online courses.

(c) Private contractor technical update courses.

(d) University, college, and community college courses.

(e) Department-sponsored training programs.

(f) Training sponsored by nationally recognized model code promulgating organizations, such as the international code council.

(4) The bureau of the commission may approve the following educational or training association programs that are sponsored by any of the following entities: inspector organization; township, municipal, and county organizations; and professional and trade organizations, for the purpose of satisfying registration or reregistration requirements by the individual.

(5) Table 505 reads as follows:

Table 505

Hours Required for Reregistration

Training

Registration Classifications

Category	Building			Inspector		
	Official	Building	Electrical	Mechanical	Plumbing	Plan Review
Acts & Rules	18 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)
Technical	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)
Plan Review	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	8 hrs
Specialty	8 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs (a)
Total	44 hrs	34 hrs	34 hrs	34 hrs	34 hrs	40 hrs

(a) When applying for reregistration in 1 or more review classifications, including building, electrical, mechanical, and plumbing, the number of technical and specialty hours is per classification. If an individual is also a plan reviewer and is also applying for reregistration as either a building, electrical, mechanical, or plumbing-inspector, the number of hours for a technical and specialty may be applied to the same plan reviewer classification.

(b) When applying for reregistration in more than 1 plan reviewer or inspector classification, the number of acts and rules hours may be applied to more than 1 registration classification.

R 339.5506 Requirements for renewal of registration as a building official, plan reviewer, or an inspector.

Rule 506. As a condition of renewal of a registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing all the following:

(a) Submitting an application for renewal as a building official on the form prescribed by the department and accompanied by the required fee of \$25.00 per classification, per year of the registration.

(b) Submitting an application for renewal for each classification held as a registered plan reviewer on the form prescribed by the department and accompanied by the required fee of \$25.00 per classification, per year of the registration.

(c) Submitting an application for renewal for each classification held as a registered inspector on the form prescribed by the department and accompanied by the required fee of \$25.00 per classification, per year of the registration.

(d) Proving documentation supporting the successful completion of a training or educational program, as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5505, per classification held by the individual for which he or she seeks reregistration.

R 339.5507 Building official registration qualifications.

Rule 507. An individual who is applying for registration as a building official shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass an examination required by the act.

(d) Provide documentation supporting that the applicant has 2 years of experience as a registered inspector or plan reviewer.

R 339.5508 Building inspector registration; qualifications.

Rule 508. An individual who is applying for registration as a building inspector shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass an examination required by the act.

(d) Provide documentation supporting that the individual has either of the following:

(i) A residential builder's license issued by this state and 6 years of experience immediately preceding application in any 1 or more of the following professions:

(A) A general building construction as a contractor.

(B) A skilled trades worker.

(C) An individual who was in charge of structural construction.

(ii) A license as a building inspector from other states or other foreign countries with inspector experience in building construction. The individual shall provide to the department the requirements of licensure for that state or country before he or she receives approval from the department.

(iii) Has 7 years of experience in general building construction in any 1 or more of the following professions:

(A) A contractor.

(B) A skilled trades worker.

(C) An individual who was a person in charge of structural construction.

(iv) An individual under paragraph (iii) of this subdivision shall also possess 2 years of experience as a journey level, structural, construction, or skilled trades worker including as a carpenter, brick layer or mason, or steel worker.

R 339.5509 Building plan reviewer registration; qualifications.

Rule 509. An individual who is applying for registration as a building plan reviewer shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass an examination required by the act.

(d) Provide documentation supporting that the applicant has 1 of the following:

(i) A residential builder's license issued by this state and 6 years of experience immediately preceding application in any 1 or more of the following professions:

(A) General building construction as a contractor.

(B) Skilled trades worker.

(C) A person in charge of structural construction.

(ii) A license as a building plan reviewer from another state or other foreign country with plan reviewer experience in building construction. The individual shall provide to the department the requirements of licensure for that state or country before he or she receives approval from the department.

(iii) Have 7 years of experience in general building construction in any 1 or more of the following professions:

(A) A contractor.

(B) A skilled trades worker.

(C) An individual who was a person in charge of structural construction.

(iv) An individual under paragraph (iii) of this subdivision shall also possess 2 years of experience as a journey level, structural, construction, or skilled trades worker including as a carpenter, brick layer or mason, or steel worker.

R 339.5510 Electrical inspector registration; qualifications.

Rule 510. An individual who is applying for an electrical inspector registration shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass an examination required by the act.

(d) Provide documentation supporting that the individual is licensed as an electrical journeyman or master electrician as required under section 1022 of the act, MCL 339.6022.

R 339.5511 Electrical plan reviewer registration; qualifications.

Rule 511. An individual who is applying for registration as an electrical plan reviewer shall comply with all of the following:

- (a) File a completed application on a form provided by the department.
- (b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.
- (c) Pay the applicable examination fee and pass an examination required by the act.
- (d) Provide documentation supporting that the individual is licensed as an electrical journeyman or master electrician as required under section 1022 of the act, MCL 339.6022.

R 339.5512 Mechanical inspector registration; qualifications.

Rule 512. (1) An individual who is applying for registration as a mechanical inspector shall comply with all of the following:

- (a) File a completed application on a form provided by the department.
- (b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.
- (c) Pay the applicable examination fee and pass an examination required by the act.
- (d) Hold a Michigan mechanical license in 3 of the 4 categories below, for not less than 1 year immediately preceding application:
 - (i) Hydronic heating and cooling and process piping.
 - (ii) HVAC equipment.
 - (iii) Refrigeration.
 - (iv) Fire Suppression.

(2) If the individual does not hold a Michigan mechanical license, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers, as applicable.

- (a) The affidavit must comply with both of the following:
 - (i) Attest that the individual has been actively engaged in the performance of mechanical work in 3 of the 4 categories below for 6 years under a licensed mechanical contractor:
 - (i) Hydronic heating and cooling process piping.
 - (ii) HVAC equipment.
 - (iii) Refrigeration.
 - (iv) Fire Suppression.
 - (ii) Attest that the licensed mechanical contractor or contractors who supervised the applicant were licensed in the required category or categories at the time of supervision.
- (b) If an the individual holds a license as a mechanical inspector from another state or other foreign country with inspector experience in mechanical code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

R 339.5513 Mechanical plan reviewer registration; qualifications.

Rule 513. (1) An individual who is applying for registration as a mechanical plan reviewer shall comply with all of the following:

- (a) File a completed application on a form provided by the department.
- (b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.
- (c) Pay the applicable examination fee and pass a required examination established under section 321 of the act, MCL 339.5321.
- (d) Hold a Michigan mechanical license in 3 of the 4 categories below, for not less than 1 year immediately preceding application:
 - (i) Hydronic heating and cooling process piping.
 - (ii) HVAC equipment.
 - (iii) Refrigeration.

(iv) Fire Suppression.

(2) If the individual does not hold a Michigan mechanical license, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers, as applicable.

(a) The affidavit must comply with both of the following:

(i) Attest that the applicant having been actively engaged in the performance of mechanical work in 3 of the 4 categories below, for 6 years under a licensed mechanical contractor.

(ii) Attest that the licensed mechanical contractor or contractors who supervised the applicant were licensed in the required category or categories at the time of supervision.

(b) If the individual holds a license as a mechanical plan reviewer from another state or other foreign country with inspector experience in mechanical code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

R 339.5514 Plumbing inspector registration; qualifications.

Rule 514. (1) An individual who is applying for registration as a plumbing inspector shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass a required examination, established under section 321 of the act, MCL 339.5321.

(d) Provide documentation supporting that the individual has either of the following:

(i) A Michigan journey plumbers license for not less than 2 years immediately preceding application for registration.

(ii) A current Michigan master plumbing license.

(2) If the individual does not hold a Michigan plumber license, as specified in subrule (1)(d) of this rule, he or she shall provide an affidavit of experience to the department from previous and current employers, as applicable.

(a) The affidavit must attest that he or she had been actively engaged in the performance of plumbing work for 5 years under a licensed plumbing contractor.

(b) If an individual holds a license as a plumbing inspector from another state or other foreign country with inspector experience in plumbing code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

R 339.5515 Plumbing plan reviewer registration; qualifications.

Rule 515. (1) An individual who is applying for registration as a plumbing plan reviewer shall comply with all of the following:

(a) File a completed application on a form provided by the department.

(b) Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the required examination fee, established under section 407 of the act, MCL 339.5407.

(d) Provide documentation proving that the individual has either of the following:

(i) A Michigan journey plumbers license for not less than 2 years immediately preceding application for registration.

(ii) A Michigan master plumber license.

(2) If the individual does not hold a Michigan plumber license, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers, as applicable.

(a) The affidavit shall attest to the applicant having been actively engaged in the performance of plumbing work for 5 years under a licensed plumbing contractor.

(b) If an individual holds a license as a plumbing plan reviewer from another state or other foreign country with plan review experience in plumbing code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

R 339.5516 Provisional registration

Rule 516. (1) An individual may apply for a provisional registration as a building inspector or building plan reviewer provided he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(2) An applicant may apply for a provisional registration as an inspector or plan reviewer in the plumbing trade provided he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(3) An applicant may apply for a provisional registration as an inspector or plan reviewer in the electrical trade provided he or she meets the requirements as outlined in section 219 of the act, MCL 339.5219.

(4) An applicant may apply for a provisional registration as an inspector or plan reviewer in the mechanical trade provided he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(5) If an individual is unable to qualify for a provisional license under section 219 of the act, MCL 339.5219, he or she shall do all of the following:

(a) Submit his or her work experience for the previous 6 years detailing work performed in the trade related to the trade classification for which he or she is applying.

(b) Submit all education obtained during the same 6-year period.

(c) Submit 3 letters of reference from former clients for whom the applicant provided services within the 6 years immediately preceding application.

(6) An individual who is provisionally registered, pursuant to section 1021 of the act, MCL 339.6021, shall not perform the duties and responsibilities of an inspector or plan reviewer until he or she has met all requirements for full registration.

PART 11. PLUMBING AND PLUMBING CONTRACTORS

R 339.5517 Master plumber and plumbing contractors; changes in employment status; license suspension.

Rule 517. 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. 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.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Skilled Trades Regulation Rules
Rule Set 2019-101 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjlBNiRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Skilled Trades Regulation Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, streamlines the processes for all license types included while providing for modernized provisions, such as electronic communication and third-party continuing education tracking options, and specifies violations for unlicensed activity as provided to other regulated professions.

Promulgation of the Skilled Trades Regulation rules is authorized under section 207 of the Skilled Trades Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 20114, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous rules promulgation authority under the five repealed Acts. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Administrative Services Division- Rules Analyst Amanda Johnson
P.O. Box 30254, Lansing, MI 48909
[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

STATE PLUMBING BOARD

LICENSES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the state plumbing board by section 13 of 2002 PA 733, MCL 338.3523, 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)~~ **By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030)**

R 338.921, R 338.921a, R 338.922, R 338.923, R 338.924, R 338.924a, R 338.924b, R 338.925, R 338.926, R 338.927, R 338.928, R 338.929, R 338.930, R 338.931, R 338.931a, R 338.931b, and R 338.932 of the Michigan Administrative Code are rescinded as follows:

R 338.921 Examination; qualifications Rescinded.

~~—Rule 1. Any person who is 18 years of age or over and who possesses the necessary qualifications may apply for examination for a journey plumber's license. Any person who is 18 years of age or over, who possesses the necessary qualifications, and who can read and write English may apply for examination for a master plumber's license.~~

R 338.921a Definitions Rescinded.

~~—Rule 1a. The terms defined in the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, have the same meaning when used in these rules.~~

R 338.922 Application for journey plumber, master plumber, and plumbing contractor examinations Rescinded.

~~—Rule 2. Application for examination for a journey plumber's license, a master plumber's license, or a plumbing contractor's license shall be made with a proper application which shall be furnished by the department. The application for examination shall be made to the department and shall be accompanied with the fee prescribed in the state plumbing act.~~

R 338.923 Qualification of applicants for journey plumber's examination Rescinded.

~~Rule 3. (1) To qualify for examination for a journey plumber's license, an applicant shall furnish, either on or with his or her application, a notarized statement from his or her present or former employers and master plumber to the effect that he or she has at least 6,000 hours of experience gained over a period of not less than 3 years as a registered apprentice in the practical installation of plumbing under the supervision of a master plumber.~~

~~(2) When evidence is produced to the effect that an applicant is a graduate of a recognized trade school, proper credit will be given the applicant, but such credit shall not exceed 2,000 hours of the required 6,000 hours of practical experience as a registered apprentice.~~

~~(3) If an applicant is unable to conform to any of the requirements in subrules (1) and (2) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.~~

~~(4) A person who is licensed as a journey plumber in another state or country shall appear before a quorum of the state plumbing board to present evidence as to his or her possession of a journey plumber license and the licensing requirements from the licensing state or country. The state plumbing board shall then determine if the individual will be allowed to take the Michigan journey plumber examination.~~

R 338.924 Qualifications of applicants for master plumber's examinationRescinded.

~~Rule 4. (1) To qualify for examination for a master plumber's license, an applicant shall be on record with the department as having gained 4,000 hours of experience as a licensed journey plumber over a period of not less than 2 years immediately preceding the date of his or her application.~~

~~(2) If an applicant is unable to conform to the requirements of subrule (1) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.~~

~~(3) A person who is licensed as a master plumber or equivalent in another state or country shall appear before a quorum of the state plumbing board to present evidence as to his or her possession of a master plumber license or equivalent and licensing requirements from the licensing state or country. The state plumbing board shall then determine if the individual will be allowed to take the Michigan master plumber examination.~~

R 338.924a Qualification of applicants for plumbing contractor examinationRescinded.

~~Rule 4a. (1) To qualify for examination for a plumbing contractor license, the applicant shall provide his or her residence address, business address, or employment information for the past 5 years, and conviction history information on a form provided by the department with the appropriate nonrefundable examination fee.~~

R 338.924b Contractors proof of ownershipRescinded.

~~Rule 4b. (1) To qualify for licensure as a plumbing contractor, an applicant shall provide the address of the principal place of business and proof that he or she is an owner or officer of the business.~~

~~(2) An applicant shall furnish documentation as determined acceptable by the department to verify the applicant's current business structure. Documentation includes, but are not limited to, the following:~~

~~(a) For an application for a sole proprietor using an assumed name, a copy of the current filed certificate of persons conducting business under an assumed name issued by the county clerk or a notarized letter stating the applicant is a sole proprietor with the exact business name.~~

~~(b) For an application for a partnership, a copy of the current filed certificate of limited partnership issued by the department or a copy of the current filed certificate of general partnership issued by the county clerk.~~

- ~~–(c) For an application for a limited liability company, a copy of the filed articles of organization, certificate of assumed name, if applicable, and current notarized operating agreement signed by each officer.~~
- ~~–(d) For an application for a corporation, a copy of the filed articles of incorporation, certificate of assumed name, if applicable, and current certificate of good standing.~~
- ~~–(e) For a foreign company, a copy of the registration to transact business in this state.~~
- ~~–(3) An applicant shall provide any other documentation requested by the department to determine the applicant's business structure and current authorization to do business in this state.~~

R 338.925 Investigation of applicants~~Rescinded.~~

- ~~–Rule 5. (1) The character, experience, and fitness of the applicants shall also be taken into consideration. The board and department may investigate any applicant, or application filed, and approve or disapprove the same.~~
- ~~–(2) Upon the acceptance, or rejection, of an application the department shall immediately notify the applicant at the address given in the application. If an application is rejected, the examination fee shall not be refunded.~~

R 338.926 Code update courses; instructors' standards~~Rescinded.~~

- ~~–Rule 6. (1) The board shall approve the instructor provided code update course that is in compliance with the requirements of the act and these rules.~~
- ~~–(2) The course for master and journey licensees shall be of sufficient contact hours to address the design items established by the board in consideration of the number of code item changes or updates.~~
- ~~–(3) A certificate of completion shall be issued by a course provider to a person who has successfully completed the code update class by required attendance. The certificate shall contain all of the following information:~~
 - ~~–(a) A course approval number granted by the department.~~
 - ~~–(b) The name and address of the person, school, organization, or company who sponsors or administers the course.~~
 - ~~–(c) The date the certificate was issued.~~
 - ~~–(d) The student's name and address.~~
 - ~~–(e) The instructor's signature certifying that the applicant completed the course as described in subrule (2) of this rule.~~

R 338.927 Submission process and approval of code update course and instructor~~Rescinded.~~

- ~~Rule 7. (1) A provider of a code update course shall apply for approval by submitting information on an application provided by the department.~~
- ~~–(2) An application shall contain all of the following information:~~
 - ~~–(a) The name and address of the applicant.~~
 - ~~–(b) The name of the instructor and his or her license number where applicable.~~
 - ~~–(c) A copy of the items established by the board from the department's program outline.~~
- ~~–(3) Approval of the course shall be provided by the department through its licensing software system.~~
- ~~–(4) The department may withdraw the approval of a course if the approval was issued in error, if the approval was issued on the basis of incorrect information, or if the course is found to be in violation of these rules. Notice of withdrawal of approval shall be in writing and shall state the reason for the withdrawal of approval. An appeal of the withdrawal shall be processed pursuant to the provision of the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.~~

R 338.928 Notice of examination~~Rescinded.~~

~~Rule 8. Notice of the date, time, and place of examination shall be provided by the department. This notice shall instruct the applicant as to the tools and materials which the applicant is required to furnish. It shall also include an admission notice which shall be presented to the examiners, by the applicant, at the time and place of the scheduled examination designated in the admission notice. The applicant shall present current picture identification, such as a driver's license, to the examiners at the time of the examination.~~

R 338.929 Failure to appear for examinationRescinded.

~~Rule 9. If an applicant fails to appear for the examination designated in the admission notice and fails to make a satisfactory explanation for his or her absence to the department within 10 calendar days following the scheduled examination, his or her application shall be cancelled and the examination fee forfeited.~~

R 338.930 Scope of examinationRescinded.

~~Rule 10. (1) The examinations of all applicants for licenses shall be conducted by the department and state plumbing board.~~

~~(2) The examination of an applicant for the plumbing contractor license shall consist of oral and written tests, but not be limited to questions designed to test an individual's knowledge of the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, the Stille DeRossett Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the administration and enforcement requirements of the Michigan plumbing code.~~

~~(3) The examination of an applicant for the master plumber's license shall consist of oral, written, and practical tests, as well as the interpretation of charts, material takeoffs, and blueprints. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, knowledge of the state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary.~~

~~(4) The examination of an applicant for the journey plumber's license shall consist of oral, written, and practical tests. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary, such as the interpretation of charts and piping projects.~~

~~(5) To qualify for a license, an applicant shall be required to receive a minimum grade of 70% in each part of the examination. Failure to achieve a minimum grade of 70% on each part of the examination shall result in an applicant having to retake the entire examination.~~

R 338.931 ReexaminationRescinded.

~~Rule 11. If an applicant for a contractor, master, or journey plumber's license does not receive a passing grade, his or her application shall be cancelled and fees forfeited. An applicant who fails to pass his or her examination for a license as a plumbing contractor, master plumber, or journey plumber may apply for reexamination.~~

R 338.931a License expirationRescinded.

~~Rule 11a. A journey plumber license, apprentice registration, and plumbing affidavit shall expire on April 30 each year. A plumbing contractor license and a master plumber license shall expire on a 3-year cycle on April 30.~~

R 338.931b Complaint timelineRescinded.

~~Rule 11b. (1) A complaint filed under the state plumbing act must be received by the department within 18 months of the date the plumbing work was performed or contracted to be performed.~~

~~(2) A complaint shall be submitted in writing on a form specified by the department.~~

~~(3) The department may dismiss a complaint on its own motion if it determines that the complaint has been resolved, settled, is without merit, or that there is insufficient evidence of a violation of the act.~~

R 338.932 RescissionRescinded.

~~Rule 12. The rules entitled "Rules Governing Examinations Competency of Plumbers," appearing on pages 498 and 499 of the 1944 Michigan Administrative Code, are rescinded.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for State Plumbing Board Rules
Rule Set 2019-106 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjIbNlRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the State Plumbing Board Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, repeals the State Plumbing Board Act, 2002 PA 733, MCL 338.3511 to 338.3569; Electrical Administrative Board Act, 1956 PA 217, MCL 338.881 to 338.892; Boiler Act, 1965 PA 290, MCL 408.751 to 408.776; Board of Mechanical Act, 1984 PA 192, MCL 338.971 to 338.988; and the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. The repealed Acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses.

Promulgation of the Plumbing Board Licenses rules is authorized under section 207 of the Skilled Trades Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 20114, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous authority under 2002 PA 733, MCL 338.3511 to 338.3569. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Administrative Services Division- Rules Analyst Amanda Johnson
P.O. Box 30254, Lansing, MI 48909
[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

BUILDING OFFICIALS, PLAN REVIEWERS, AND INSPECTORS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the director of the department of licensing and regulatory affairs by section 5 of 1986 PA 54, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030~~ **By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030)**

R 408.30001, R 408.30002, R 408.30004, R 408.30007, R 408.30010, R 408.30013, R 408.30016, R 408.30019, R 408.30022, R 408.30025, R 408.30028, R 408.30031, R 408.30034, R 408.30037, R 408.30040, R 408.30043, R 408.30046, R 408.30049, R 408.30052, and R 408.30055 of the Michigan Administrative Code are rescinded as follows:

R 408.30001 Definitions Rescinded.

~~Rule 1. (1) As used in these rules:~~

~~(a) “Act” means 1986 PA 54, MCL 338.2301 to 338.2313 and known as building officials and inspectors registration act.~~

~~(b) “Bureau” means the Michigan department of licensing and regulatory affairs, bureau of construction codes.~~

~~(c) “Skilled worker” means any individual that possesses the necessary skills, qualifications, or prescribed level of licensure to engage in the practical installation, maintenance, and repair of specific construction systems and related components.~~

~~(2) A term defined in the act has the same meaning when used in these rules.~~

R 408.30002 Conflict of interest Rescinded.

~~Rule 2. Building officials, plan reviewers, and inspectors shall not serve as a member on a construction board of appeals or contract for work in a governmental subdivision where they provide code enforcement services.~~

R 408.30004 Applicability Rescinded.

~~Rule 4. These rules apply to all of the following areas:~~

~~(a) The registration and reregistration of all building officials, plan reviewers, and inspectors.~~

~~-(b) The approval of educational and training programs, tests, and instructors for the purpose of qualifying individuals for registration or reregistration as building officials, plan reviewers, or inspectors.~~

~~-(c) The minimum training and experience standards, qualifications, and classifications of responsibility applicable to persons who are engaged in the administration and enforcement of codes and plan reviews.~~

R 408.30007 Enforcement responsibilityRescinded.

~~—Rule 7. (1) The state construction code commission established in section 3a of Stille-Derossett-Hale single state construction code act, MCL 125.1503a, shall administer and enforce these rules. The commission has the responsibility for evaluating and approving educational and training programs, tests, and instructors.~~

~~—(2) The commission shall consider recommendations for acceptance of educational and training programs, tests, and instructors submitted by any of the following entities:~~

~~-(a) The barrier free design board.~~

~~-(b) The electrical administrative board.~~

~~-(c) The board of mechanical rules.~~

~~-(d) The state plumbing board.~~

R 408.30010 Approval of educational and training programs, tests, and instructorsRescinded.

~~—Rule 10. The commission shall approve educational and training programs, instructors, and tests which comply with the requirements of the act and these rules.~~

R 408.30013 Educational and training programs; application and approval process; standardsRescinded.

~~—Rule 13. (1) A provider of educational and training programs shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of R 408.30019.~~

~~—(2) Before a full evaluation of an application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.~~

~~—(3) An application for approval of programs shall be evaluated for compliance with the act and these rules.~~

~~—(4) An application for the approval of educational and training programs shall be accompanied by all required fees.~~

~~—(5) An application shall contain all of the following information:~~

~~-(a) The name and address of the applicant.~~

~~-(b) The names and qualifications of professional personnel identified as the educational staff of the applicant's organization.~~

~~-(c) A statement of purpose and the objective of the program.~~

~~-(d) Administrative and technical criteria for the development of the program.~~

~~-(e) The location of the facility where the program will be conducted.~~

~~-(f) A description of the equipment used in the program.~~

~~-(g) The names and bureau approval numbers of instructors.~~

~~-(h) A copy of the teaching outline for the program.~~

~~-(i) A determination of the number of contact hours required to conduct the program.~~

- ~~–(j) A description of the criteria used to identify program participants who successfully complete the program.~~
- ~~–(6) Educational and training programs shall be in compliance with all of the following standards:~~
 - ~~–(a) Have submitted a clearly defined statement of purpose and objective.~~
 - ~~–(b) Have had instructors approved in advance, pursuant to the provisions of R 408.30016.~~
 - ~~–(c) Have facilities and equipment suitable and consistent with the purpose, design, and intended outcome of each learning experience.~~
 - ~~–(d) Have submitted a list of instructional materials and other resources essential for the successful presentation of the program.~~
 - ~~–(e) Have established an evaluation process to assess the qualifications of students as successfully completing the program, which shall be, at a minimum, based on pass or fail criteria. The results of the evaluation shall be reported to the bureau at the completion of the training program.~~
 - ~~–(f) Shall establish permanent records of student activities, including course titles, student attendance, and course evaluation criteria.~~
- ~~–(7) If an application is disapproved, the bureau shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.~~
- ~~–(8) Approval of a program shall be evidenced by a program approval report prepared by the bureau and issued to the applicant. The report shall include all of the following information:~~
 - ~~–(a) Name and address of the applicant.~~
 - ~~–(b) Program identification number.~~
 - ~~–(c) The date of approval.~~
 - ~~–(d) Conditions of approval.~~
 - ~~–(e) Period of approval.~~
 - ~~–(f) The number of credit hours approved for successful program completion.~~
- ~~–(9) A program or an amendment thereto which has been approved shall not be altered without prior authorization by the bureau. All changes shall be made a part of the written record of approval. The authorization shall be in writing or be confirmed in writing within 10 days of oral authorization.~~
- ~~–(10) The commission may withdraw the approval of a program when the approval was issued in error or was issued on the basis of incorrect information or when the program is found to be in violation of the rules. Notice of withdrawal of approval shall be in writing and shall set forth the reason for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

R 408.30016 Instructors; application and approval process; standards**Rescinded.**

- ~~–Rule 16. (1) An instructor of educational and training programs shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of this rule.~~
- ~~–(2) Before a full evaluation of an application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.~~
- ~~–(3) An application for approval of instructors shall be evaluated for compliance with the act and these rules.~~
- ~~–(4) An application for the approval of instructors shall be accompanied by all required fees.~~
- ~~–(5) An application shall contain all of the following information:~~
 - ~~–(a) The name and address of the applicant.~~
 - ~~–(b) The history or work experience relative to the subjects to be taught.~~

- ~~–(c) A list of educational or training courses or programs completed by the applicant.~~
- ~~–(d) Certifications, licenses, or registrations held by the applicant that relate to the subject to be taught.~~
- ~~–(e) The social security number of the applicant pursuant to the regulated occupational support enforcement act, 1996 PA 236, MCL 338.3431 to 338.3436.~~
- ~~–(f) An applicant's previous teaching, training, and experience.~~
- ~~–(6) When an application for approval of an educational or training program proposes using instructors who are currently approved under these rules, those instructors may be identified by name and approval number instead of submitting duplicate applications for approval as instructors.~~
- ~~–(7) An instructor of educational and training programs shall meet the following requirements, as appropriate:~~
 - ~~–(a) Have 4 years of experience in the subject to be taught.~~
 - ~~–(b) For technical and specialty categories in plumbing, electrical, or mechanical trades, licensure at the journey level or a higher level or equivalent work history in addition to the experience required in subdivision (a) of this subrule.~~
- ~~–(8) If the application is disapproved, the commission shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.~~
- ~~–(9) Approval of an instructor shall be evidenced by an instructor approval report that is prepared by the bureau and issued to the applicant. The report shall include all of the following information:~~
 - ~~–(a) Name and address of the instructor.~~
 - ~~–(b) Instructor identification number.~~
 - ~~–(c) Period of approval.~~
 - ~~–(d) Conditions of approval.~~
- ~~–(10) The commission may withdraw the approval of an instructor when the approval was issued in error or was issued on the basis of incorrect information; or, when the instructor is found to be in violation of the rules or failed to pay a required fee. Notice of withdrawal of approval shall be in writing and shall set forth the reasons for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1069, 1969 PA 306, MCL 24.201 to 24.328.~~

R 408.30019 Tests; application and approval process; standards **Rescinded.**

- ~~–Rule 19. (1) A provider of a test shall apply for approval by submitting information on an application provided by the bureau. This information shall be evaluated by the commission pursuant to the requirements of this rule.~~
- ~~–(2) Before a full evaluation of the application, the bureau shall determine that the application submitted is complete. If it is incomplete, the applicant shall be notified, in writing, of the deficiency within 15 days of the date the application is received by the bureau. The incomplete application shall be returned to the applicant without prejudice. A subsequent submission shall be treated as a new application.~~
- ~~–(3) An application for approval of tests shall be evaluated for compliance with the act and these rules.~~
- ~~–(4) An application for the approval of a test shall be accompanied by all required fees.~~
- ~~–(5) An application shall contain all of the following information:~~
 - ~~–(a) The name and address of the applicant.~~
 - ~~–(b) A statement of the purpose and objective of the test.~~
 - ~~–(c) The names and qualifications of the developers of the test.~~
 - ~~–(d) The method of securing the test.~~
 - ~~–(e) The procedure for administering the test.~~
 - ~~–(f) The method of determining successful completion of the test.~~

- ~~-(g) The location of the facility where the test will be conducted.~~
- ~~-(h) A description of the equipment and materials required to administer the test.~~
- ~~-(i) The names of the test administrators or monitors.~~
- ~~-(6) A test shall be in compliance with all of the following standards:~~
 - ~~-(a) Admission to a test shall be made in a controlled manner to verify the eligibility and identity of candidates.~~
 - ~~-(b) Records of candidate participation shall be maintained and reported to the bureau at the completion of a test.~~
 - ~~-(c) Facilities and equipment shall be suitable and consistent with the purpose, design, and intended outcome of a test.~~
- ~~-(7) There shall be a sufficient number of qualified personnel present to monitor, proctor, evaluate, or administer a test.~~
- ~~-(8) If a test application is disapproved, the bureau shall notify the applicant and provide a written explanation of the reason for disapproval. The disapproved application shall be returned to the applicant.~~
- ~~-(9) Approval of a test shall be evidenced by a test approval report that is prepared by the bureau and issued to the applicant. The report shall include all of the following information:~~
 - ~~-(a) Name and address of the applicant.~~
 - ~~-(b) Test identification number.~~
 - ~~-(c) Period of approval.~~
 - ~~-(d) Conditions of approval.~~
- ~~-(10) A test or an amendment thereto which has been approved shall not be altered without prior authorization by the bureau. All changes shall be made a part of the written record of approval. The authorization shall be in writing or be confirmed in writing within 10 days of oral authorization.~~
- ~~-(11) The commission may withdraw the approval of a test when the approval was issued in error or was issued on the basis of incorrect information or when the test is found to be in violation of the rules. Notice of withdrawal of approval shall be in writing and shall set forth the reason for withdrawal of approval. An appeal from withdrawal of approval shall be processed pursuant to the provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

R 408.30022 FeesRescinded.

~~Rule 22. Fees shall be charged in accordance with the published rates of the commission. A failure to pay a required fee shall be grounds for disapproval or withdrawal of a previous approval.~~

R 408.30025 Notification of changesRescinded.

~~Rule 25. (1) A provider of approved educational and training programs or tests shall notify the bureau, in writing, within 10 days of any of the following occurrences:~~

- ~~-(a) A change in the name of the applicant.~~
- ~~-(b) A change in the address of the applicant.~~
- ~~-(c) A change in the principal officers of an applicant organization.~~

~~-(2) Changes with respect to classes shall ordinarily be made only when approved by the bureau in advance. If the illness of an instructor, natural disaster, or other emergency causes a change in the program as approved, the bureau shall be notified verbally at the earliest opportunity. A written notice that confirms the verbal report shall be made to the bureau within 10 days of the verbal report.~~

R 408.30028 Institutions of higher education and certain other institutions and organizations; application for approval of programs and classesRescinded.

~~Rule 28. (1) An institution of higher education and an educational institution that is authorized by the provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1853, may apply for approval of educational or training programs or classes under the criteria established in R 408.30013, R 408.30016, and R 408.30019.~~

~~(2) An organization that is accredited by, and holds institutional membership in, the council on continuing education units may apply for approval of educational or training programs or classes under the criteria established in R 408.30013, R 408.30016, and R 408.30019.~~

~~(3) A student who has attended a course which was not approved in advance and which is given by institutions or organizations specified in subrules (1) and (2) of this rule may submit proof of successful completion for evaluation as meeting a portion of the re-registration requirements. A request for evaluation shall be accompanied by the course syllabus or other material which clearly defines the course structure and content. A request for evaluation of unapproved programs that is not supported by adequate documentation shall be returned to an applicant without action.~~

~~(4) An applicant for re-registration who completes a course or program which is not specified in subrules (1) and (2) of this rule and which was not approved in advance may submit proof of successful completion for evaluation pursuant to the provisions of R 408.30013, R 408.30016, and R 408.30019. A request for evaluation shall be accompanied by a course syllabus or other material which clearly defines the course structure, content, evaluation criteria, and proof of successful course completion. A request for evaluation of unapproved programs that is not supported by adequate documentation shall be returned to an applicant without action.~~

R 408.30031 Standards for provisional registration~~Rescinded.~~

~~Rule 31. (1) An applicant for provisional registration as any of the following shall meet the requirements of R 408.30034 to R 408.30049:~~

~~(a) A building official.~~

~~(b) A plan reviewer.~~

~~(c) A building inspector.~~

~~(d) An electrical inspector.~~

~~(e) A mechanical inspector.~~

~~(f) A plumbing inspector.~~

~~(2) A person who becomes employed by an enforcing agency as a building official, plan reviewer, or inspector shall, within 30 days of employment, make application to the commission for provisional registration pursuant to the provisions of section 12(2) of the act.~~

~~(3) An application for provisional registration shall be made on a form prepared and furnished by the department. The department shall charge a fee pursuant to the published rates of the commission.~~

~~(4) A person whose registration is provisional shall become registered upon the completion of the first full 3-year registration cycle.~~

~~(5) An applicant for provisional registration shall provide, along with an application and fee, written verification of completing not less than the required number of hours of education in approved educational or training programs as provided by R 408.30055(4), and as prescribed in Table 31 of this rule in all of the following categories:~~

~~(a) Administration, which shall include programs and courses designed to enhance an applicant's understanding of laws and rules, as well as the administration and enforcement of related statutes and regulations.~~

~~(b) Technical, which shall include programs and courses designed to discuss the code and various technical code provisions.~~

- ~~–(c) Communication, which shall include courses intended to enhance an applicant’s communication skills with the public and may include technical writing, public speaking, training on interpersonal skills when working with people, and other areas of communications.~~
- ~~–(d) Specialty, which shall include courses designed to increase an applicant’s knowledge of inspections and construction techniques in the various registration classifications.~~
- ~~–(e) Plan review, which shall include courses designed to enhance an applicant’s understanding of the review of construction documents, plan review methodology and coordination.~~
- ~~–(6) Table 31 reads as follows:~~

Table 31

Hours Required for Provisional Registration

	Administration — 4 hrs				Communication — 1 hr			Technical — 8 hrs							Plan Review — 2 hrs			Specialty — 3 hrs					
Inspector or Plan Reviewer	1972 PA 230	Licensing	1980 PA 299	School Site Plan	Inspection Report	Violation Notice	Complaint Investigation	Michigan Building Code	Michigan Residential Code	Michigan Rehab Code	Michigan Energy Code	Michigan Electrical Code	Michigan Mechanical Code	Michigan Plumbing Code	Construction Documents	Methodology	Coordination	Inspection Procedures	Material & Equipment	Special Inspection	Manufacturer Installation Inst.	Product Acceptance	Alternate Approvals
Building	1	1	1	1	20 min	20 min	20 min	3	3	1	1	0	0	0	40 min	40 min	40 min	.5	.5	.5	.5	.5	.5
Electrical	1	2	.5	.5	20 min	20 min	20 min	5	1.5	.5	.5	5	0	0	40 min	40 min	40 min	.5	.5	.5	.5	.5	.5
Mechanical	1.5	1.5	.5	.5	20 min	20 min	20 min	0	1.5	.5	.5	0	5.5	0	1.0	.5	.5	1.0	20 min	20 min	20 min	.5	.5
Plumbing	1.5	1.5	.5	.5	20	20	20	5	1	.5	0	.5	.5	5.5	1.0	.5	.5	1.0	20	20	20	.5	.5

2020 MR 23 – January 1, 2021

					min	min	min	5										min	min	min		
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R 408.30034 Building official; experienceRescinded.

~~—Rule 34. An applicant for registration as a provisional building official shall have 2 years of experience as a registered code inspector or plan reviewer.~~

R 408.30037 Building inspector; experienceRescinded.

~~—Rule 37. (1) An applicant for registration as a provisional building inspector shall have not less than 4 years of experience in 1 or more of the following categories:~~

~~—(a) As a licensed residential builder under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919, who has been actively engaged in the construction business for not less than 4 years.~~

~~—(b) As a building contractor, a person who is in charge of general building construction, or as a skilled worker in structural carpentry, structural masonry, structural steel erection, or structural concrete construction who has been actively engaged in the general building construction field. This category does not include a person who is licensed as a contractor under the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892; the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569; or the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.~~

~~—(c) Possess a current license as an architect or engineer under the provisions of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.~~

~~—(d) As a project manager, superintendent, supervisor, or foreman actively engaged in general building construction.~~

~~—(e) As a licensed or registered building inspector from other states, Canada or other recognized countries with inspection experience in general building construction and who holds a master or certified building official certificate obtained from the international code council (ICC), defined as an inspector by the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.~~

~~—(2) A person who has obtained a degree or certificate in a recognized curriculum from an institution of higher education in a construction-related field shall receive not more than 2 years of experience for a 4-year degree and not more than 1 year experience for a 2-year degree as required in subrule (1)(a) of this rule for registration as a provisional building inspector.~~

~~—(3) An applicant who meets the requirements of this rule shall be deemed qualified for registration as a building inspector, subject to the provisions of section 12(2) of the act.~~

~~—(4) An applicant shall submit, with an application, documentation of his or her experience. The documentation may consist of any of the following:~~

~~—(a) An affidavit.~~

~~—(b) Notarized letters.~~

~~—(c) Copies of licenses and registrations.~~

~~—(d) A job description from a present or former employer.~~

~~—(e) A permit history from authorized enforcing agencies.~~

~~—(f) A copy of an official transcript from an institution of higher education.~~

~~—(g) Other pertinent information.~~

R 408.30040 Electrical inspector; experienceRescinded.

~~—Rule 40. An applicant for registration as a provisional electrical inspector shall have 2 years of experience as a licensed journey worker or shall be licensed as a master electrician under the provisions of 1956 PA 217, MCL 338.881 to 338.892.~~

R 408.30043 Mechanical inspector; experienceRescinded.

~~Rule 43. An applicant for registration as a provisional mechanical inspector shall have possessed a mechanical license for not less than 1 year in 3 or more categories 1, 2, 4, or 9 as defined in 1984 PA 192, MCL 338.971 to MCL 338.988 and known as the Forbes mechanical contractors act.~~

R 408.30046 ~~Plumbing inspector; experience~~**Rescinded.**

~~Rule 46. An applicant for registration as a provisional plumbing inspector shall have possessed a journey license for not less than 2 years or shall be licensed as a master plumber under the provisions of the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.~~

R 408.30049 ~~Plan reviewer; experience~~**Rescinded.**

~~Rule 49. (1) An applicant for registration as a provisional plan reviewer shall have not less than 4 years of experience in 1 or more of the following categories:~~

~~(a) As a licensed residential builder under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919, who has been actively engaged in the construction business for not less than 4 years.~~

~~(b) As a skilled worker in 1 or more of the following disciplines:~~

~~(i) Structural carpentry.~~

~~(ii) Structural masonry.~~

~~(iii) Structural steel erection.~~

~~(iv) Structural concrete construction.~~

~~(c) Possesses a current license as an architect or engineer under the provisions of the occupational code, 1980 PA 299, MCL 339.101 to 339.2919.~~

~~(d) As a project manager, superintendent, supervisor, or foreman of general building construction.~~

~~(e) As a licensed or registered building inspector or plan reviewer in the United States, Canada, or other recognized countries with 4 years of inspection or plan review experience in general building construction and holds a master or certified building official certificate obtained from the ICC.~~

~~(2) A person who has obtained a degree or certificate in a recognized curriculum from an institution of higher education in a construction related field shall receive not more than 2 years of experience for a 4-year degree and not more than 1 year experience for a 2-year degree as required in subrule (1)(a) of this rule for registration as a provisional building inspector.~~

~~(3) An applicant who meets the requirements of this rule shall be deemed qualified for registration as a plan reviewer, subject to the provisions of section 12(2) of the act.~~

~~(4) An applicant shall submit, with an application, documentation of his or her experience. The documentation may consist of 1 of the following:~~

~~(a) An affidavit.~~

~~(b) Copies of licenses and registrations.~~

~~(c) A job description from a present or former employer.~~

~~(d) A permit history from authorized enforcing agencies.~~

~~(e) A copy of an official transcript from an institution of higher education.~~

~~(f) Other pertinent information.~~

~~(5) An applicant for registration as a provisional plan reviewer shall have 2 years of experience as a licensed electrical journey worker or shall be licensed as a master electrician under the provisions of 1956 PA 217, MCL 338.881 to 338.892 and known as the Electrical Administrative Act.~~

~~(6) An applicant for registration as a provisional plan reviewer shall have possessed a mechanical license for not less than 1 year in 3 or more categories 1, 2, 4, or 9 as defined in the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988.~~

~~–(7) An applicant for registration as a provisional plan reviewer shall possess a plumbing journey license for not less than 2 years or shall be licensed as a master plumber under the provisions of the plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.~~

R 408.30052 ~~Standards for re-registration of building officials, plan reviewers, and inspectors~~**Rescinded.**

~~–Rule 52. (1) An application for re-registration as a building official, plan reviewer, or inspector shall be submitted on a form prescribed by the commission and shall be accompanied by all required fees.~~

~~–(2) An application shall be submitted by September 16 of the cycle year. There shall be no extensions or grace periods. Functions under 1972 PA 230, MCL 125.1501 to 125.1531 shall not be performed on an expired registration.~~

~~–(3) An applicant shall show evidence of completing the minimum number of hours in approved educational or training programs prescribed in R 408.30055. An applicant for re-registration shall achieve the required number of hours of continuing education by participation in 1 or more of the types of approved educational or training programs listed in R 408.30055 (4).~~

~~–(4) An applicant in a discipline that requires licensure shall maintain a current license and shall provide a copy of the current license upon re-registration.~~

~~–(5) When an applicant has been on extended leave due to illness or military service, the number of hours of continuing education required for re-registration shall be reduced pursuant to table 55B, prorated upon consideration of the months absent.~~

~~–(6) An incomplete application shall be returned to the applicant. The returned application shall be completed and resubmitted to the bureau within 15 days of the date of being returned to the applicant.~~

~~–(7) Failure to comply with subrule (6) of this rule shall be grounds for denial of the application and forfeiture of the fees already paid.~~

R 408.30055 ~~Registration; required hours of training; training categories; effective date~~**Rescinded.**

~~–Rule 55. (1) An applicant for re-registration shall complete not less than the required number of hours of continuing education in approved educational or training programs, as prescribed in table 55A and table 55B of this rule, in all of the following categories:~~

~~–(a) Administration, which shall include programs and courses designed to enhance an applicant's understanding of laws, rules, and the administration and enforcement of related statutes and regulations.~~

~~–(b) Technical, which shall include programs and courses designed to discuss the code and various technical code provisions.~~

~~–(c) Communications, which shall include courses intended to enhance an applicant's communication skills with the public and may include technical writing, public speaking, working with people, and communications.~~

~~–(d) Specialty, which shall include courses designed to increase an applicant's knowledge of inspection and construction techniques in the various registration classifications.~~

~~–(2) Continuing education shall be valid for re-registration only when accrued during the applicant's current 3-year registration period, except as provided for in subrule (3) of this rule.~~

~~–(3) When an applicant's original registration is for a period of less than a full 3-year cycle, the number of hours of continuing education required for re-registration at the end of that period shall be reduced in accordance with table 55A. Continuing education shall be valid only when accrued during the period in which the applicant was registered.~~

~~–(4) The bureau may approve any of the following types of educational or training programs:~~

~~–(a) Association programs that are sponsored by any of the following entities:~~

~~–(i) Inspector organizations.~~

~~–(ii) Township, municipal, and county organizations.~~

- ~~–(iii) Professional and trade organizations.~~
- ~~–(b) Home study courses, such as videotapes, audiocassettes, and correspondence courses.~~
- ~~–(c) Private contractor technical update courses.~~
- ~~–(d) University, college, and community college courses.~~
- ~~–(e) Department sponsored training programs.~~
- ~~–(f) Training sponsored by nationally recognized model code promulgating organizations, such as the international code council. The commission may approve other educational or training programs offered by a provider which address the educational categories listed in subrule (1) of this rule and which meet the standards and criteria for an approvable educational or training program listed in these rules.~~
- ~~–(5) Table 55A reads as follows:~~

Table 55A

HOURS REQUIRED FOR RE-REGISTRATION

Training Category	Registration Classifications					
	Building	Inspector				Plan
	Official	Bldg.	Elect.	Mech.	Plumb.	Reviewer
Administration ^(a)	16	4	4	4	4	4
Technical	24 ^(d)	24 ^(b)	24 ^(b)	24 ^(b)	24 ^(b)	24 ^(d)
Communication ^(a)	2	1	1	1	1	1
Specialty	8 ^(d)	18 ^(b)	18 ^(b)	18 ^(b)	18 ^(b)	18 ^(e)
Total	50	47	47	47	47	47

~~–(a) When applying for re-registration in more than 1 classification, the number of hours in these training categories may be applied to more than 1 registration classification. For example, an applicant for re-registration as an electrical inspector and a plan reviewer would need only 1 hour in the communication category; an applicant for re-registration as a building official and a mechanical inspector would need only 16 hours in the administration category.~~

~~–(b) The number of hours listed for technical and specialty topics shall be accomplished for each inspector registration classification. For example, an applicant for re-registration as a building official and a plumbing inspector would need 24 hours in the technical categories (in plumbing); an applicant for re-registration as a mechanical inspector and a plumbing inspector would need 36 hours in the specialty categories 18 related to mechanical codes and 18 more related to plumbing codes.~~

~~–(c) Re-registration as a plan reviewer shall require 12 hours in plan review technique and 6 hours in 1 or more of the other registration classifications listed under this category.~~

~~–(d) For re-registration as a building official or plan reviewer, training in these categories may be achieved in any single inspector registration classification or any combination of inspector registration classifications.~~

TABLE 55B

Prorated hours, by category, based upon the date the application is received by the bureau of construction codes:

Cycle	Through	Maximum Hours in Category:						
Month	16 th of:	24	18	16	8	4	2	1
1	October	24	18	16	8	4	2	1
2	November	23	18	16	8	4	2	1
3	December	23	17	15	8	4	2	1
4	January	22	17	15	8	4	2	1
5	February	21	16	14	7	4	2	1
6	March	20	16	14	7	4	2	1
7	April	20	15	13	7	4	2	1
8	May	19	14	13	7	4	2	1
9	June	18	14	12	6	3	2	1
10	July	17	13	12	6	3	2	1
11	August	17	13	11	6	3	2	1
12	September	16	12	11	6	3	2	1
13	October	15	12	10	5	3	2	1
14	November	14	11	10	5	3	2	1
15	December	14	10	9	5	3	2	1
16	January	13	10	9	5	3	2	1
17	February	12	9	8	4	2	1	1
18	March	11	9	8	4	2	1	1
19	April	11	8	7	4	2	1	1
20	May	10	8	7	4	2	1	1

21	June	9	7	6	3	2	1	1
22	July	8	6	6	3	2	1	1
23	August	8	6	5	3	2	1	1
24	September	7	5	5	3	2	1	1
25	October	6	5	4	2	1	1	1
26	November	5	4	4	2	1	1	1
27	December	5	4	3	2	1	1	1
28	January	4	3	3	2	1	1	1
29	February	3	2	2	1	1	1	1
30	March	2	2	2	1	1	1	1
31	April	2	1	1	1	1	1	1
32	May	1	1	1	1	1	1	1
33	June	0	0	0	0	0	0	0
34	July	0	0	0	0	0	0	0
35	August	0	0	0	0	0	0	0
36	September	0	0	0	0	0	0	0

~~(7) This rule takes effect September 18, 1991.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Building Officials, Plan Reviewers, and Inspector Rules
Rule Set 2019-109 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjIBNlRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Building Officials, Plan Reviewers, and Inspector Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, repeals the State Plumbing Board Act, 2002 PA 733, MCL 338.3511 to 338.3569; Electrical Administrative Board Act, 1956 PA 217, MCL 338.881 to 338.892; Boiler Act, 1965 PA 290, MCL 408.751 to 408.776; Board of Mechanical Act, 1984 PA 192, MCL 338.971 to 338.988; and the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. The repealed Acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses.

Promulgation of the Building Officials, Plan Reviewers, and Inspector rules is authorized under section 207 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030. This authority replaces the previous authority under 1986 PA 54, MCL 338.2301 to 338.2313. These rules will take effect immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Administrative Services Division- Rules Analyst Amanda Johnson
P.O. Box 30254, Lansing, MI 48909
[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND
REGULATORY AFFAIRS**

BUREAU OF CONSTRUCTION CODES

ELECTRICAL ADMINISTRATIVE BOARD

GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the electrical administrative board by sections 3 and 8c of Act No. 217 of the Public Acts of 1956, as amended, being SS338.883 and 338.888c of the Michigan Compiled Laws~~
By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030)

R 338.1001a, R 338.1002a, R 338.1003a, R 338.1004a, R 338.1005a, R 338.1005b, R 338.1005c, R 338.1005d, R 338.1006a, R 338.1006b, R 338.1007a, R 338.1008a, R 338.1009a, R 338.1010a, R 338.1011a, R 338.1012a, R 338.1013a, R 338.1014a, R 338.1015a, R 338.1016a, R 338.1017a, R 338.1018a, R 338.1022a, R 338.1023a, R 338.1027a, R 338.1035a, R 338.1039a, and R 338.1099a of the Michigan Administrative Code are rescinded as follows:

R 338.1001a Definitions Rescinded.

Rule 1a. (1) As used in these rules:

~~-(a) "Act" means Act No. 217 of the Public Acts of 1956, as amended, being S338.881 et seq. of the Michigan Compiled Laws.~~

~~-(b) "Board" means the electrical administrative board.~~

~~-(c) "Department" means the department of labor.~~

~~-(2) A term defined in the act has the same meaning when used in these rules.~~

R 338.1002a Applications; form; fee; grounds for denial of applications and for forfeiture of fees Rescinded.

Rule 2a. (1) ~~An applicant for examination shall submit, to the department, an application on the form prepared and furnished by the department.~~

~~-(2) An application shall be accompanied by the fee prescribed in the act.~~

~~-(3) Each question on the application shall be answered in its entirety.~~

~~-(4) An incomplete application shall be returned to the applicant for completion and then resubmitted to the department within 15 days after the date of the department's request.~~

~~-(5) Failure to comply with the requirement of subrule (4) of this rule is grounds for denial of the application.~~

R 338.1003a Electrical contractor, fire alarm contractor, and sign specialty contractor; license examination qualifications-Rescinded.

Rule 3a. (1) To qualify for an electrical contractor examination, an applicant shall provide either of the following:

~~–(a) A current master electrician license that is issued by the board or by a municipality providing for licensing pursuant to the provisions of section 6 of the act.~~

~~–(b) Proof, on a form provided by the department, of the full time employment of not less than 1 master electrician who is licensed under the act and who resides in this state and certification that the master electrician shall be actively in charge of, and responsible for, code compliance of all installations of electrical wiring and equipment.~~

~~–(2) A master electrician shall not represent more than 1 electrical contractor, firm, or corporation at the same time.~~

~~–(3) To qualify for a fire alarm contractor examination, an applicant shall provide either of the following:~~

~~–(a) A current fire alarm specialty technician license that is issued by the board or by a municipality providing for licensing pursuant to the provisions of section 6 of the act.~~

~~–(b) Proof, on a form provided by the department, of the full time employment of not less than 1 fire alarm specialty technician who is licensed under the act and who resides in this state and certification that the fire alarm specialty technician shall be actively in charge of, and responsible for, code compliance of all installations of fire alarm system wiring and equipment.~~

~~–(4) A fire alarm specialty technician shall not represent more than 1 fire alarm contractor, firm, or corporation at the same time.~~

~~–(5) To qualify for a sign specialty contractor examination, an applicant shall provide either of the following:~~

~~–(a) A current sign specialist license that is issued by the board or by a municipality providing for licensing pursuant to the provisions of section 6 of the act.~~

~~–(b) Proof, on a form provided by the department, of the full time employment of not less than 1 sign specialist who is licensed under the act and who resides in this state and certification that the sign specialist shall be actively in charge of, and responsible for, code compliance of all installations, manufacturing, maintenance, connection, and repair of electric signs, outline lighting, and related wiring.~~

R 338.1004a Master electrician license examination qualifications-Rescinded.

Rule 4a. (1) To qualify for a master electrician license examination, a person shall meet the criteria set forth in the act and shall provide both of the following:

~~–(a) A notarized statement from present or former employers to the effect that the applicant has a minimum of 12,000 hours of practical experience that has been obtained over a period of not less than 6 years in electrical construction, the maintenance of buildings, or electrical wiring under the supervision of a master electrician. When an applicant has provided documentation of 8,000 hours of practical experience that is required pursuant to the provisions of R 338.1005a(1), he or she shall provide a notarized statement from present or former employers to demonstrate the attainment of 4,000 hours of practical experience subsequent to initial journeyman license issuance.~~

~~–(b) Evidence of holding a journeyman license for 2 years preceding the date of application. If the journeyman license was not issued by the board, a copy of the license that was issued by a municipality providing for licensing pursuant to the provisions of section 6 of the act or a statement from the licensing authority that verifies license issuance shall be furnished.~~

~~–(2) If an applicant is unable to conform with any of the requirements in subrule (1) of this rule, he or she may present evidence to the board as to his or her eligibility for examination.~~

R 338.1005a Journeyman electrician examination qualifications Rescinded.

~~–Rule 5a. (1) To qualify for a journeyman electrician license examination, a person shall meet the criteria set forth in the act and shall provide a notarized statement from present or former employers to the effect that the applicant has a minimum of 8,000 hours of practical experience obtained over a period of not less than 4 years in electrical construction, the maintenance of buildings, or electrical wiring under the direct supervision of a journeyman or master licensed pursuant to the act.~~

~~–(2) Credit toward the 8,000 hours of practical experience prescribed in subrule (1) of this rule shall be provided to an applicant as follows:~~

~~–(a) Not more than 2,000 hours upon furnishing a copy of a bachelor of science degree in electrical engineering.~~

~~–(b) Not more than 1,000 hours upon furnishing documentation of participation in a training or educational program that is acceptable to the board.~~

~~–(3) If an applicant is unable to conform with any of the requirements specified in subrules (1) and (2) of this rule, he or she may present evidence to the board as to his or her eligibility for examination.~~

R 338.1005b Fire alarm specialty technician; license examination qualifications Rescinded.

~~Rule 5b.(1) To qualify for a fire alarm specialty technician license examination, a person shall meet the criteria set forth in the act and shall provide documentation of certification by the national institute for certification in engineering technology as an associate engineering technician, level II or the equivalent as determined by the board, in the field of fire alarm systems technology.~~

~~–(2) The board may determine the equivalency of other certification in the field of fire alarm systems technology through documentation which is provided by the applicant and which is acceptable to the board.~~

R 338.1005c Sign specialist; license examination qualifications Rescinded.

~~Rule 5c. (1) To qualify for a sign specialist license examination, a person shall meet the criteria set forth in the act and comply with both of the following provisions:~~

~~–(a) Provide a notarized statement from present or former employers to the effect that the applicant has a minimum of 4,000 hours of practical experience obtained over a period of not less than 2 years in the manufacture, installation, maintenance, connection, or repair of electric signs, outline lighting, and related wiring.~~

~~–(b) Demonstrate the successful completion of a course concerning the installation, maintenance, connection, or repair of electric signs and related wiring as contained in the sign electrician's workbook published by the American technical publishers, incorporated, or completion of a training course as specified in R 338.1005d.~~

~~–(2) Credit toward the 4,000 hours of practical experience prescribed in subrule (1) of this rule shall be provided to an applicant as follows:~~

~~–(a) Not more than 2,000 hours upon furnishing a copy of a bachelor or science degree in electrical engineering.~~

~~–(b) Not more than 1,000 hours upon furnishing documentation of participation in a training and educational program that is acceptable to the board.~~

~~(3) If the applicant is unable to comply with any of the documentation requirements specified in subrules (1) and (2) of this rule, then he or she may present evidence to the board as to his or her eligibility for examination.~~

R 338.1005d ~~Sign specialty technician training course criteria~~ **Rescinded.**

~~Rule 5d. (1) The board shall approve instructor provided courses on sign wiring that are in compliance with the requirements of the act and these rules.~~

~~–(2) The board shall approve instructors who demonstrate experience in the manufacturing and installation of electric signs.~~

~~–(3) A certificate of completion shall be issued to a person who has successfully completed the sign technician course with a passing grade and required attendance. The certificate shall contain all of the following information:~~

~~–(a) A course approval number as granted by the board.~~

~~–(b) The name and address of the school, college, organization, company, or person who sponsors or administers the course.~~

~~–(c) The date the certificate was issued.~~

~~–(d) The student's name and address.~~

~~–(e) The instructor's signature certifying that the applicant completed the course as described in subrule (4) of this rule.~~

~~–(4) The course shall contain instruction in all of the following subjects:~~

~~–(a) General information, including all of the following:~~

~~–(i) Listing and labeling.~~

~~–(ii) Clearances.~~

~~–(iii) Safety.~~

~~–(iv) Structural integrity.~~

~~–(v) Indoor/outdoor installations.~~

~~–(b) Wiring design, including all of the following:~~

~~–(i) Grounding.~~

~~–(ii) Terminations.~~

~~–(iii) Calculations.~~

~~–(iv) Overcurrent protection.~~

~~–(c) Wiring methods and materials for 1000 volts or less and for more than 1000 volts.~~

~~–(d) General use equipment, including all of the following:~~

~~–(i) Lighting fixtures.~~

~~–(ii) Motors.~~

~~–(iii) Transformers.~~

~~–(e) Types of signs, including all of the following:~~

~~–(i) Incandescent.~~

~~–(ii) Electric discharge lighting.~~

~~–(iii) Electric discharge tubing.~~

~~–(iv) Fixed outline lighting.~~

~~–(v) Skeleton type signs.~~

~~–(vi) Outdoor portable signs.~~

~~–(vii) Portable gas tube signs.~~

R 338.1006a ~~Examination eligibility of applicants from other states and countries; nonresident temporary journeyman's license~~ **Rescinded.**

~~Rule 6a. (1) A person who is licensed as a master or journeyman electrician in another state or country or who possesses a fire alarm specialty technician license or sign specialist license from another state or country may qualify for examination upon a determination by the board that the license~~

~~was obtained by the person through substantially the same or equal requirements as those of the state of Michigan in accordance with section 3a of the act.~~

~~–(2) An applicant who is licensed in another state shall be approved by the board for the master examination as specified in R 338.1004a.~~

~~–(3) An applicant who is licensed in another state shall be approved by the board for the journeyman examination as specified in R 338.1005a.~~

~~–(4) A nonresident person who is licensed in another state may receive a temporary journeyman license for a period of not more than 90 days if the nonresident person qualifies under subrules (1) and (3) of this rule.~~

~~–(5) An applicant who is licensed in another state shall be approved by the board for the fire alarm specialty technician license examination as specified in R 338.1005b.~~

~~–(6) An applicant who is licensed in another state shall be approved by the board for the sign specialist's license examination as specified in R 338.1005e.~~

R 338.1006b Specialty licenses not required-Rescinded.

~~Rule 6b (1) A person, firm or corporation holding a valid electrical contractor license shall not be required to be licensed as a fire alarm contractor or sign specialty contractor to perform the installation of specialty category wiring.~~

~~–(2) A person holding a valid master electrician license or an electrical journeyman license shall not be required to be licensed as a fire alarm specialty technician to perform installations of fire alarm system wiring at the direction of a licensed electrical contractor or fire alarm contractor.~~

~~–(3) A person holding a valid master electrician license or an electrical journeyman license shall not be required to be licensed as a sign specialist to perform the installation of sign wiring at the direction of a licensed electrical contractor or sign specialty contractor.~~

~~–(4) A person who is registered as an apprentice electrician shall not be required to be registered as a fire alarm apprentice to perform the installation of fire alarm system wiring providing the work is performed under the direct personal supervision of a licensed master electrician or electrical journeyman.~~

~~–(5) A person who is registered as a fire alarm apprentice may perform installations of fire alarm system wiring under the direct personal supervision of a person who is licensed as a master electrician, an electrical journeyman, or a fire alarm specialty technician.~~

~~–(6) A person who is licensed as a fire alarm specialty technician may perform installations of fire alarm systems under the direction of a licensed electrical contractor or fire alarm contractor.~~

~~–(7) A person who is licensed as a sign specialist may perform electrical wiring of signs at the direction of a licensed electrical contractor or sign specialty contractor.~~

R 338.1007a Acceptance of application; admission card renewal-Rescinded.

~~Rule 7a. (1) An application shall not be accepted, and an admission card shall not be issued, for a scheduled examination, unless the completed application has been on file in the Lansing office of the board for not less than 20 business days before the date of the next scheduled examination.~~

~~–(2) An application may be accepted and an admission card issued if an applicant presents a satisfactory explanation to the department for the failure to file an application within the 20 days prescribed in subrule~~

~~(1) of this rule.~~

~~–(3) An admission card shall not be renewed unless the applicant provides a reasonable written explanation of his or her absence from the scheduled examination to the department within 10 business days after the scheduled examination.~~

R 338.1008a ~~Time of examination~~ **Rescinded.**

~~Rule 8a. The department shall conduct an examination at least once each calendar quarter at a time and place designated by the department.~~

R 338.1009a ~~Examination; notice; identification~~ **Rescinded.**

~~Rule 9a. (1) Notice of the time, place, and date of the examination shall be mailed to those applicants whose applications have been accepted and are on file in the Lansing office for not less than 20 business days before the date of the next scheduled examination.~~

~~–(2) An applicant who appears for an examination shall present the admission card that is issued by the department and a current pictured piece of identification, such as a driver's license.~~

R 338.1010a ~~Failure to appear for examination; effect~~ **Rescinded.**

~~Rule 10a. If an applicant fails to appear for the examination designated on the admission card and fails to make a satisfactory explanation for his or her absence to the department within 10 business days following the scheduled examination, then the application is canceled and the application fee is forfeited.~~

R 338.1011a ~~Review and approval of form and content of examination; scope of examinations; minimum grade~~ **Rescinded.**

~~Rule 11a. (1) The department and the board, acting jointly, shall review and approve the form and content of the examination or other test.~~

~~–(2) The examination for a master or journeyman electrician license shall be a written examination that consists of questions that are designed to test an individual's knowledge of all of the following:~~

~~–(a) The act.~~

~~–(b) Any rules promulgated pursuant to the act.~~

~~–(c) The provisions of Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws.~~

~~–(d) The electrical code adopted pursuant to the provisions of section 4 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1504 of the Michigan Compiled Laws.~~

~~–(e) An electrical code adopted under section 8 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1508 of the Michigan Compiled Laws.~~

~~–(f) The theory relative to the codes specified in subdivisions (d) and (e) of this subrule.~~

~~–(3) The electrical contractor examination, fire alarm contractor examination, and sign specialty contractor examination shall consist of a written examination that is designed to test an individual's knowledge of all of the following:~~

~~–(a) The act.~~

~~–(b) The provisions of Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws.~~

~~–(c) The administration and enforcement procedures of any code that is adopted under section 8 or 9 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1508 or S125.1509 of the Michigan Compiled Laws.~~

~~–(4) To qualify for a license, an applicant shall receive a minimum examination grade of 75%.~~

~~–(5) The examination for a fire alarm specialty technician license shall be a written examination that consists of questions which are designed to test an individual's knowledge of all of the following:~~

~~–(a) The act.~~

~~–(b) Any rules promulgated pursuant to the act.~~

~~–(c) The electrical code relating to fire alarms that is adopted under section 4 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1504 of the Michigan Compiled Laws.~~

~~–(6) The examination for a sign specialist license shall be a written examination that consists of questions to test an individual's knowledge of all of the following:~~

~~–(a) The act.~~

~~–(b) Any rules promulgated pursuant to the act.~~

~~–(c) The electrical code relating to electric signs and outline lighting that is adopted under section 4 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1504 of the Michigan Compiled Laws.~~

R 338.1012a Notification of results of examination ~~Rescinded~~.

~~Rule 12a. An applicant shall be notified of the results of an examination within 30 days after completing the examination. A license shall be issued pursuant to the provisions of R 338.1015a within 10 business days after receipt of the license fee.~~

R 338.1013a Reexaminations for master and journeyman licenses, fire alarm specialty technician license, or sign specialist license; course approval ~~Rescinded~~.

~~–Rule 13a. (1) The examination fee will be forfeited if an applicant fails to receive a passing grade on an examination for a journeyman or master license, fire alarm specialty technician license, or a sign specialist license.~~

~~–(2) If an applicant for a master electrician license or journeyman electrician license fails 2 examinations within 2 years, he or she shall be ineligible to qualify for another examination for 1 year. After 1 year, an applicant may qualify for reexamination by submitting an application for reexamination on a form provided by the department. The application for reexamination shall include documentation of the successful completion of a board approved course in the provisions of the electrical code, electrical fundamentals, or electrical theory.~~

~~–(3) When an applicant for a sign specialist license fails 2 examinations within 2 years, he or she may qualify for reexamination by submitting an application for reexamination on a form provided by the department. The application for reexamination shall include documentation of the successful completion of a board approved course in the applicable provisions of the electrical code and electrical fundamentals.~~

~~–(4) All of the following types of courses may be approved:~~

~~–(a) University, college, and community college courses.~~

~~–(b) Home study courses, such as videotapes, audio cassettes, and correspondence courses.~~

~~–(c) Private contractor technical courses.~~

~~–(d) Association programs that are sponsored by professional trade organizations and inspector organizations.~~

~~–(e) Training that is sponsored by nationally recognized, model code promulgating organizations. The board may approve other educational or training programs which are offered by a provider and which address the categories listed in subrule (2) of this rule.~~

R 338.1014a Reexamination for electrical contractor license, fire alarm contractor license, and sign specialty contractor license ~~Rescinded~~.

~~Rule 14a. An applicant for the electrical contractor, fire alarm contractor, or sign specialty contractor examination who fails to qualify for a license shall reapply for examination, on a form for reexamination provided by the department, and pay the fee prescribed in the act. An applicant for an electrical contractor license may be examined at the next scheduled examination.~~

R 338.1015a Licenses; issuance ~~Rescinded~~.

~~Rule 15a. (1) The department shall issue a license only after an applicant has successfully completed all of the requirements of the act and these rules, including receiving the minimum passing grade prescribed in R 338.1011a, and has paid the license fee prescribed in the act.~~

~~–(2) An applicant who qualifies for an electrical contractor license and who holds a master electrician license shall be issued a license upon completion of a form provided by the department.~~

~~–(3) An applicant for an electrical contractor license who employs a master electrician to supervise all electrical installations in order to qualify for a contractor license shall furnish a notarized statement from the master electrician that certifies all of the following with respect to the master electrician:~~

~~–(a) Residence in this state.~~

~~–(b) Full time employment by the contractor.~~

~~–(c) He or she does not represent any other person, firm, or corporation as its master electrician.~~

~~–(d) He or she does not represent any other person, firm, or corporation as the licensee in a business or industrial setting through an affidavit that is signed by the employer and the licensee as referenced in R 338.1039a.~~

~~–(4) If a master electrician ceases to represent an electrical contractor, the contractor shall have 30 days in which to designate an employee or officer who is a licensed master electrician to qualify for~~

~~the contractor license. After the 30-day period, the contractor license is not valid and shall be renewed in accordance with the requirements of these rules. Both the electrical contractor and the master electrician who is employed by the electrical contractor shall notify the board within 10 business days of any changes in the employment status of the master electrician.~~

~~–(5) Before an electrical contractor license is issued, an applicant shall also pay the amount required under Act No. 497 of the Public Acts of 1980, as amended, being S570.1101 et seq. of the Michigan Compiled Laws, which amount shall be paid to the department of commerce for deposit into the homeowner construction lien fund.~~

~~–(6) An applicant who qualifies for a fire alarm contractor license and who holds a fire alarm specialty technician license shall be issued a license upon completion of a form provided by the department.~~

~~–(7) An applicant for a fire alarm contractor license who employs a fire alarm specialty technician to supervise all installations of fire alarm system wiring and equipment shall furnish a notarized statement from the fire alarm specialty technician that certifies all of the following with respect to the fire alarm specialty technician:~~

~~–(a) Residence in this state.~~

~~–(b) Full time employment by the contractor.~~

~~–(c) He or she does not represent any other person, firm, or corporation as its fire alarm specialty technician.~~

~~–(8) If a fire alarm specialty technician ceases to represent a fire alarm contractor, the contractor shall have 30 days in which to designate an employee or officer who is a licensed fire alarm specialty technician to qualify for the contractor license. After the 30-day period, the contractor license is not valid and shall be renewed in accordance with the requirements of these rules. Both the fire alarm contractor and the fire alarm specialty technician who is employed by the fire alarm contractor shall notify the board within 10 business days of any changes in the employment status of the fire alarm specialty technician.~~

~~–(9) Before a fire alarm contractor license is issued, an applicant shall also pay the amount required under Act No. 497 of the Public Acts of 1980, as amended, being S570.1101 et seq. of the Michigan Compiled Laws, which amount shall be paid to the department of commerce for deposit into the homeowner construction lien fund.~~

~~–(10) An applicant who qualified for a sign specialty contractor license and who holds a sign specialist license shall be issued a license upon completion of a form provided by the department.~~

~~–(11) An applicant for a sign specialty contractor license who employs a sign specialist to supervise all installations, maintenance, connections, and repair of electric signs and related wiring shall furnish a notarized statement from the sign specialist that certifies all of the following with respect to the sign specialist:~~

~~–(a) Residence in this state.~~

~~–(b) Full time employment by the contractor.~~

~~–(c) He or she does not represent any other person, firm, or corporation as its sign specialist.~~

~~–(12) If a sign specialist ceases to represent a sign contractor, the contractor shall have 30 days in which to designate an employee or officer who is a licensed sign specialist to qualify for the contractor license. After the 30 day period, the contractor license is not valid and shall be renewed in accordance with the requirements of these rules. Both the sign contractor and the sign specialist who is employed by the sign contractor shall notify the board within 10 business days of any changes in the employment status of the sign specialist.~~

~~–(13) Before a sign specialty contractor license is issued, an applicant shall provide evidence of public liability insurance, which shall not be less than \$1,000,000.00 of coverage.~~

~~–(14) A license shall expire on December 31 of each year and shall be renewed as prescribed in R 338.1016a.~~

R 338.1016a Renewal of licenses ~~Rescinded~~.

~~Rule 16a. (1) Except as prescribed in subrule (2) of this rule, all licenses shall be renewed by March 1 of each year upon application and payment of the fee prescribed in the act.~~

~~–(2) In addition to the requirements specified in subrule (1) of this rule, not later than 12 months after the adoption of the code, an applicant for journeyman or master license renewal shall show evidence of completing an approved course as prescribed in R 338.1017a. A certificate of completion, as prescribed in R 338.1017a(4), shall accompany the application for renewal.~~

~~–(3) An applicant who fails to complete the required course shall not be issued a license.~~

R 338.1017a Code update courses; instructors; standards ~~Rescinded~~.

~~Rule 17a. (1) The board shall approve instructor provided code update courses that are in compliance with the requirements of the act and these rules.~~

~~–(2) Instructors shall be licensed as master or journeymen electricians or shall be approved by the board.~~

~~–(3) A course for master and journeyman electricians shall consist of not less than 15 contact hours of instruction in changes in the code and basic code book usage.~~

~~–(4) A course for fire alarm specialty technicians shall consist of not less than 15 hours of instruction in changes in the code relating to fire alarm systems and basic code book usage.~~

~~–(5) A course for sign specialists shall consist of not less than 8 hours of instruction in changes in the code relating to electric sign wiring and basic code book usage.~~

~~–(6) A certificate of completion shall be issued to a person who has successfully completed the code update class with a passing grade and required attendance. The certificate shall contain all of the following information:~~

~~–(a) A course approval number as granted by the board.~~

~~–(b) The name and address of the school, college, organization, company, or person who sponsors or administers the course.~~

~~–(c) The date the certificate was issued.~~

~~–(d) The student's name and address.~~

~~–(e) The instructor's signature certifying that the applicant completed the course as described in subrule (3) of this rule.~~

R 338.1018a Submission process and approval for code update course and instructor Rescinded.

~~Rule 18a. (1) A provider of a code update course shall apply for approval by submitting information on an application provided by the bureau. The information shall be evaluated by the board pursuant to the requirements of R 338.1017a.~~

~~–(2) An application shall contain all of the following information:~~

~~–(a) The name and address of the applicant.~~

~~–(b) The name of the instructor and his or her license number where applicable.~~

~~–(c) A copy of the teaching outline for the program.~~

~~–(d) A determination of the number of contact hours that are required to conduct the course.~~

~~–(e) A description of the criteria that is used to identify program participants who successfully complete the course.~~

~~–(3) Approval of a course shall be evidenced by a course approval report that is prepared by the department and issued to the applicant. The report shall include all of the following information:~~

~~–(a) The name and address of the applicant.~~

~~–(b) A course identification number.~~

~~–(c) The date of approval.~~

~~–(d) The conditions of approval.~~

~~–(e) The period of approval.~~

~~–(4) A course or an amendment thereto that has been approved shall not be altered without prior authorization by the board. All changes shall be made a part of the written record of approval. The authorization shall be in writing. The board shall be notified immediately of any instructor changes.~~

~~–(5) The board may withdraw the approval of a course if the approval was issued in error, if the approval was issued on the basis of incorrect information, or if the course is found to be in violation of these rules. Notice of withdrawal of approval shall be in writing and shall set forth the reason for the withdrawal of approval. An appeal from the withdrawal of approval shall be processed pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.~~

R 338.1022a Minor violations and fines Rescinded.

~~Rule 22a. All of the following violations are minor violations and carry the following prescribed fines:~~

~~–(a) Failure of a contractor to apply for a required permit before commencing electrical work. The fine is \$25.00. If the permit application is not received by the enforcing agency within 8 business days, an additional \$50.00 fine is assessed. Receipt of a permit application is verified by the postmark or date of receipt on the fee. (b) Failure of an apprentice to register with the board as required pursuant to the~~

~~provisions of section 3e of the act. The fine is \$5.00. An additional fine of \$50.00 shall be assessed if an apprentice fails to register within 15 business days of notification.~~

~~–(c) Failure to produce pictured identification and a license or apprentice registration within 1 business day after requested by an inspector of the enforcing agency. The fine is \$25.00. If the identification and the license or apprentice registration specified in this subdivision is not produced, an additional fine of \$75.00 shall be assessed after 3 business days.~~

~~–(d) Late renewal of a license or license registration. For late renewals, the fine is \$50.00 for each year that the license or license registration is not renewed up to 3 years. This fine is in addition to the license or registration fee for each year. A license that is not renewed within 3 years shall not be reissued without examination, except upon special approval by the board.~~

~~–(e) Employment by an electrical contractor of a person who is in violation of the provisions of subdivision (b) or (c) of this rule. The fine is \$25.00. If the employed person does not register with~~

~~the board pursuant to the provisions of subdivision (b) of this rule or does not produce pictured identification and a license or apprentice registration pursuant to the provisions of subdivision (c) of this rule, then the employing electrical contractor shall be fined an additional \$75.00. The fine will be imposed 3 days after the time provided in subdivisions (b) and (c) of this rule has expired.~~

~~-(f) An enforcing agency shall be allowed to retain a fine imposed by this rule.~~

R 338.1023a Citation system; appeal process ~~Rescinded~~.

~~Rule 23a. (1) If, as a result of an inspection or investigation, an enforcing agency finds that a minor violation of the act or these rules has been committed, the representative may issue a citation.~~

~~-(2) A citation may be delivered personally to the person who is charged with a violation of the act or these rules or it may be mailed by the enforcing agency to the business or residence address of the person who is charged with the violation.~~

~~-(3) A citation shall be written on a form prescribed by the department and shall include all of the following information:~~

~~-(a) The date and time of the violation.~~

~~-(b) The name of the person who is charged with the violation.~~

~~-(c) The name of the enforcing agency representative who issued the citation.~~

~~-(d) A specific reference to the provisions of the act or these rules that were violated.~~

~~-(e) The amount due from the person who is charged with a violation.~~

~~-(f) A statement that payment due for the violation shall be paid within 10 business days of receipt of the citation.~~

~~-(g) The address to which payment shall be presented or mailed.~~

~~-(h) A statement informing a person who is charged with a minor violation of a right to appeal the violation.~~

~~-(4) An appeal shall be made in writing and may be made in any form that is reasonable to inform the department that an appeal is requested.~~

~~-(5) An appeal shall be received by the department within 10 business days of receipt of the citation.~~

~~-(6) If an appeal is made in a timely manner as set forth in this rule, the amount due for the minor violation appealed shall not be due until such time as the appeal is decided.~~

~~-(7) If an appeal is not made within the time constraints of this rule, the right to appeal is waived and a person who is in receipt of a citation shall not have a further right of appeal.~~

~~-(8) An appeal shall be noticed for hearing and conducted by the department pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.~~

~~-(9) When the board, at the conclusion of an appeal hearing, affirms the citation issued by the department or enforcing agency, a person shall, within 10 business days, pay the amount due.~~

~~-(10) When the amount due on a citation is not paid by the time imposed pursuant to the provisions of subrule (3)(f) of this rule and is not appealed, or is not paid by the time prescribed pursuant to the provisions of subrule (9) of this rule, the board shall impose 1 or more of the sanctions listed in section 8e(1) of the act.~~

~~-(11) A licensee who requests an appeal shall be permitted to appear before the department representative who is hearing the appeal and shall be given an opportunity to be heard and to present evidence.~~

~~-(12) The department or enforcing agency who issued the citation shall appear at the hearing and shall be given an opportunity to be heard and to present evidence.~~

~~-(13) The department representative who is hearing the appeal shall make a decision at the conclusion of the hearing, and that decision may be heard on final appeal by the board at the board's discretion.~~

~~–(14) When the decision of the department representative affirms the citation, the licensee shall, within 10 business days, pay the amount due or request, in writing, a final appeal before the board.~~

~~–(15) When the amount due on a citation is not paid by the time imposed pursuant to the provisions of subrule (3)(f) of this rule and is not appealed, or is not paid by the time prescribed pursuant to the provisions of subrule (14) of this rule, the board shall impose 1 or more of the sanctions listed in section 8e(1) of the act.~~

R 338.1027a Apprentice registration; form; expiration and renewal-Rescinded.

~~Rule 27a. (1) An applicant for apprentice registration shall submit a form provided by the department within 30 days after employment.~~

~~–(2) An electrical apprentice registration will expire on August 31 of each year and shall be renewable within 30 days after that date upon payment of the fee prescribed in the act.~~

~~–(3) A fire alarm apprentice registration will expire on August 31 of each year and shall be renewable within 30 days after that date upon payment of the fee prescribed in the act.~~

R 338.1035a Hearings-Rescinded.

~~Rule 35a. The department may hold hearings pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.~~

R 338.1039a Master electricians; permits; representation; notification of changes in affidavit-Rescinded.

~~Rule 39a. (1) If business or industrial procedure requires the regular employment of a person who is licensed pursuant to the provisions of the act, a person, firm, or corporation may employ a licensed master electrician to actively supervise the installation of electrical equipment on the premises owned and occupied by the person, firm, or corporation. The master shall secure all necessary permits. An affidavit form that is furnished by the board shall be signed by both the employer and the licensed master electrician and shall contain all of the following information:~~

~~–(a) The name and business address of the person who employs the licensed master electrician.~~

~~–(b) The name, address, and current license number of the licensed master electrician.~~

~~–(c) The license number and name of the licensing authority.~~

~~–(d) A statement to the effect that the employer and the licensed master electrician are responsible for exercising the supervision and control of the electrical operations necessary to secure full compliance with the act, these rules, and all other laws and rules related to the installation of electrical equipment in this state.~~

~~–(2) A licensed master electrician shall not represent more than 1 person, firm, or corporation as the licensee in a business or industrial setting through an affidavit that is signed by the employer and the licensee.~~

~~–(3) A licensed master electrician who is employed in a business or industrial setting and his or her employer shall notify the board immediately of any changes in the written affidavit that is signed between the employer and the licensee.~~

~~–(4) The affidavit becomes invalid 30 days after the designated licensed master electrician ceases to be an employee of the person, firm, or corporation.~~

R 338.1099a Rescission-Rescinded.

~~Rule 99a. R 338.1001 to R 338.1088 of the Michigan Administrative Code, appearing on pages 2463 to 2468 of the 1979 Michigan Administrative Code, are rescinded.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Electrical Administrative Board General Rules
Rule Set 2019-110 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjlBNiRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Electrical Administrative Board General Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, repeals the State Plumbing Board Act, 2002 PA 733, MCL 338.3511 to 338.3569; Electrical Administrative Board Act, 1956 PA 217, MCL 338.881 to 338.892; Boiler Act, 1965 PA 290, MCL 408.751 to 408.776; Board of Mechanical Act, 1984 PA 192, MCL 338.971 to 338.988; and the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. The repealed Acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses.

Promulgation of the electrical administrative board general rules is authorized under section 207 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025 and 445.2030. This authority replaces the previous authority under 1956 PA 217, MCL 338.881 to 338.892. These rules will take effect immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Services Division- Rules Analyst Amanda Johnson
P.O. Box 30254, Lansing, MI 48909
[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MICHIGAN BOILER RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the director of the department of licensing and regulatory affairs by sections 4, 4a and 13c of 1965 PA 290, MCL 408.754, MCL 408.754a, and MCL 408.763c, and executive reorganization order nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030)~~ **By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)**

R 408.4001, R 408.4012, R 408.4024, R 408.4025, R 408.4026, R 408.4027, R 408.4028, R 408.4029, R 408.4031, R 408.4032, R 408.4033, R 408.4034, R 408.4035, R 408.4036, R 408.4038, R 408.4039, R 408.4045, R 408.4047, R 408.4049, R 408.4051, R 408.4055, R 408.4057, R 408.4058, R 408.4059, R 408.4065, R 408.4067, R 408.4069, R 408.4071, R 408.4073, R 408.4075, R 408.4079, R 408.4081, R 408.4087, R 408.4089, R 408.4091, R 408.4096, R 408.4099, R 408.4101, R 408.4103, R 408.4105, R 408.4107, R 408.4109, R 408.4111, R 408.4114, R 408.4117, R 408.4119, R 408.4120, R 408.4121, R 408.4122, R 408.4123, R 408.4124, R 408.4125, R 408.4127, R 408.4129, R 408.4131, R 408.4133, R 408.4139, R 408.4143, R 408.4149, R 408.4151, R 408.4153, R 408.4155, R 408.4157, R 408.4161, R 408.4163, R 408.4165, R 408.4167, R 408.4169, R 408.4171, R 408.4172, R 408.4175, R 408.4177, R 408.4179, R 408.4182, R 408.4185, R 408.4187, R 408.4189, R 408.4193, R 408.4195, R 408.4197, R 408.4201, R 408.4202, R 408.4203, R 408.4205, R 408.4206, R 408.4207, R 408.4208, R 408.4210, R 408.4212, R 408.4214, R 408.4215, R 408.4216, R 408.4217, R 408.4218, R 408.4219, R 408.4220, R 408.4222, R 408.4223, R 408.4225, R 408.4230, R 408.4232, R 408.4235, R 408.4236, R 408.4240, R 408.4241, R 408.4242, R 408.4244, R 408.4246, R 408.4251, R 408.4253, R 408.4255, R 408.4257, R 408.4258, R 408.4259, R 408.4260, R 408.4263, R 408.4265, R 408.4267, R 408.4268, R 408.4269, R 408.4270, R 408.4272, R 408.4274, R 408.4277, R 408.4278, R 408.4280, R 408.4281, R 408.4283, R 408.4284, R 408.4286, R 408.4287, R 408.4288, R 408.4290, R 408.4291, R 408.4292, R 408.4293, R 408.4294, R 408.4296, R 408.4298, R 408.4301, R 408.4302, R 408.4501, R 408.4503, R 408.4507, R 408.4510, R 408.4511, R 408.4512, R 408.4515, R 408.4520, R 408.4522, R 408.4566, R 408.4575, R 408.4581, R 408.4601, R 408.4626, R 408.4701, R 408.4711, R 408.5501, R 408.5601, R 408.5602, R 408.5603, R 408.5604, R 408.5605, R 408.5606, R 408.5607, R 408.5608, and R 408.5609, of the Michigan Administrative Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 408.4001 Scope~~Rescinded.~~

~~Rule 1. These rules establish minimum standards of safety for the use, construction, installation, inspection, alteration, and repair of boilers; licensing of boiler inspectors, boiler repairers, and boiler installers; requirements for permits to install, repair, and alter; and fees to be charged.~~

R 408.4012 Definitions~~Rescinded.~~

~~Rule 12. (1) “Accident” means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler which necessitates the repair or replacement of the boiler or a part of the boiler. “Accident” does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:~~

~~–(a) Normal erosion.~~

~~–(b) Corrosion.~~

~~–(c) Wastage of metal that requires restoration.~~

~~–(d) Leaking tubes.~~

~~–(e) Weakened metal, such as water legs or handhole areas.~~

~~–(2) “Act” means 1965 PA 290, MCL 408.751 to 408.776 and known as the boiler act of 1965.~~

~~–(3) “Aftercooler” means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.~~

~~–(4) “Alteration” means any change in the item described on the original manufacturer’s data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or its piping is an alteration.~~

~~–(5) “ASME,” “ASME boiler and pressure vessel code,” “ASME code,” or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.~~

~~–(6) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.~~

~~–(7) “Board of boiler rules” or “board” means the board created by the act.~~

~~–(8) “Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.~~

~~–(9) “Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.~~

~~–(10) “Boiler blowdown vessel” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.~~

~~–(11) “Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.~~

~~–(12) “CSD 1” means the ASME code for controls and safety devices for automatically fired boilers.~~

~~–(13) “Certificate of competency” means a certificate issued to a person who has passed an examination for inspectors prescribed by the board of boiler rules.~~

~~–(14) “Chief inspector” means the chief boiler inspector appointed under the act.~~

- ~~–(15) “Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.~~
- ~~–(16) “Department” means the department of licensing and regulatory affairs.~~
- ~~–(17) “Deputy inspector” means an inspector who is licensed under the act and employed by the director.~~
- ~~–(18) “Existing installation” means and includes any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.~~
- ~~–(19) “External inspection” means an inspection which is conducted while the boiler is under pressure and which does not involve examination of the internal surfaces of the pressure parts of the boiler.~~
- ~~–(20) “Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.~~
- ~~–(21) “Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication processes.~~
- ~~–(22) “Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.~~
- ~~–(23) “Hobby” means an interest or activity that a person pursues in his or her leisure time without compensation.~~
- ~~–(24) “Hot water heating and hot water supply boiler” means a boiler that operates at pressures of not more than 160 psi or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.~~
- ~~–(25) “Incompetence” means a departure from, or a failure to conform to, minimal standards of acceptable practice for the occupation.~~
- ~~–(26) “Inspector” means an individual who holds a valid certificate of competency and national board commission.~~
- ~~–(27) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.~~
- ~~–(28) “Labeled” means devices, equipment, appliances, or material to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.~~
- ~~–(29) “Licensed boiler installer” means a person licensed under the act to engage in the business of making piping connections to a boiler or in the business of field assembling boilers.~~
- ~~–(30) “Licensed boiler repairer” means a person licensed under the act to engage in making or supervising all phases of boiler repair, alteration, or field erection.~~
- ~~–(31) “Listed” means equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment, appliances, or materials, and whose listing states either that the equipment, appliances, or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.~~
- ~~–(32) “Maximum allowable working pressure” or “MAWP” means the maximum gage pressure permissible for boiler to operate.~~
- ~~–(33) “Maximum operating pressure” means the maximum operating pressure of the complete boiler system as designed, which shall include supply, return, feed, and blow off piping.~~

- ~~–(34) “Mechanical assembly” means the work necessary to establish or restore a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.~~
- ~~–(35) “Mechanical repair” means a method of repair which restores a pressure retaining boundary to a safe and satisfactory operating condition, where the pressure retaining boundary is established by a method other than welding or brazing.~~
- ~~–(36) “Miniature boiler” means a power boiler that does not have any of the following:~~
 - ~~–(a) An inside diameter of the shell of more than 16 inches.~~
 - ~~–(b) A working pressure of more than 100 psig.~~
 - ~~–(c) A gross volume of more than 5 cubic feet.~~
 - ~~–(d) More than 20 square feet of heating surface.~~
- ~~–(37) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler which operates on a narrow gauge track that is less than 24 inches wide and which is for public display or use.~~
- ~~–(38) “Modular boiler” means a steam or hot-water heating assembly consisting of a grouping of individual boilers called modules, intended to be installed as a unit, with a single inlet and a single outlet. Modules may be under 1 jacket or may be individually jacketed.~~
- ~~–(39) “NBIC” means national board inspection code.~~
- ~~–(40) “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.~~
- ~~–(41) “Nonstandard boiler” means a boiler that does not bear the national board stamping or the stamp of any state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules.~~
- ~~–(42) “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.~~
- ~~–(43) “Out of use boiler” means a boiler not ready for use having the fuel supply, electricity, and all piping that may pressurize the boiler disconnected.~~
- ~~–(44) “Portable boiler” means a boiler which is primarily intended for temporary location and which is, by its construction and usage, obviously portable.~~
- ~~–(45) “Pressure retaining items” means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination thereof.~~
- ~~–(46) “Reinstalled boiler” means a boiler which is removed from its original setting and which is reinstalled at the same location or reinstalled at a new location.~~
- ~~–(47) “Reinstatement” means the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been suspended by the chief inspector.~~
- ~~–(48) “Rental boiler” means a boiler which is in temporary use for not more than 1 year and which may or may not be installed inside a boiler room, temporary room, or temporary shed or without external covering.~~
- ~~–(49) “Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.~~
- ~~–(50) “Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.~~
- ~~–(51) “Special inspector” means a boiler inspector who holds a license in the state of Michigan pursuant to 1965 PA 290, MCL 408.751 to 408.776 and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or by any city that is exempt under the act and has an authorized boiler inspection department.~~

- ~~–(52) “Standard boiler” means a boiler that bears the stamp of the national board of boiler and pressure vessel inspectors or of another state or political subdivision which has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.~~
- ~~–(53) “Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.~~
- ~~–(54) “Used boiler” means a boiler that is being reinstalled by the same owner.~~
- ~~–(55) “Water heater” means a heater for use in commercial or industrial sizes providing corrosion resistance for supplying potable hot water at pressures not exceeding 160 psi or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any of the following is exempt from these rules:~~
 - ~~–(a) A heat input of more than 200,000 BTU per hour.~~
 - ~~–(b) A water temperature of more than 210 degrees Fahrenheit.~~
 - ~~–(c) A nominal water-containing capacity of more than 120 gallons.~~
- ~~–(56) Terms defined in the act have the same meanings when used in these rules.~~

R 408.4024 Adoption of NBIC by reference~~Rescinded.~~

- ~~–Rule 24. (1) The owner shall ensure the inspection, repair, and alteration of boilers, piping, and blowdown vessels is pursuant to the NBIC, 2011 edition, except as modified by these rules. The code is adopted by reference in these rules and available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864 or from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, at a cost as of the time of adoption of these amendatory rules for a total of \$265.00.~~
- ~~–(2) The accreditation program described in the NBIC for repairs and alterations to pressure retaining items is mandatory for repairs to all power boilers and high pressure high temperature water boilers and alterations to any boiler not exempt by these rules. Repair companies in possession of a certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items shall have in their employ an individual with an appropriate class repairer license issued by the boiler division of the department. Repair companies not currently in possession of the certificate of authorization or a certificate of authorization issued by ASME shall have 1 year from the date of adoption of this rule to secure the certificate. Companies currently in possession of a valid certificate issued by ASME have until the next certificate review or 1 year, whichever is greater, to secure the certificate of authorization identified above. The board may waive the time requirement if appropriate justification is presented.~~
- ~~–(3) Where the text of the NBIC refers to the “certificate holder,” the reference shall apply to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping, the reference shall refer to repair companies in possession of a valid certificate of authorization issued by the national board of boiler and pressure vessel inspectors to repair and alter pressure retaining items.~~
- ~~–(4) The standard welding procedures referenced in the NBIC are accepted for use in this state, but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures shall file a list of the standard welding procedure identification numbers with the boiler division of the department before conducting any repairs or alterations requiring welding.~~

R 408.4025 ASME code; adoption by reference~~Rescinded.~~

- ~~–Rule 25. (1) A boiler, blow down vessel, and expansion tank shall be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, sections I, II, III, IV, V, VIII, IX, X, XI, 2010~~

~~edition and its 2011a addenda, and ASME code B31.1, 2010 edition, power piping, are adopted by reference in these rules and are available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of \$15,500 and \$245.00 respectively.~~

~~–(2) The board may accept pressure retaining items which have been constructed to standards other than ASME standards and which have been accepted by application of the national board of boiler and pressure vessel inspectors' criteria for registration procedure.~~

~~–(3) The owner shall not recalculate design maximum allowable working pressures based on ASME codes published after 1998 for boilers in service before December 31, 1998.~~

R 408.4026 Inspection and stamping during construction~~Rescinded.~~

~~–Rule 26. The manufacturer shall register a boiler, blowdown vessel, and expansion tank other than a cast sectional boiler built or constructed for use in this state after the effective date of these rules, with the national board of boiler and pressure vessel inspectors.~~

R 408.4027 Adoption; ASME code CSD-1~~Rescinded.~~

~~–Rule 27. (1) The owner shall ensure that the installation, maintenance, operation, and testing of controls and safety devices is pursuant to manufacturer's instructions and ASME code CSD-1, 2009 edition, except as modified by these rules. The code is adopted by reference in these rules and available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864 or from the ASME, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of \$89.00.~~

~~–(2) An owner or user of a boiler system shall ensure that the maintenance and testing of controls and safety devices is conducted by an individual with a valid mechanical contractor license with the appropriate classification pursuant to the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988. Individuals conducting maintenance and testing shall be under the guidance and supervision of a licensed mechanical contractor.~~

~~–(3) An owner or user shall provide the inspector, at the time of certificate inspection, with evidence showing the maintenance has been performed and what tests have been completed. The evidence shall be a dated and signed service report or checklist, listing each control and safety device tested with the manufacturer's name, model number, set point, and actual operational test point. Examples of a report or checklist may be found in CSD-1, 2009 edition, appendix C or example form exhibit A. If an owner does not provide the inspector with the required evidence of maintenance and testing between certificate inspections, then the inspector may issue a certificate of inspection for a term less than that stated in R 408.4057.~~

~~–Exception: For hot water heating and hot water supply boilers with a BTU input of 400,000 or less, the requirements of this rule need only be conducted once during an inspection cycle but shall be performed within 12 months before the certificate inspection required by R 408.4057(1)(c).~~

~~–(4) The owner, user, or operator of a boiler system shall ensure that the daily, weekly, and monthly operational checks are performed and documented pursuant to the manufacturer's instructions and these rules. If the manufacturer's instructions are not available, CSD-1, 2009 edition, nonmandatory appendix D contains a recommended checklist for additional information on periodic checks.~~

~~–(5) A manually operated remote shutdown switch as required by CSD-1, 2009 edition, shall be located outside of each exit access doorway to the boiler room. The switch may be located just inside each exit access doorway should a possibility of tampering or weather conditions exist. A licensee may request a deviation from the requirements of this subrule by submitting drawings clearly showing the deviation and stating justification for the request to the chief inspector for review and approval before the~~

~~installation of a boiler. The chief inspector shall notify the licensee of the approval or denial of the request.~~

~~–(6) A single manually operated remote shutdown switch may be used in a multiple boiler installation that shares a common boiler room.~~

~~–Exception: Kitchen cooking boilers, steam kettles, and steam cookers used for food preparation located in a kitchen shall be exempt from a manually operated remote shutdown switch and lockable disconnect.~~

~~–Exception: Electrically heated or gas fired jacketed steam kettles safety devices at a minimum, shall be those required in ASME Code Section VIII Division 1 2010 and its 2011a addenda and appendix 19.~~

~~–(7) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.~~

R 408.4028 Manufacturer's data reports; filing~~Rescinded.~~

~~–Rule 28. A manufacturer's data report for boilers shall be signed by an authorized inspector and shall be filed by the manufacturer with the chief inspector before installation. A data report that is signed by an authorized inspector and the ASME stamp on the boiler denotes that the boiler has been constructed in accordance with these rules. If a boiler is of special design, blueprints showing details of the proposed construction shall be submitted to the chief inspector and his or her approval shall be secured before construction is started.~~

R 408.4029 Allowable pressure of noncode boilers~~Rescinded.~~

~~–Rule 29. The maximum allowable pressure of a boiler which does not carry the American society of mechanical engineers code symbol may be computed in accordance with the requirements of R 408.4212(1).~~

R 408.4031 Installation and reinstallation of boilers~~Rescinded.~~

~~Rule 31. (1) The owner shall ensure that the installation of a new boiler or a reinstalled boiler is pursuant to the requirements of these rules, the ASME boiler and pressure vessel code, 2010 edition and its 2011a addenda, which is adopted by reference in R 408.4025 and the NBIC 2011 edition, which is adopted by reference in R 408.4024 and ASME CSD-1 2009 which is adopted in R 408.4027.~~

~~–Exception: The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required.~~

~~–Exception: Witnessing of the pressure test required by the NBIC part 1, section 2, paragraph 2.10.2, is not required.~~

~~–Exception: For a water tube or coil type boiler requiring forced circulation a temperature differential system that senses the water temperature difference (delta T) between inlet and outlet across the boiler, and interrupts the fuel to the burner when the delta T exceeds the boiler manufacturers' parameters, shall be accepted when approved by the boiler manufacturer. The manufacturer of the boiler shall provide instructions in the owner's manual for the testing, operation, and installation of the temperature differential system.~~

~~–(2) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and Michigan electrical code, R 408.30801 to R 408.30880.~~

~~–(3) The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by the Michigan plumbing code, R 408.30701 to R 408.30796.~~

~~–(4) The NBIC code, part 1, section 3, paragraph 3.6.1, is enforced by the Michigan mechanical code, R 408.30901 to R 408.30998.~~

R 408.4032 ~~Non-boiler external piping; power boilers; adoption of standards by reference~~**Rescinded.**

~~Rule 32. (1) The owner shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, 2011 edition, and its 2011a addenda is installed as prescribed by the ASME code for pressure piping, B31.1, 2010 edition and its 2011a addenda, adopted by reference in R 408.4025.~~

~~(2) The owner of a chemical plant or petroleum refinery shall comply with subrule (1) of this rule or shall ensure the installation is installed as prescribed by the ASME code for chemical plants and petroleum refineries, B31.3, 2010 edition and its 2011a addenda.~~

~~(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but shall hold a valid installer's license.~~

~~(4) The owner shall ensure that the installation of all of the following piping is pursuant to subrule (1) of this rule:~~

~~(a) Blowoff piping beyond the second valve out to the safe point of discharge.~~

~~(b) Steam piping out to the load.~~

~~(c) Feed water piping from the pump.~~

~~(d) Condensate piping.~~

R 408.4033 ~~Permits; documentation for installation, reinstallation, alteration, and repair of boilers, boiler external piping, and non-boiler external piping~~**Rescinded.**

~~Rule 33. (1) All of the following provisions apply to installation permits:~~

~~(a) A person shall not install, or reinstall, a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.~~

~~(b) A person shall not install or replace welded pipe without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.~~

~~(c) A person shall not install nonwelded pipe without holding a proper license. A permit is not required.~~

~~(2) All of the following provisions apply to repair and alteration permits or reports:~~

~~(a) A person shall not alter or repair a boiler without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided by section 18 of the act.~~

~~(b) A person shall not repair or replace welded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.~~

~~(c) A person shall not replace nonwelded piping without holding a proper license. A permit is not required.~~

~~(d) A person shall not perform welded repairs to nonwelded piping without holding a proper license and first securing a permit from the boiler division of the department. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 18 of the act.~~

~~(e) A licensee who makes welded repairs to boilers or boiler external piping requiring the use of the national board "R" symbol stamp shall furnish the boiler division of the department, with 1 copy of the approved permit application, along with reports as required by the NBIC, upon completion of the work.~~

- ~~–(f) A public utility or industrial plant that has been granted an exemption under section 23 of the act that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by the board of boiler rules.~~
- ~~–(3) A permit is required for either of the following:~~
 - ~~–(a) A change in use of an existing boiler from high pressure to low pressure and low pressure to high pressure, hot water heat to hot water supply and hot water supply to hot water heat, steam heating to hot water heating and hot water heating to steam heating, steam heating to hot water supply and hot water supply to steam heating shall comply with the requirements of the Michigan boiler code, R 408.4001 to R 408.5609.~~
 - ~~–(b) Replacement by mechanical methods, without welding, of sections in sectional boilers; heat exchangers; feed water heater or economizer; and tube bundles.~~
- ~~–(4) A licensee replacing boiler components required by these rules to be code symbol stamped and national board registered shall provide the boiler division with the manufacturer's data reports.~~
- ~~–(5) Any changes in the scope of work stated on the original permit application shall be submitted to the boiler division for approval.~~

R 408.4034 Public utility or industrial exemptionRescinded.

- ~~–Rule 34. (1) Practices and procedures for the exemption of licensing and permitting as referenced in section 23 of the act, MCL 408.773 consist of all of the following:~~
 - ~~–(a) The boiler(s), boiler external piping, and non-boiler external piping shall be owned and operated by the public utility or industrial facility.~~
 - ~~–(b) Have in effect a quality program which shall be in the form of a quality manual.~~
 - ~~–(c) The quality program, at a minimum, shall address the required features relative to the scope of work to be preformed. The scope of work related to repairs or replacements to boiler(s), boiler external piping, non-boiler external piping, and boiler replacements.~~
- ~~–(2) The outline of the quality program shall include the following:~~
 - ~~–(a) Title page: name and complete address of the company.~~
 - ~~–(b) Contents page: a listing of the contents of the manual by subject.~~
 - ~~–(c) Scope of work: clearly indicates the scope of work.~~
 - ~~–(d) Statement of authority: a corporate resolution or policy recognizing its obligation under the act for compliance at all times and naming the person having responsibility and authority for the scope of work.~~
 - ~~–(e) Manual control: provisions for revising and issuing those revisions to maintain the manual current within the organization.~~
 - ~~–(f) Material control: method used to assure that only acceptable materials (including welding material) are ordered, verified, and identified in storage.~~
 - ~~–(g) Method of performing work: documenting repairs in sufficient detail. Both of the following shall be documented:~~
 - ~~–(i) When repairs are conducted on boiler(s) or boiler external piping the inspector must have prior acceptance of the method of repairs.~~
 - ~~–(ii) The quality program shows who is responsible to notify the inspector of any boiler or boiler external piping repair work, and keeps him or her apprised of the progress of such work.~~
 - ~~–(h) Shall describe controls to ensure qualified welding procedures and welders qualified to those procedures are used for repairs.~~
 - ~~–(i) Nondestructive examination (NDE) and heat treatment: shall describe controls for NDE and heat treatment procedures.~~
 - ~~–(j) Examinations and tests: what examination and tests are to be conducted upon completion of the repair.~~
 - ~~–(k) Acceptance and inspection of repairs: the individual responsible for acceptance of repairs.~~

- ~~–(l) Inspections: provisions for the inspector to have access to areas where repair work is being performed.~~
- ~~–(m) Report of boiler repair: indicate the person responsible for preparing, signing, and presenting the record of welded (RWR) form to the inspector and sending it to the boiler division.~~
- ~~–(n) Nonconforming items: have a system for the correction of nonconformities.~~
- ~~–(o) Exhibits: forms referenced in the quality manual shall be included.~~
- ~~–(3) The boiler owner shall maintain a maintenance record, subject to audit by state inspectors, for each boiler. The maintenance record shall contain an adequate description of each abnormal event, modification, repair, hydro test, internal or external inspections, and off normal operations.~~
- ~~–(4) The boiler owner shall contract with an approved third party inspection and insurance company for boiler and boiler external piping repairs.~~
- ~~–(5) All welders working on boilers or piping within the quality program shall be employees of the utility or industrial facility.~~
- ~~–(6) All welding, heat treatment, non-destructive examination, and testing procedures shall be qualified pursuant to the ASME code.~~
- ~~–(7) The boiler owner shall maintain documentation between each audit of non-boiler external piping repairs or replacements.~~
- ~~–(8) Third party employees or contractors shall not work under the exemption program for the applicant related to installation or repairs.~~
- ~~–(9) The boiler division shall be notified prior to any boiler replacements.~~
- ~~–(10) The applicant shall prepare and file with the boiler division an appropriate record of a welded repair form, signed by a commissioned inspector, with the boiler division. The applicant shall submit to the boiler division the record of welded repair form within 180 days after the completion of the repair.~~
- ~~–(11) Upon the boiler board approval of the exemption program, a public utility or industrial plant shall be granted relief from licensing and permit requirements of the act for repairs to boiler and piping and the installation of a direct boiler replacement.~~
- ~~–(12) Failure to comply with any of the provisions of this rule shall constitute just cause for revocation of the exemption status.~~
- ~~–(13) The chief of the boiler division shall cause an audit of the exemption program to be conducted at least once every 3 years, to ensure continued compliance with the boiler act and the board's requirements and these rules.~~

R 408.4035 Permits; issuance to licensed persons only~~Rescinded.~~

- ~~–Rule 35. (1) Permits shall be issued only to persons licensed as required by the act and these rules. Work shall be performed by or under the supervision of a licensed person.~~
- ~~–(2) Payment of the permit application fee as provided in R 408.4038 is the responsibility of the licensed person.~~

R 408.4036 Multiple contractors~~Rescinded.~~

- ~~–Rule 36. Each contractor performing separate work on the same boiler installation, repair, or alteration shall possess a valid boiler installer's or boiler repairer's license and shall obtain a permit for that part of the work to be performed.~~

R 408.4038 Fees~~Rescinded.~~

- ~~–Rule 38. (1) Fees for licenses, examinations, boiler operator and stationary engineer registration; permit applications, certificates, and inspections are as follows:~~

~~———Licenses~~

~~Installer license — \$80.00.~~
~~Installer exam — \$100.00.~~
~~Installer renewal — \$80.00.~~
~~Repairer license — \$80.00.~~
~~Repairer exam — \$100.00.~~
~~Repairer renewal — \$80.00.~~
~~Inspector license — \$80.00.~~
~~Inspector exam — \$100.00.~~
~~Inspector renewal — \$50.00.~~
~~Boiler operator registration — \$80.00.~~
~~Boiler operator examination — \$100.00.~~
~~Boiler operator registration renewal — \$80.00.~~
~~Stationary engineer registration — \$80.00.~~
~~Stationary engineer written examination — \$100.00.~~
~~Stationary engineer registration renewal — \$80.00.~~
~~3rd class stationary engineer oral examination — \$150.00.~~
~~2nd class stationary engineer oral examination — \$200.00.~~
~~1st class stationary engineer oral examination — \$250.00.~~
~~The reprinting of a registration more than 30 days after the issuance date — \$30.00.~~

~~Examination fees are nonrefundable.~~

~~—— Permit applications~~

~~Nuclear installation permit application — \$1,380.00.~~
~~Nuclear repair permit application — \$400.00.~~
~~Low pressure installation permit application — \$75.00.~~
~~High pressure installation permit application — \$120.00 + .05 per foot of piping.~~
~~Repair permit application — \$75.00.~~

~~Permit application fees are nonrefundable.~~

~~—— Certificates~~

~~Certificates — \$60.00.~~
~~Reprinting of certificate more than 30 days after the issuance date — \$30.00.~~

~~—— Inspections~~

~~Power boilers 150 square feet or less — \$70.00.~~
~~Power boilers more than 150 square feet to 4,000 square feet — \$165.00.~~
~~Power boilers more than 4,000 square feet to 10,000 square feet — \$180.00.~~
~~Power boilers more than 10,000 square feet — \$205.00.~~
~~Low pressure heating boiler without manhole — \$70.00.~~
~~Inspection of an additional low pressure heating boiler without a manhole at the same physical location, on the same date — \$60.00.~~
~~Low pressure heating boiler with manhole — \$85.00.~~
~~Low pressure hot water supply boiler — \$60.00.~~

~~Inspection of an additional low pressure hot water supply boiler~~

~~at the same physical location, on the same date — \$45.00.~~

~~Low pressure process boiler without manhole — \$70.00.~~

~~Low pressure process boiler with manhole — \$85.00.~~

~~Miniature hobby locomotive boiler — \$15.00.~~

~~Special inspections~~

~~—(2) The boiler division shall provide special inspections not otherwise covered in subrule (1) of this rule. The charge for this service shall be at the rate of \$100.00 for the first hour and \$100.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.~~

~~—(3) Fees required under these rules shall be paid by cash, money order, or check to the department. Money orders or checks shall be made payable to: "State of Michigan."~~

R 408.4039 Permits to alter boiler, piping, or vessel~~Rescinded.~~

~~—Rule 39. (1) The boiler division of the department may issue a permit to alter a boiler, piping, or vessel subject to these rules only to a Michigan licensed boiler repairer who possesses a valid certificate of authorization from the national board of boiler and pressure vessel inspectors for alterations or the ASME boiler and pressure vessel committee to build the type of boiler, piping, or vessel being altered. Drawings and calculations covering all details of the proposed alteration shall accompany the application for a permit to alter.~~

~~—(2) The licensed repairer shall perform the alteration in accordance with the NBIC.~~

~~—(3) The licensed repairer who makes the alteration shall prepare a report on forms prescribed by the boiler division of the department. The licensed repairer shall furnish an original and 2 copies of the report to the boiler division of the department, and upon request, 1 copy of the report to the boiler owner and user. The report shall clearly indicate what changes have been made to the original construction. The report shall show, in the spaces provided, the manufacturer's serial number of the boiler, the national board number, if assigned, and the Michigan serial number assigned.~~

~~—(4) The licensed repairer who makes the alteration shall prepare and attach a nameplate that complies with the requirements of the NBIC.~~

R 408.4045 Registration of boilers~~Rescinded.~~

~~—Rule 45. (1) Within 6 months from the effective date of these rules, all owners or users of boilers and their installations now in use or installed ready for use in the state shall report to the chief inspector on forms prescribed by the department, giving the location, type, capacity, age, and date of installation.~~

~~—(2) Before transfer of ownership of a boiler is complete, the current owner shall assure all invoices for inspection certificates and inspections for services rendered under his or her ownership are paid in full. Upon completion of transfer of ownership, the new owner of a boiler shall notify the boiler division of the department of change in ownership of a boiler or change in ownership of a location where a boiler is installed. Upon written notification, a new certificate of inspection shall be issued in the name of the new owner.~~

~~—(3) A boiler owner or user shall notify the boiler division of the department immediately when his or her boiler insurance has been discontinued.~~

R 408.4047 Exempt boilers~~Rescinded.~~

~~—Rule 47. These rules do not apply to any of the following:~~

~~—(a) A boiler under federal control.~~

- ~~–(b) A swimming pool heater, open car wash heater, and similar types of equipment which do not have intervening valves on the return or discharge piping, which do not have a reduction in pipe size in the return or discharge piping, and which do not generate more than normal circulating pump pressure.~~
- ~~–(c) A miniature steam or marine engine used for a hobby.~~
- ~~–(d) A boiler used in the power plant of a self-propelled vehicle designed primarily for transportation of persons or property on a highway, except for a vehicle used exclusively on stationary rails or tracks.~~
- ~~–(e) A boiler used on a mint farm for mint processing purposes.~~
- ~~–(f) A nonvaporizing, organic fluid boiler if the boiler meets all of the following criteria:~~
 - ~~–(i) The system is vented and does not have valves or restrictions in the pipe between the boiler and the vent.~~
 - ~~–(ii) The vent pipe is sized so that the thermal expansion of the fluid will not result in an increase in pressure on the system, which is verifiable with engineering data.~~
 - ~~–(iii) The owner or user provides the boiler division of the department with calculations performed by an engineer, which verify that pressure due to thermal expansion cannot exist in the boiler as installed.~~
- ~~–(g) A low pressure steam boiler that has a volume of less than 5 cubic feet and that does not have piped feed connections.~~

R 408.4049 Boilers subject to inspectionRescinded.

~~–Rule 49. Each boiler used or proposed to be used within this state shall be thoroughly inspected as to its construction, installation, and condition.~~

R 408.4051 Inspection of certain boilers requiredRescinded.

~~–Rule 51. Upon completion of the installation, all boilers shall be inspected by the chief inspector or a deputy inspector.~~

R 408.4055 Right of accessRescinded.

~~–Rule 55. The director, chief inspector, deputy inspector, or any special inspector shall have free access, during reasonable hours, to any premises in the state where a boiler is being constructed, installed, repaired, operated, or connected and ready for use for the purpose of ascertaining whether the boiler is in compliance with the act.~~

R 408.4057 Boiler inspectionRescinded.

~~–Rule 57. (1) Once a boiler has been inspected by the chief or deputy inspector and the boiler and its installation approved, all certificate inspections shall be conducted pursuant to the NBIC and these rules by an inspector who is properly licensed to inspect boilers in this state pursuant to all the following provisions:~~

- ~~–(a) A power boiler, process boiler, or high pressure, high temperature water boiler shall receive a certificate inspection annually and shall also be externally inspected annually, while under pressure, within 6 months from the date of the internal inspection.~~
- ~~–(b) A low pressure steam or vapor heating boiler shall receive a certificate inspection biennially.~~
- ~~–(c) Hot water heating and hot water supply boilers shall receive a certificate inspection triennially, with an internal inspection at the discretion of the inspector.~~
- ~~–(d) A nonvaporizing, organic fluid boiler that is not exempt under these rules shall receive an external certificate inspection triennially.~~
- ~~–(e) A miniature hobby locomotive boiler shall receive a certificate inspection annually.~~
- ~~–(f) A grace period of 2 months beyond the periods specified in subdivisions (a) to (e) of this subrule may lapse between certificate inspections, and the board may permit longer periods between certificate inspections.~~

- ~~-(g) Internal inspection of cast boilers shall be at the discretion of the inspector.~~
- ~~-(2) The certificate inspection shall be an internal inspection if construction allows, otherwise the certificate inspection shall be as complete an inspection as possible unless specified otherwise under this rule.~~
- ~~-(3) The chief inspector, deputy inspector, or a special inspector provided for in the act shall make the inspections specified in this rule.~~
- ~~-(4) If, at the discretion of the inspector, a hydrostatic test is necessary, the boiler owner or user shall ensure that the test is performed in the presence of the inspector.~~
- ~~-(5) Certificate inspection reports submitted by electronic interface shall be in a format acceptable to the boiler division.~~
- ~~-(6) Certificate inspection reports submitted to the boiler division for data entry shall be assessed a fee of \$2.00 per report.~~

R 408.4058 ~~Extension of internal inspection certificate to 24 or 36 months~~**Rescinded.**

~~Rule 58. (1) An internal boiler inspection may be increased from an annual inspection to a 24-month inspection frequency by approval of the board of boiler rules. An employee delegated by the utility or industrial facility shall apply for the extension and submit a copy of the document that controls its program for approval by the board of boiler rules. The information shall be addressed by plant orders, procedures, or policies. The following information may be contained in 1 document or several documents if 1 document contains references to all other documents addressing the required information:~~

- ~~-(i) Operator training.~~
- ~~-(ii) Boiler maintenance.~~
- ~~-(iii) Water chemistry.~~
- ~~-(iv) Operating parameters.~~
- ~~-(v) Chemical cleaning schedule.~~
- ~~-(vi) Protective devices.~~
- ~~-(vii) Boiler external inspection.~~
- ~~-(viii) Testing of pressure relief devices pursuant to the NBIC. Repairs shall be conducted by the valve manufacturer or a "VR" stamp holder.~~
- ~~-(2) The plant owner shall establish a review committee. The inspector shall be a member of the committee. The purpose of the committee is to determine the acceptability of a boiler to operate safely for a 24-month period. The committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review committee meeting shall be conducted within 30 days after the internal inspection. The committee may decrease the period of time the boiler may operate, but shall not extend the period beyond 24 months. The signed summary report of the review committee meeting shall be submitted to the boiler division of the department. The grace period provided under R 408.4057 does not apply to this rule. The inspector shall indicate the next inspection due date on his or her inspection report to the boiler division of the department.~~
- ~~-(3) An internal boiler inspection may be increased from a 24-month inspection to a 36-month inspection frequency by approval of the board of boiler rules. An employee designated by the utility or industrial facility shall request in writing the extension and shall submit a copy of the document that controls its program with supporting documentation that demonstrates compliance with all of the following for approval by the board of boiler rules:~~
 - ~~-(a) The boiler complies with all of the requirements of subrule (1) of this rule, and is currently inspected under 24-month inspection frequency approved by the board of boiler rules.~~
 - ~~-(b) The boiler is a power boiler.~~

- ~~–(c) The following information shall be addressed by the program document, plant orders, plant procedures, or plant policies:~~
- ~~–(i) The boiler is fully attended during operations by qualified personnel designated by the owner to operate the boiler.~~
- ~~–(ii) The owner has a designated organization that provides oversight to boiler maintenance, and monitors boiler conditions to prevent significant deterioration from scaling, corrosion, erosion, or overheating to boiler components. The program document shall contain an organizational chart that delineates the reporting structure of this organization along with the organization responsible for boiler operation and maintenance within the owner's organization.~~
- ~~–(iii) The owner has installed instrumentation available and functioning for continuous monitoring of water chemistry parameters as identified by the boiler manufacturer and routine calibration is performed. This instrumentation shall be maintained on a list for each boiler that applies to this paragraph.~~
- ~~–(iv) The owner has a program for routine monitoring of the water chemistry condition, which includes physical samples being analyzed by the owner's staff. The owner shall maintain a list of the physical samples for each boiler that applies to this paragraph.~~
- ~~–(v) The owner has alarm response procedures that provide direction to operators for actions to correct variations to chemistry parameters that include removing the boiler from service.~~
- ~~–(d) The establishment of a review committee whose purpose is to determine the acceptability of a boiler to operate safely for a 36-month period. The review committee shall be made of, at a minimum, the following members:~~
- ~~–(i) A representative from the owner's boiler operating and maintenance organization.~~
- ~~–(ii) A representative from the owner's organization designated to provide oversight to boiler maintenance and monitoring of boiler condition.~~
- ~~–(iii) The inspector.~~
- ~~–(e) The review committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler.~~
- ~~–(f) The review committee meeting shall be conducted within 30 days after the internal inspection. The review committee may shorten the period of time the boiler may operate, but shall not extend the period beyond that permitted by the board of boiler rules.~~
- ~~–(g) The summary report of the review committee meeting shall be submitted to the boiler division of the department.~~
- ~~–(h) The grace period provided under R 408.4057(1)(f) shall not apply to this rule. The inspector shall indicate the next inspection due date on the inspection report submitted to the boiler division of the department.~~
- ~~–(3) Utilities or industrial facilities with a prescheduled boiler internal certificate inspection period shall communicate with the boiler division the date when the boiler is removed from service. The boiler internal inspection may occur at any time during the outage period. The next operating period shall be calculated based on the date of the certificate inspection conducted during this period.~~
- ~~–(4) An external inspection of the boiler shall be conducted while under pressure, within 12 months of the certificate inspection, and every 12 months thereafter until the next boiler internal inspection.~~

R 408.4059 Notification for inspectionRescinded.

~~–Rule 59. The owner or user shall prepare each boiler for internal inspection in accordance with the NBIC and these rules and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date specified by the chief inspector, deputy inspector, or special inspector.~~

R 408.4065 Examinations for inspector licensesRescinded.

~~–Rule 65. (1) Examinations for boiler inspector licenses and certificates of competency shall be held at a location selected by the board.~~

~~–(2) Examinations shall be conducted as approved by the board.~~

R 408.4067 ~~Qualifications of applicants for a boiler inspector license~~**Rescinded.**

~~–Rule 67. An applicant for examination for a boiler inspector license shall have had not less than 3 years' practical experience in the design, construction, or operation of high pressure boilers, as mechanical engineer, steam engineer, or boilermaker or shall have had not less than 3 years' inspection experience as an inspector of high pressure boilers. A credit of 2 years of the required experience shall be given to applicants holding a degree in engineering, mathematics, or science from an accredited college or university.~~

R 408.4069 ~~Examination; contents of applications~~**Rescinded.**

~~–Rule 69. Application for an examination for a certificate of competency shall be in writing upon a form to be furnished by the department stating the education of the applicant, a list of employers, period of employment, and position held with each employer. An application containing a willful falsification or untruthful statement shall be rejected.~~

R 408.4071 ~~Examination; contents~~**Rescinded.**

~~–Rule 71. If an examination applicant's history and experience meet the requirements of R 408.4067, the applicant shall be given a written examination dealing with the design, construction, installation, and repair of boilers and their appurtenances. The applicant shall be accepted or rejected on the merits of the examination. If the applicant is successful in meeting the requirements of the board, a license and certificate of competency will be issued by the director. An applicant who fails to pass the examination may appeal to the board for another examination, which shall be given by the board within 90 days. The record of the applicant's examination shall be accessible to the applicant and his or her employer.~~

R 408.4073 ~~Examination fee for boiler inspector's license~~**Rescinded.**

~~–Rule 73. A fee prescribed by R 408.4038 shall be charged for each applicant taking the examination for boiler inspector's license and shall accompany the application filed with the department. The fee entitles the applicant to take the examination twice if necessary. An additional fee prescribed by R 408.4038 shall accompany each subsequent application.~~

R 408.4075 ~~Special inspector's license~~**Rescinded.**

~~–Rule 75. The director, upon the request of a company authorized to insure against loss from accident of boilers in this state or a city that has an authorized boiler inspection department, shall issue, to an inspector of the company or the city, a license as a special inspector if the inspector, before receiving his or her license, satisfactorily passes the examination provided for in R 408.4071 or, in place of the examination, holds a license or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this state or holds a commission as an inspector of boilers issued by the national board of boiler and pressure vessel inspectors. Each inspector shall present himself or herself for a review of Michigan boiler law and rules conducted by the chief inspector before a license is issued.~~

R 408.4079 ~~Annual renewal of license~~**Rescinded.**

~~–Rule 79. Each license issued to a special inspector shall be renewed at the beginning of each calendar year following the date of issuance, and shall be accompanied by a fee as prescribed by R 408.4038.~~

R 408.4081 Special inspector employed by insurance companyRescinded.

~~Rule 81. A special inspector's license issued to an inspector in the employ of an insurance company shall be held at the office of the employing company. The license and the identification card shall be returned to the chief inspector when the special inspector to whom the license and identification card were issued is no longer in the company's employ or at the request of the chief inspector, as specified by section 14 of the act.~~

R 408.4087 Reporting unregistered boilersRescinded.

~~Rule 87. (1) If a special inspector visits a location to conduct an inspection as required by these rules, then he or she shall report the location of all boilers that are not registered. The reporting shall be in addition to the reporting pertaining to the inspection of registered boilers and their installation. The chief inspector shall assign a deputy inspector to visit the location to inspect all unregistered boilers and affix a Michigan serial number.~~

~~(2) If an inspector makes an inspection of a boiler that does not bear a Michigan serial number, then the inspector shall attempt to verify whether the boiler is unregistered or is missing the serial number tag. If the inspector is unable to determine that the boiler is registered, then he or she shall report it as prescribed in subrule (1) of this rule.~~

R 408.4089 Boiler installers' licensesRescinded.

~~Rule 89. Boiler installers shall be licensed as required by section 13 of the act.~~

R 408.4091 Application for boiler installer's licenseRescinded.

~~Rule 91. (1) An application for a boiler installer's license shall be on a form provided by the boiler division of the department. The applicant shall state the name of the business, firm, partnership, or corporation that the applicant intends to represent in the business of installing boilers and shall provide evidence of his or her past experience in the installation of boilers and evidence of his or her workmanship and engineering skills that would qualify the applicant for examination and licensing.~~

~~(2) An applicant for a boiler installer's license shall have not less than 5 years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of 2 years of experience towards the 5 years of experience may be given for 2 years of experience in the design, construction, manufacture, or inspection of boilers.~~

~~(3) The boiler division of the department may verify installations required to be reported on the application to establish the applicant's minimum practical installation experience in the applicant's desired license classification.~~

R 408.4096 Filing of welding proceduresRescinded.

~~Rule 96. (1) If welding is employed in the installation or reinstallation of a boiler or piping, then the licensed installer shall file welding procedure specifications and the procedure qualification reports qualified in accordance with the requirements of ASME code section IX, welding and brazing qualifications, with the boiler division of the department, before conducting any installation requiring welding.~~

~~(2) A licensed installer who utilizes welding in the installation or reinstallation of boilers or piping shall have available, for the inspector's review, welding procedure specifications and welder performance qualification records to be used or that were used in the installation or reinstallation.~~

R 408.4099 Identification of applicant's business affiliation for installer's licenseRescinded.

~~Rule 99. (1) An applicant for a boiler installer's license shall state the name of the business, firm, partnership, or corporation under which he or she intends to carry on the business of installing boilers~~

~~before a license will be issued. The applicant may be the owner, a partner, an officer of a corporation, or a supervisory employee of the business, firm, partnership, or corporation legally registered with the state.~~

~~–(2) A person shall not engage in installing boilers under the name of more than 1 business at any one time.~~

~~–(3) When required by the ASME code, a licensee shall be in the employ of an organization in possession of the appropriate certificate of authorization.~~

R 408.4101 Installer's license not required**Rescinded.**

~~Rule 101. An individual employed by, and working under the supervision of, a licensed boiler installer is not required to be licensed.~~

R 408.4103 Examination for boiler installer's license**Rescinded.**

~~Rule 103. (1) An applicant for a boiler installer's license shall be required to take an examination approved by the board of boiler rules. The examination will be held quarterly at a location determined by the boiler division of the department. A score of 70% is required to pass the examination. A passing score on the examination is valid for 3 years. If a license is not applied for in that time, then an applicant shall file a new application for examination.~~

~~–(2) A licensee wishing to upgrade his or her license to a higher classification shall maintain his or her current license in good standing for a minimum of 1 year and take the examination prescribed in subrule (1) of this rule. A licensee may only upgrade a license 1 classification at a time.~~

R 408.4105 Fee for boiler installer's license**Rescinded.**

~~Rule 105. The fee prescribed by R 408.4038 shall accompany the application for a boiler installer's license.~~

R 408.4107 Annual renewal of boiler installer's license; change of business affiliation**Rescinded.**

~~–Rule 107. (1) A boiler installer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.~~

~~–(2) An installer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the boiler division of the department between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$80.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to this subrule is not subject to reexamination for the license, but shall pay both the reinstatement fee and the annual license renewal fee for the current renewal year. A person who fails to renew a license for 3 consecutive years shall meet the requirements of, and take an examination for, the class of license sought.~~

~~–(3) A licensee who changes business affiliation shall notify the chief inspector, on a form provided by the boiler division of the department, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of \$30.00 shall accompany the notification form.~~

R 408.4109 Classes of boiler installer's licenses**Rescinded.**

~~Rule 109. (1) A class 1B installer's license qualifies a person to install a low pressure boiler that does not exceed a firing rate of 1,000,000 BTU per hour as certified by the boiler manufacturer. For a class 1B license, the sum of all modules in a modular boiler shall not exceed a firing rate of 1,000,000 BTU per hour as certified by the boiler manufacturer.~~

~~–(2) A class 2B installer's license qualifies a person to do all of the following:~~

- ~~–(a) Install a low pressure boiler of any capacity or firing rate.~~
- ~~–(b) To perform work covered by a class 1B license.~~
- ~~–(3) A class 3B installer's license qualifies a person to do all of the following:~~
 - ~~–(a) Install a power boiler that has a capacity of not more than 5,000 pounds of steam per hour.~~
 - ~~–(b) Install or replace non boiler external piping as defined by ASME code B31.1 and R 408.4032.~~
 - ~~–(c) Perform work covered by a class 2B license.~~
- ~~–(4) A class 4B installer's license qualifies a person to do all of the following:~~
 - ~~–(a) Install a boiler that has a capacity of not more than 300,000 pounds of steam per hour.~~
 - ~~–(b) Install or replace non boiler external piping as defined by ASME code B31.1 and R 408.4032.~~
 - ~~–(c) Perform work covered by a class 3B license.~~
- ~~–(5) A class 5B installer's license qualifies a person to do all of the following:~~
 - ~~–(a) Install a boiler of any capacity or firing rate. Exception: a nuclear heat source boiler.~~
 - ~~–(b) Install or replace non boiler external piping as defined by ASME code B31.1 and R 408.4032.~~
 - ~~–(c) Perform work covered by a class 4B license.~~
- ~~–(6) A class 6B installer's license qualifies a person to install a boiler that utilizes a nuclear heat source or its parts, appurtenances, or system components. Before a license is issued, an applicant for a class 6B license shall submit evidence of both of the following:~~
 - ~~–(a) Familiarity with and knowledge of all federal rules and regulations regarding the installation of a boiler that has a nuclear heat source.~~
 - ~~–(b) Employment by a company in possession of a valid ASME nuclear code symbol applicable to the portions of any nuclear boiler system that the company proposes to install.~~
- ~~–(7) A class P license qualifies a person to install or replace non boiler external piping or repair non boiler external piping as defined by ASME code B31.1 and R 408.4032.~~

R 408.4111 Boiler installer's installation responsibilityRescinded.

~~Rule 111. All boiler installations shall be made pursuant to the American society of mechanical engineers boiler code, and pursuant to R 408.4025 and R 408.4027. Any deviation from these requirements shall be considered incompetence on behalf of the licensee and is cause for suspension or revocation of the boiler installer's license.~~

R 408.4114 Inspection of components and systems in a nuclear power plantRescinded.

~~Rule 114. (1) Preservice (baseline) inspection, in service inspection, repair, replacement, modification, alteration, examination, testing, records, and reports of individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, applicable associated auxiliary systems, and complete nuclear power plants that are in compliance with all of the requirements of the construction code, at the point in time the requirements have been completed, irrespective of the physical location, shall be as prescribed in section XI, rules for in service inspection of nuclear power plant components, of the ASME boiler and pressure vessel code. A copy of the current edition of section XI-2010 and its 2011a addenda, is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of \$700.00.~~

~~–(2) The owner of a nuclear power plant shall file inspection plans and schedules, pump and valve testing programs, and requests for relief from section XI of the ASME code requirements with the boiler division of the department.~~

~~–(3) The nuclear power plant shall maintain compliance with requirements, as prescribed by the nuclear regulatory commission.~~

R 408.4117 Boiler repairers; licenses~~Rescinded.~~

~~Rule 117. Boiler repairers shall be licensed as required by section 13 of the act.~~

R 408.4119 Application for boiler repairer's licenses~~Rescinded.~~

~~Rule 119. (1) An application for a boiler repairer's license shall be on a form provided by the boiler division of the department. The applicant shall state the name of the business, firm, partnership, or corporation that the applicant intends to represent in the business of repairing boilers and shall give evidence of his or her past experience in the repair of boilers and evidence of his or her workmanship and engineering skills that would qualify the applicant for examination and licensing.~~

~~(2) An applicant for a boiler repairer's license shall have at least 5 years of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of 3 years of experience towards the 5 years of experience will be given for 3 years of experience in the design, construction, manufacture, or inspection of boilers.~~

~~(3) The boiler division of the department may verify repairs required to be reported on the application to establish the applicant's minimum practical repair experience in the applicant's desired license classification. Copies of the boiler division inspection reports of the repairs shall be made part of the application.~~

R 408.4120 Filing of welding procedures~~Rescinded.~~

~~Rule 120. (1) If welding is employed in the repair, replacement, or alteration of a boiler or piping, then the licensed repairer shall file welding procedure specifications and procedure qualification reports qualified in accordance with ASME code section IX, welding and brazing qualifications, with the boiler division of the department, before conducting any welding.~~

~~(2) A licensed repairer who utilizes welding in the repair, replacement, or alteration of boilers or piping shall have available, for the inspector's review, welding procedure specifications and welder performance qualification records at the work site or other mutually agreed upon location.~~

R 408.4121 Examination for boiler repairer's license; establishment; administration; nuclear repairer license applicant; certificate of authorization; examination~~Rescinded.~~

~~Rule 121. (1) The examination shall be held quarterly at a location determined by the boiler division of the department.~~

~~(2) An applicant wishing to upgrade his or her license to a higher classification shall take the examination prescribed in subrule (1) of this rule.~~

~~(3) The director, upon the request of a company in possession of a valid ASME "N" type certificate of authorization or the national board of boiler and pressure vessel inspectors "NR" certificate of authorization, shall issue, to an individual of the company, a license as a nuclear repairer if the individual, before receiving his or her license, satisfactorily passes the examination prescribed in subrule (1) of this rule.~~

R 408.4122 Identification of applicant's business affiliation for repairer's license~~Rescinded.~~

~~Rule 122. (1) An applicant for a boiler repairer's license shall state the name of the business, firm, partnership, or corporation under which he or she intends to carry on the business of repairing boilers before a license will be issued. The applicant may be the owner, a partner, an officer of a corporation, or a supervisory employee of the business, firm, partnership, or corporation legally registered with the state.~~

~~(2) A person shall not engage in repairing boilers under the name of more than 1 business at any one time.~~

R 408.4123 ~~Boiler repairer's license application fee~~Rescinded.

~~Rule 123. The fee prescribed by R 408.4038 shall accompany each application for boiler repairer's license.~~

R 408.4124 ~~Repairer's license not required~~Rescinded.

~~Rule 124. An individual employed by, and working under the supervision of, a licensed boiler repairer is not required to be licensed.~~

R 408.4125 ~~Annual renewal of boiler repairer's license; change of business affiliation~~Rescinded.

~~Rule 125. (1) A boiler repairer's license shall be renewed annually upon payment of a fee as prescribed by R 408.4038.~~

~~(2) A repairer's license shall expire on December 31 of each year and shall be renewed. An application for renewal shall be submitted to the boiler division of the department between September 30 and December 31. A license that is not renewed by January 1 shall be voided and may be reinstated only upon application for reinstatement and payment of both the renewal fee and a reinstatement fee of \$80.00. A person requesting renewal of a license within 3 years after the license is voided pursuant to this subrule is not subject to reexamination for the license, but shall pay both the reinstatement fee and the annual license renewal fee for the current renewal year. A person who fails to renew a license for 3 consecutive years shall meet the requirements of, and take an examination for, the class of license sought.~~

~~(3) A licensee who changes business affiliation shall notify the chief inspector, on a form provided by the boiler division of the department, of the name and address of the new business affiliate under which the licensee intends to use his or her license. A fee of \$30.00 shall accompany the notification form.~~

R 408.4127 ~~Boiler repairers; classes of licenses~~Rescinded.

~~Rule 127. (1) A class I license allows a licensee to repair a boiler by means other than welding, riveting, or other fabrication process.~~

~~(2) A class II license allows a licensee to do both of the following:~~

~~(a) Repair a low pressure boiler, a hot water supply boiler, and a fire tube boiler of any pressure.~~

~~(b) Perform work covered by a class I license.~~

~~(3) A class III license allows a licensee to do all of the following:~~

~~(a) Repair a high pressure boiler.~~

~~(b) Repair or replace non boiler external piping, as defined by ASME code B31.1 and R 408.4032.~~

~~(c) Perform work covered by a class II license.~~

~~(4) A class IV license allows a licensee to do all of the following:~~

~~(a) Repair or field erect a boiler of any pressure. Exception: a boiler that has a nuclear heat source.~~

~~(b) Repair or replace non boiler external piping as defined by ASME code B31.1 and R 408.4032.~~

~~(5) A class V license allows a licensee to erect and repair a boiler that has a nuclear heat source or its parts, appurtenances, or system components, and also provides the following:~~

~~(a) The licensee may repair or replace non boiler external piping, as defined by ASME code B31.1 and R 408.4032.~~

~~(b) Before a license is issued, an applicant for a class V license shall submit evidence of the following:~~

~~(i) Familiarity with and knowledge of all federal rules and regulations regarding the construction of a boiler that has a nuclear heat source.~~

~~(ii) Employment by a company in possession of a valid ASME N type symbol stamp applicable to the portions of any nuclear boiler system he or she proposes to repair.~~

~~–(6) A class P license qualifies a person to install or repair non-boiler external piping as defined by ASME code B31.1 and R 408.4032.~~

~~–(7) A licensed boiler repairer shall secure a permit for a change in use of an existing boiler or replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles in accordance with R 408.4033.~~

R 408.4129 Boiler repairer's repair responsibilityRescinded.

~~Rule 129. It is the responsibility of a licensed boiler repairer to make all boiler repairs pursuant to R 408.4024 and arrange for the required inspections with an inspector before work is started. Any deviation from these requirements shall be considered incompetence on behalf of the licensee and is cause for suspension or revocation of the boiler repairer's license.~~

R 408.4131 Examination of persons with revoked licensesRescinded.

~~Rule 131. The board shall require examination or reexamination of any licensee whose license has been revoked for cause.~~

R 408.4133 Reports of inspection to be filedRescinded.

~~Rule 133. (1) Each company employing licensed boiler inspectors, within 30 days following each boiler certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms provided by the boiler division.~~

~~–(2) Certificate inspection reports submitted by electronic interface shall be in a format acceptable to the boiler division of the department.~~

~~–(3) Certificate inspection reports submitted to the boiler division of the department for data entry shall be assessed a fee of \$2.00 per report.~~

~~–(4) Reporting of non-certificate external inspections shall not be required except when such inspections disclose the boiler is in a condition where a violation is issued pursuant to R 408.4149.~~

~~–(5) The inspector shall leave a signed and dated inspection sticker or inspection report at the inspection location.~~

~~–(6) The inspector shall record his or her national board of boiler and pressure vessel commission number on the inspection report.~~

R 408.4139 Rental boilersRescinded.

~~Rule 139. A rental boiler shall be inspected before it is rented and the boiler shall be approved for temporary installation. An inspection certificate for an approved rental boiler is valid for 12 months. A licensed boiler installer shall secure an installation permit in accordance with R 408.4033 each time a rental boiler is reinstalled. The permit application for an installed rental boiler shall be posted at the rental boiler.~~

R 408.4143 Refusal of inspection or nonpayment of feeRescinded.

~~Rule 143. If the owner or user of a boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the fee prescribed by R 408.4038, the certificate of inspection shall be suspended by the chief inspector until the owner or user allows the inspection or pays the fee.~~

R 408.4149 Notice of violationRescinded.

~~Rule 149. (1) A written notice of violation containing the code deficiencies shall be sent to, or served upon, the owner or user by the chief inspector, deputy inspector, or special inspector advising of the existing conditions and stating a compliance date when the violation shall be corrected. If the code deficiencies are not corrected by the compliance date, the violation notice shall serve as a suspension of~~

~~the certificate. (2) When the notice of violation is issued as a certificate blocking, the inspection certificate shall be suspended and a written notice shall be given to the owner or user at the time of the violation issuance. The certificate blocking violation shall continue in effect until the boiler has been made to conform to these rules and until the certificate has been reinstated.~~

~~(3) A fee shall be charged pursuant to R 408.4038 (2) for all follow up visits by the chief inspector or deputy inspector.~~

R 408.4151 Defacing or removing certificate or numbersRescinded.

~~Rule 151. No person except the chief inspector or a deputy inspector shall deface or remove any certificate of inspection or mark of identification number on a boiler.~~

R 408.4153 Operation of boiler under pressure without valid certificate prohibited; penaltyRescinded.

~~Rule 153. (1) An owner or user shall not operate a boiler under pressure in this state to which these rules apply without a valid inspection certificate.~~

~~(2) An owner or user who causes a boiler to be operated at a pressure exceeding maximum operating pressure that is specified on the inspection certificate is subject to the penalty prescribed in section 24 of the act.~~

~~(3) When 2 or more boilers of different maximum allowable working pressure are connected to a common system, the maximum operating pressure of each boiler shall be that of the lesser boiler or boiler's maximum allowable operating pressure.~~

R 408.4155 Boiler policies; newly written, canceled, or suspendedRescinded.

~~Rule 155. All insurance companies shall notify the chief inspector within 30 days of all boilers newly insured, canceled, not renewed, or suspended because of unsafe conditions.~~

R 408.4157 Notification; defective boilersRescinded.

~~Rule 157. If a special inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that the company refuses insurance, the company shall immediately notify the chief inspector and submit a notice of violation of the defects.~~

R 408.4161 Defective conditions; external inspectionsRescinded.

~~Rule 161. If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler shall be removed to satisfy the inspector in order that he may determine the safety of the boiler; or if the covering cannot be removed at that time, he may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.~~

R 408.4163 Notification in case of accident that renders boiler inoperativeRescinded.

~~Rule 163. (1) If an accident occurs that renders a boiler inoperative, then the owner or user shall immediately notify the chief inspector. For a serious accident, notice shall be given immediately by the quickest method available, and neither the boiler nor any of its parts shall be removed or disturbed before an inspection has been made by the chief inspector, deputy inspector, or special inspector, unless the removal is to save human life. A condition or failure which results in bodily injury or physical damage to equipment or property other than the boiler or which creates a unique or unusual explosion hazard shall be reported as a serious accident.~~

~~(2) A detailed accident report shall be submitted by the owner's or user's insurance company boiler inspector on an accident report form furnished by the boiler division of the department. If a boiler is not insured, a state deputy boiler inspector shall submit the required report.~~

R 408.4165 Restamping of boilers~~Rescinded.~~

~~Rule 165. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler shall be made to the chief inspector and proof of the original stamping shall accompany the request made to the chief inspector. Restamping authorized by the chief inspector shall be done only by an inspector, and shall be identical with the original stamping, except that it will not be required to restamp the ASME code symbol. Notice of completion of such restamping shall be filed with the chief inspector by the inspector who stamped the boiler, together with a facsimile of the stamping applied.~~

R 408.4167 Penalty for operation of unsafe boilers~~Rescinded.~~

~~Rule 167. If, upon inspection, a boiler is found to be in such a condition that it is unsafe to operate, the inspection certificate shall be suspended pursuant to section 20(4) of the act. A person, firm, partnership, or corporation causing such a boiler to be operated shall be subject to the penalty prescribed in section 24 of the act.~~

R 408.4169 Condemned boilers~~Rescinded.~~

~~Rule 169. A boiler which has been inspected and declared unsafe by the chief inspector, deputy inspector, or special inspector and which the owner has determined will be scrapped shall be placed out of service and stamped or labeled with the word "condemned." The stamping shall be as shown by the following facsimile and shall be situated in several conspicuous locations determined by the inspector.~~

~~-CONDEMNED-~~

R 408.4171 Removal of used boilers from state~~Rescinded.~~

~~Rule 171. (1) If an ASME boiler located in this state is to be moved to another state for temporary use or repairs, application shall be made by the owner to the chief inspector for permission to reinstall the boiler in this state as prescribed in R 408.4177.~~

~~-(2) Repairs conducted outside of this state to boilers or pressure parts of boilers that will be reinstalled in this state shall be conducted by an organization in possession of a valid certificate of authorization to repair boilers. The organization shall conduct the repair pursuant to the NBIC and submit all forms required by the NBIC.~~

R 408.4172 Nonstandard boilers; bringing into state~~Rescinded.~~

~~Rule 172. (1) If a nonstandard boiler that is in use in this state is removed outside the boundaries of the state, it cannot be brought into the state and reinstalled without the permission of the board of boiler rules.~~

~~-(2) A person may petition the board to approve the use of a nonstandard boiler. Upon receipt of the petition, the board shall cause to be conducted testing and evaluation it considers desirable for the nonstandard boiler to determine whether construction is equivalent to standards specified in R 408.4025.~~

~~-(3) A boiler owner requesting to have a special installation and operational permit shall submit the following items to the board of boiler rules, as applicable, in the English language and units:~~

~~-(a) A list of all existing or proposed design and service conditions, maximum allowable working pressure (MAWP), and temperature, internal and external loading, corrosion and erosion allowance, heat treatment, service requirements, or service conditions.~~

~~-(b) Documentation that the manufacture of the boiler is based on requirements from the applicable ASME code section as follows:~~

~~-(i) Power boilers—section I~~

~~-(ii) Materials specifications—section II~~

- ~~–(iii) Nuclear power plant components—section III, division 1 and 2~~
- ~~–(iv) Heating boilers—section IV~~
- ~~–(v) Pressure vessels—section VIII, division 1 and 2~~
- ~~–(vi) Welding and brazing qualifications—section IX~~
- ~~–(vii) Fiberglass reinforced plastic pressure vessels—section X~~
- ~~–(viii) Power piping—ASME B31.1~~
- ~~–(4) If the design, construction, and certification were not based on ASME code rules, the manufacturer of the boiler shall provide a copy of the design rules used and show how they meet or exceed the ASME code requirements by providing all of the following:~~
 - ~~–(a) A complete set of design drawings showing weld joint details and construction including internal and external attachments.~~
 - ~~–(b) A list of all pressure boundary materials or those materials and the material's thickness subject to stress due to pressure and loading. The list shall include a material specification to meet or exceed the applicable ASME codes specification. If material used is a specification other than referenced in the applicable ASME code section, the manufacturer of the boiler through the owner shall submit a copy of the material specifications used in the vessel construction and indicate how it is considered equivalent to the ASME Code. Stress values used in all design calculations shall meet or exceed the maximum allowable stress values permitted for materials in the applicable ASME code section.~~
 - ~~–(c) Documentation of any mill identification, including location of identification.~~
 - ~~–(d) Manufacturers' materials test reports and traceability including test reports required by applicable code section.~~
 - ~~–(e) Welding or brazing procedure specifications and welder or brazer performance qualification records.~~
 - ~~–(f) NDE procedures and results of examinations.~~
 - ~~–(g) Record of pressure test or proof test.~~
 - ~~–(h) Documentation showing the quality assurance program used by manufacturer is equivalent to requirements of the ASME code.~~
 - ~~–(i) Identification of the inspection agency performing inspections and certifying manufacturer's data report or equivalent.~~
 - ~~–(j) Evidence of qualification or certification of the inspection agency by a jurisdictional authority.~~
 - ~~–(k) Documentation to show that inspectors making certification inspections have been certified as required by the jurisdictional authority. Individual names and commission numbers (if any) shall be provided. System of supervisory control of inspection shall be included.~~
 - ~~–(l) Documentation of fabrication inspections by the manufacturer and inspection agency.~~
 - ~~–(m) An internal and external inspection report by inspection agency inspectors.~~
 - ~~–(n) A facsimile of the nameplate or stamping.~~
 - ~~–(o) A copy of manufacturer's data report or equivalent document certified by the manufacturer and the inspection agency's inspector.~~
 - ~~–(p) A copy of any code or standard used for design or construction.~~
- ~~–(5) The original code of construction shall be used to establish the allowable stresses and joint efficiencies when calculating the MAWP of a vessel.~~

R 408.4175 Inspection of used and secondhand boilers for reinstallation and operation~~Rescinded.~~

~~Rule 175. The owner or user shall ensure that all used and secondhand boilers are inspected by the chief inspector or a deputy inspector to determine compliance with these rules before approval for reinstallation. The chief inspector or deputy inspector may require a hydrostatic test. A used or secondhand boiler shall not be placed in operation until its installation has been approved for operation by the chief inspector or a deputy inspector.~~

R 408.4177 Reinstallation of used or secondhand boilers; fees~~Rescinded.~~

~~Rule 177. Reinstallation of a used or secondhand boiler shall only be performed by a licensed boiler installer. A permit fee prescribed by R 408.4038 shall be paid directly to the boiler division of the department and shall accompany the permit to reinstall a used or secondhand boiler.~~

R 408.4179 Reinstalled boilers; fittings and appurtenances~~Rescinded.~~

~~Rule 179. The owner shall ensure that the installation of a reinstalled boiler conforms to the requirements of R 408.4031.~~

R 408.4182 Steam kettles~~Rescinded.~~

~~Rule 182. (1) A fired or electrically heated steam kettle, irrespective of size, that has piped feed connections shall be in compliance with these rules:~~

~~–(2) A fired or electrically heated kettle, irrespective of size without feed piping connections, shall be in compliance with the requirements of these rules. Instead of an installation permit, the owner or user shall report the installation to the chief inspector before the unit is operated. The chief inspector shall assign a deputy inspector to visit the installation location to inspect the kettle to determine its safety for operation. A kettle that is operated at or below 15 psi shall be inspected biennially. A kettle that is operated at more than 15 psi shall be inspected annually.~~

~~–(3) Steam kettles manufactured to ASME section VIII division 1 2010 and its 2011a addenda shall have the minimum appurtenances and controls that are required in mandatory appendix 19.~~

R 408.4185 Safety appurtenances and controls~~Rescinded.~~

~~Rule 185. A person shall not attempt to remove, or shall not do any work upon, any safety appurtenance or control prescribed by these rules while a boiler is in operation. If an appurtenance or control is repaired during an outage of a boiler, it shall be reinstalled and in proper working order before the appurtenance or control is placed back in service. A person shall not load the safety valve or valves to maintain a working pressure of more than that stated on the certificate of inspection.~~

R 408.4187 Prevention of contamination of potable water supply~~Rescinded.~~

~~Rule 187. The boiler owner shall ensure that a boiler has proper connections to the potable water supply system to prevent contamination. The connections shall be as specified in the Michigan plumbing code, R 408.30701 to R 408.30796.~~

R 408.4189 Air for combustion~~Rescinded.~~

~~Rule 189. The boiler owner shall ensure that a boiler has adequate outside combustion air as specified in the Michigan mechanical code, R 408.30901a to R 408.30998a.~~

R 408.4193 Stairways, ladders, platforms, and runways~~Rescinded.~~

~~Rule 193. (1) A licensee shall comply with NBIC part 1 sections 2.4.2 and 3.4.2 in the installation of stairways, ladders, platforms, and runways:~~

~~–Exception: A platform shall be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.~~

~~–(2) An inspector shall notify the owner or user who is required to conform to this rule and shall give written notice of a violation to the owner or user that the installation of the required stairway, runway, platform, or ladder is to be made. The owner or user shall be allowed 1 year from the date of the violation to complete the work.~~

~~–(3) A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The licensee will be notified by the chief inspector of the approval or denial of the request.~~

~~–(4) Where applicable, the boiler installation shall comply with the Michigan mechanical code, R 408.30901 to R 408.30998.~~

R 408.4195 Exits from boiler roomsRescinded.

~~Rule 195. The owner shall ensure that the exit from a boiler room complies with the requirements specified in the Michigan building code, R 408.30401 to R 408.30547.~~

R 408.4197 Clearance between boilers and other objectsRescinded.

~~Rule 197. (1) A licensee performing an installation shall ensure that the installation is made pursuant to the NBIC part 1 section 2.3.3 and 3.3.4.~~

~~–Exception: The minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery.~~

~~–(2) The licensee shall ensure that clearances are pursuant to the manufacturer's instructions where required clearances are greater than the minimum required by this rule. The boiler owner shall ensure that the clearances are maintained for the life of the boiler and shall not be infringed upon by items in storage.~~

~~–(3) The elevation of a boiler above the floor shall be as specified in the Michigan mechanical code, R 408.30901 to R 408.30998.~~

~~–(4) A licensee may request a deviation from the requirements of this rule by submitting drawings and the manufacturer's installation requirements to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.~~

~~–(5) Where applicable, the boiler installation clearances shall comply with the Michigan electrical code, R 408.30801 to R 408.30880.~~

**PART 2. EXISTING INSTALLATIONS
STEAM BOILERS**

R 408.4201 Existing steam boilersRescinded.

~~Rule 201. "Existing steam boilers," as used in this part, mean steam boilers that are in actual use, or which are installed and ready for use prior to August 10, 1917. It should not be applied to secondhand boilers, rental boilers, or to boilers that are subject to change in ownership or are to be reset, in which case the rules for new construction shall apply.~~

R 408.4202 Age limit of nonstandard existing steam boilersRescinded.

~~Rule 202. The age limit of any boiler of nonstandard construction, installed prior to the date this law became effective, shall be 30 years except that after a thorough internal and external inspection and a hydrostatic pressure of 1 1/2 times the allowable working pressure and held for a period of at least 30 minutes, during which no distress or leakage develops, any boilers having other than a lap riveted longitudinal joint may be continued in operation without reduction in working pressure.~~

R 408.4203 Age limit of lap seam boilersRescinded.

~~Rule 203. The age limit of any boiler having lap riveted longitudinal joints and operating at a pressure in excess of 50 psi shall be 20 years; this type of boiler, when removed from an existing~~

~~setting, shall not be reinstalled for a pressure in excess of 15 psi. A reasonable time for replacement, not to exceed 1 year, may be given at the discretion of the chief inspector.~~

R 408.4205 Lap seam crackRescinded.

~~Rule 205. The shell or drum of a boiler in which a typical "lap seam crack" is discovered along a longitudinal riveted joint or lap joints shall be permanently discontinued for use under pressure. By "lap seam crack" is meant the typical crack frequently found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.~~

R 408.4206 Age limit of standard existing boilersRescinded.

~~Rule 206. The age limit of boilers of standard construction shall be dependent on a thorough internal and external inspection and hydrostatic pressure test of 1 1/2 times the allowable working pressure for a period of 30 minutes. If the boiler under these test conditions exhibits no distress or leakage, it may be continued in operation at the same working pressure.~~

R 408.4207 Factors of safetyRescinded.

~~Rule 207. (1) The lowest factor of safety that will be permissible on existing installations under any conditions is 4.5. Secondhand boilers shall have a minimum factor of safety of 5 when the longitudinal joints are of butt and double strap construction, and a minimum factor of safety of 6 when the longitudinal joints are of lap riveted construction.~~

~~Horizontal return tubular boilers having continuous lap riveted joints of more than 12 feet in length shall have a factor of safety of not less than 8.~~

~~(2) The factors of safety for all standard boilers having longitudinal joints other than lap riveted construction shall be increased at the end of its specified age limit by not less than 5/10, except that after a thorough internal and external inspection and a hydrostatic pressure test of 1 1/2 times the pressure allowed and held for a period of at least 30 minutes, during which no distress or leakage develops, the pressure may be continued at a factor of 5.5. These factors may be increased by the inspector as the condition and safety of the boiler may dictate, and in no case shall the factor of safety be less than called for by the rules for new construction.~~

~~(3) In no case shall the maximum allowable working pressure on old boilers be increased, unless they are being operated at a lesser pressure than would be allowable for new boilers, in which case the changed pressure shall not exceed that allowable for new boilers of the same construction.~~

R 408.4208 Portable boilersRescinded.

~~Rule 208. Portable boilers, such as used by contractors, agriculturists, sawmills, etc., used for purely portable purposes and transported from place to place, shall be deemed secondhand in the event of change of ownership, irrespective of change of location, and shall comply with the rules for new construction when reinstalled at a new location. They shall have a factor of safety of at least 5.5 where of butt strap construction and a factor of safety of not less than 6 where of lap seam construction.~~

R 408.4210 Cast iron headers and mud drumsRescinded.

~~Rule 210. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or which have cast iron mud drums, shall not exceed 160 psig. The maximum allowable working pressure of a steam boiler constructed wholly or principally of cast iron shall not exceed 15 psi. Hot water boilers operating at temperatures not to exceed 250 degrees Fahrenheit may be operated at pressures up to 160 psi.~~

R 408.4212 ~~Maximum allowable working pressure~~**Rescinded.**

~~Rule 212. (1) The maximum allowable working pressure on the shell or drum of a boiler shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or of the ligaments between tube holes in the shell or drum (whichever is the least), the inside diameter of the outside course and the factor of safety allowed by these rules.~~

$$\text{TS}t/E/\text{RFS} = \text{Maximum allowable working pressure, psi}$$

~~where TS = ultimate tensile strength of shell plates, psi.~~

~~t = minimum thickness of shell plate, in weakest course, inches~~

~~E = efficiency of longitudinal joint:~~

~~For riveted construction, E shall be determined by the rules based on the ratio which the strength of the joint bears to the strength of the solid plate.~~

~~For fusion welded construction, E shall be determined by the rules applying to the class of welding used.~~

~~For tube ligaments, E shall be determined by the rules based on the ratio of the cross sectional area of the ligaments to the entire section of the plate.~~

~~For seamless construction, E shall be considered 100%.~~

~~R = one half the inside diameter of the weakest course of shell or drum, inches~~

~~FS = factor of safety permitted by these rules.~~

~~(2) When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.~~

~~(3) In computing the efficiency of riveted joints, the resistance to crushing of mild steel shall be taken as 95,000 psi of cross-sectional area.~~

~~(4) When computing the ultimate strength of rivets in shear, the following values in pounds per square inch of the cross-sectional area of the rivet shank shall be used:~~

~~Iron rivets in single shear 38,000~~

~~Iron rivets in double shear 76,000~~

~~Steel rivets in single shear 44,000~~

~~Steel rivets in double shear 88,000 When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivet shanks may be selected from table 1, or they may be ascertained by cutting out 1 rivet in the body of the joint.~~

~~(5) In no case shall a boiler be designed for a pressure less than 30 psi.~~

~~TABLE 1~~

~~SIZES OF RIVETS BASED ON PLATE THICKNESS~~

~~Thickness of plate, inches 1/4 9/32 5/16 11/32 3/8 13/32 Diameter of rivet after driving, inches 11/16 11/16 3/4 3/4 13/16 13/16 Thickness of plate, inches 7/16 15/32 1/2 9/16 5/8 Diameter of rivet after driving, inches 15/16 15/16 15/16 1 1/16 1 1/16~~

R 408.4214 ~~Safety and safety relief valves~~**Rescinded.**

~~Rule 214. A person shall not use weighted lever safety valves or safety valves that have a seat or disk made of cast iron. Valves of this type or construction shall be replaced by direct spring loaded pop type valves or safety relief valves that are in compliance with the requirements of the ASME power boiler code and shall be connected to the boiler with the spindle vertical.~~

R 408.4215 Number of safety valvesRescinded.

~~Rule 215. Each boiler shall have at least 1 safety valve; and if power boilers have more than 500 square feet of water heating surface, such boilers shall have 2 or more safety valves.~~

R 408.4216 Safety valve connectionsRescinded.

~~Rule 216. The valve or valves shall be connected to the boiler, independent of any other steam connection, and attached as close as possible to the boiler, without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owners or users shall be allowed reasonable time in which to complete the work.~~

R 408.4217 Safety valve discharge pipesRescinded.

~~Rule 217. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe between the safety valve and the atmosphere. When an escape pipe is used, it shall be full size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet and the escape pipe shall be anchored and supported securely. All safety valve discharges shall be so located or piped as to be carried clear from walkways or platforms used for access to main stop valves of boilers or steam headers.~~

R 408.4218 Safety valve capacityRescinded.

~~Rule 218. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6% above the highest pressure to which any valve is set, and in no case to more than 6% above the maximum allowable working pressure. The steam safety valve capacity for each steam heating boiler shall be such that with the fuel burning equipment installed, the pressure cannot rise more than 5 psi above the maximum allowable working pressure of the boiler.~~

R 408.4219 Safety valve pressure settingRescinded.

~~Rule 219. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3% above the maximum allowable working pressure, but the range of setting of all of the safety valves on a boiler shall not exceed 10% of the highest pressure to which any valve is set.~~

R 408.4220 Safety valves on connected boilers of different pressuresRescinded.

~~Rule 220. When 2 or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum amount of steam that can flow into the lower pressure system.~~

R 408.4222 Safety valve setting on boilers with direct feedRescinded.

~~Rule 222. In those cases where the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure higher than 94% of the lowest pressure obtained in the supply main feeding the boiler.~~

R 408.4223 Determining safety valve capacityRescinded.

~~Rule 223. (1) The relieving capacity of the safety valves on any boiler shall be checked by 1 of the following methods and, if found to be insufficient, additional valves shall be provided:~~

~~–(a) By making the accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6% of the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater.~~

~~–(b) By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the appendix of the ASME power boiler code.~~

~~–(c) By measuring the maximum amount of feedwater that can be evaporated.~~

~~–(2) When either of the methods outlined in subrule (1) (b) or (c) is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.~~

R 408.4225 Replacement of safety valvesRescinded.

~~Rule 225. When it becomes necessary to replace safety or relief valves on low pressure heating or process boilers for any reason, the replacement shall be made with other than a top outlet type valve.~~

R 408.4230 Means of boiler feedingRescinded.

~~Rule 230. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure. A power boiler having more than 500 square feet of water heating surface shall have at least 2 means of feeding, 1 of which shall be an approved feed pump, injector, or inspirator, except boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single source of feeding provided means are provided for immediate shutoff of heat release, and the boiler furnace and fuel system do not retain sufficient stored heat to cause damage to the boiler if the feed supply is interrupted. A source of feed directly from water mains at a pressure of 6% greater than the release pressure of the safety valve with the highest release setting may be considered 1 of the means.~~

R 408.4232 Introduction of feedwater into boilersRescinded.

~~Rule 232. The feedwater shall be introduced into power and heating boilers in such manner that it will not be discharged close to riveted joints of shell or furnace sheets or directly against surfaces exposed to products of combustion, or to direct radiation from the fire.~~

R 408.4235 Feed valves requiredRescinded.

~~Rule 235. The feed piping to a power boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When 2 or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve. In all cases where returns are fed back to power or heating boilers by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as is practicable.~~

R 408.4236 Feedwater temperatureRescinded.

~~Rule 236. Where deaerating heaters are not employed, it is recommended that the temperature of the feedwater be not less than 120 degrees Fahrenheit to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feedwater temperature be not less than 215 degrees Fahrenheit so that dissolved gases may be thoroughly released.~~

R 408.4240 Water column connectionsRescinded.

~~Rule 240. No outlet connections (except for damper regulator, feedwater regulator, low water fuel cut out, drains, steam gauges, pressure controls or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least 3/4 inches pipe size, the drain to be piped to a safe location.~~

R 408.4241 Gauge cocksRescinded.

~~Rule 241. Each power boiler shall have 3 or more gauge cocks, located within the visible length of the water glass, except when the boiler has 2 water glasses located on the same horizontal lines. Boilers not over 36 inches in diameter, in which the heating surface does not exceed 100 square feet, need have but 2 gauge cocks. For all installations where the water gauge glass or glasses are more than 30 feet above the boiler operating floor, it is recommended that water level indicating or recording gauges be installed at eye height above the operating floor.~~

R 408.4242 Pressure gaugesRescinded.

~~Rule 242. (1) Each steam boiler shall have a pressure gauge, with dial range not less than 1 1/2 times the maximum allowable working pressure, connected to the steam space or to the steam connection to the water column.~~

~~-(2) The pressure gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.~~

~~-(3) When a pressure gauge connection longer than 8 feet becomes necessary, a shutoff valve may be used near the boiler provided the valve is of the outside screw and yoke type and is locked open. The line shall be of ample size with provision for free blowing.~~

~~-(4) Each boiler shall be provided with a 1/4 inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler pressure gauge may be ascertained.~~

~~-(5) The scale on the dial of a steam heating boiler shall be graduated to not less than 30 psi. The travel of the pointer from 0 to 30 psi shall be at least 3 inches.~~

R 408.4244 Stop valvesRescinded.

~~Rule 244. (1) Each steam outlet from a power boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.~~

~~-(2) When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.~~

~~-(3) When power boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with 2 stop valves having an ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the~~

~~valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of 1 automatic nonreturn valve (set next to the boiler) and a second valve of the outside screw and yoke type.~~

~~-(4) A stop valve shall be used in each supply and return pipe connection of 2 or more heating boilers connected to a common system.~~

~~-(5) When a stop valve is used in the supply pipe connection of a single heating boiler, there shall be 1 used in the return pipe connection.~~

R 408.4246 Blowoff connections; existing power boilers~~Rescinded.~~

~~Rule 246. (1) The construction of the setting around each blowoff pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blowoff piping.~~

~~-(2) All blowoff piping, when exposed to furnace heat, shall be protected by firebrick or other heat-resisting material, so constructed that the piping may be inspected readily.~~

~~-(3) Each boiler shall have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks shall be of the gland or guard type and suitable for the pressure allowed. The use of globe valves shall not be permitted.~~

~~-(4) When the allowable working pressure exceeds 100 psi gauge, each blowoff pipe shall be provided with 2 valves or a valve and cock, such valves and cocks to be at least of the extra heavy type.~~

~~-(5) When the maximum allowable working pressure exceeds 100 psi gauge, blowoff piping shall be at least extra heavy and shall be run full size without use of reducers or bushings. The piping shall be at least extra heavy wrought iron or steel and shall not be galvanized.~~

~~-(6) All fittings between the boiler and blowoff valve shall be of steel. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with the rules and regulations for new installations.~~

~~-(7) Each steam heating boiler shall have a blowoff pipe connection fitted with a valve or cock not less than 3/4 inches pipe size connected with the lowest water space practicable.~~

~~HOT WATER HEATING AND SUPPLY BOILERS~~

R 408.4251 Existing hot water boilers~~Rescinded.~~

~~Rule 251. "Existing hot water boilers," as used in this part, means hot water boilers which are in actual use, or which were installed and ready for use at the time the act became effective. It should not be applied to secondhand boilers, or to boilers that are subject to change in ownership, or are to be reset, in which case the rules for new construction should apply.~~

R 408.4253 Hot water boilers included; exempted~~Rescinded.~~

~~Rule 253. (1) These rules for hot water boilers shall apply to all hot water heating and hot water supply boilers to be designed for pressures not exceeding 160 psi and temperatures not exceeding 250 degrees Fahrenheit.~~

~~-(2) For conditions exceeding those specified above, the rules for power boilers shall apply.~~

~~-(3) Except as provided in R 408.4253(4), the following classifications are considered not to be within the jurisdiction of this part of these rules: hot water supply boilers which are directly fired with oil, gas, or electricity when none of the following limitations is exceeded:~~

~~-(a) A heat input of 200,000 Btu per hour.~~

~~-(b) A water temperature of 200 degrees Fahrenheit.~~

~~-(c) A nominal water containing capacity of 120 gallons.~~

~~-(4) All hot water supply boilers, including those exempted in R 408.4253(3) shall be equipped with safety devices of proper type and size as specified in R 408.4278 and be of code construction.~~

~~-(5) For conditions exceeding those specified in subrule (1), cast iron construction is not permitted.~~

R 408.4255 Working pressure and temperature; hot water steel plate boilers~~Rescinded.~~

~~Rule 255. (1) Wherever the term "maximum allowable working pressure" is used herein, it refers to gauge pressure or the pressure above the atmospheric in pounds per square inch. The maximum allowable working temperature at or near the outlet of a hot water steel plate boiler shall not exceed 250 degrees Fahrenheit, nor the maximum allowable working pressure to 160 psi. The maximum allowable working pressure on the shell or drum of steel plate hot water boilers shall be determined in accordance with the following formulas. In no case shall a boiler be designed for a pressure less than 30 psi.~~

$$\frac{P}{R + 0.6t} = SEt \quad \text{or} \quad t = \frac{PR}{SE - .06P}$$

~~Where P = maximum allowable working pressure, pounds per square inches~~

~~S = 20% of the minimum ultimate tensile strength stamped on the shell plate, or as indicated in (2).~~

~~t = minimum thickness of shell plates in weakest course, inches~~

~~E = efficiency of longitudinal joint or of ligament between tube holes (whichever is lesser).~~

~~R = inside radius of weakest course of the shell or drum, inches.~~

~~-(2) When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.~~

R 408.4257 Working temperature; cast iron hot water boilers~~Rescinded.~~

~~Rule 257. The maximum allowable working temperature at or near the outlet of a hot water cast iron boiler shall not exceed 250 degrees Fahrenheit.~~

R 408.4258 Washout openings; other than cast iron boilers~~Rescinded.~~

~~Rule 258. All boilers other than cast iron shall be provided with suitable manhole openings or handhole or washout plug openings to permit inspection and permit removal of any sediment which may accumulate.~~

R 408.4259 Washout openings; cast iron boilers~~Rescinded.~~

~~Rule 259. All cast iron steam and hot water boilers shall be provided with suitable washout openings to permit the removal of any sediment that may accumulate therein.~~

R 408.4260 Furnace access openings~~Rescinded.~~

~~Rule 260. A firedoor or other access opening, not less than 11 x 15 inches or 10 x 16 inches or 15 inches in diameter, shall be provided for the furnace of an internally fired boiler other than cast iron which the least furnace dimension is 28 inches or over.~~

R 408.4263 Threaded connections~~Rescinded.~~

Rule 263. Pipe connections, if threaded, shall be tapped into material having a minimum thickness as specified in table HG-370, except that when a curved surface is to be tapped the minimum thickness shall be sufficient to permit at least 4 full threads to be engaged.

TABLE HG-370
MINIMUM THICKNESS OF MATERIAL FOR THREADED CONNECTIONS TO BOILERS

~~Size of Pipe Connection, Minimum Thickness of Material Inches — Required, Inches~~

Under 3/4	1/4	3/4 to 1, inclusive
5/16	1 1/4 to 2 1/2, inclusive	7/16
3 to 3 1/2, inclusive	5/8	4 to 5, inclusive
7/8	6 to 8, inclusive	
1 9 to 12, inclusive	1 1/4	

R 408.4265 Minimum distance required between boiler and floor **Rescinded**.

Rule 265. Boilers other than cast iron of the wet bottom type having an external width of over 36 inches shall have not less than 12 inches between the bottom of the boiler and the floor line, with access for inspection. When the width is 36 inches or less, the distance between the bottom of the boiler and the floor line shall be not less than 6 inches and when any part of the wet bottom is not farther from an outer edge than 12 inches, it shall be not less than 4 inches.

R 408.4267 Minimum size access door in a boiler setting **Rescinded**.

Rule 267. The minimum size of access door used in a boiler setting shall be 12 x 16 inches or equivalent area, the least dimension being 11 inches.

R 408.4268 Feedwater connections **Rescinded**.

Rule 268. Feedwater, make up water, or water treatment shall be introduced into a boiler through the return piping system or through an independent feedwater connection which does not discharge against parts of the boiler exposed to direct radiant heat from the fire. Feedwater, make up water, or water treatment shall not be introduced through openings or connections provided for inspection or cleaning, safety valve, safety relief valve, surface or main blowoff, water column, water gauge glass, pressure gauge, or temperature gauge.

R 408.4269 Oil heaters **Rescinded**.

Rule 269. A heater for oil or other liquid harmful to boiler operation shall not be installed directly in the water space within a boiler.

R 408.4270 Provisions for thermal expansion in hot water systems **Rescinded**.

Rule 270. (1) All hot water heating systems incorporating hot water tanks or fluid relief columns shall be so installed as to prevent freezing under normal operating conditions.

(2) If the system is equipped with an open expansion tank, an indoor overflow from the upper portion of the expansion tank shall be provided in addition to an open vent. The indoor overflow shall be carried within the building to a suitable plumbing fixture or to the basement.

(3) If the system is of the closed type, an airtight tank or other suitable air cushion shall be installed that will be consistent with the volume and capacity of the system, and shall be suitably

~~designed for a hydrostatic test pressure of 2 1/2 times the allowable working pressure of the system. Expansion tanks for systems designed to operate at or above 30 psi shall be constructed in accordance with the provisions of section VIII of the ASME boiler and pressure vessel code, 1983 edition, and its addenda. Provisions shall be made for draining the tank without emptying the system, except for pressurized tanks.~~

R 408.4272 Minimum capacity of closed type tank ~~Rescinded.~~

~~Rule 272. The minimum capacity of the closed type expansion tank may be determined from tables 272A and 272B or from the following formula where the necessary information is available.~~

$$V_t = (0.00041 T) \cdot 0.0466 V_s \frac{P_a - P_a}{P_f - P_o}$$

~~Where: V_t = minimum volume of tanks, gallons
 V_s = volume of system, not including tanks, gallons
 T = average operating temperature, degrees Fahrenheit
 P_a = atmospheric pressure, psia
 P_f = fill pressure, psia
 P_o = maximum operating pressure, psia~~

~~Table 272A~~

~~Expansion Tank Capacity for Gravity Hot Water Systems Based on 2-pipe system with average operating water temperature 170 degrees Fahrenheit, using cast iron column radiation with heat emission rate 150 Btu per hour square foot equivalent direct radiation.~~

Square Feet of Installed Equivalent Direct Radiation 1	Tank Capacity Gallons
Up to 350	18
Up to 450	21
Up to 650	24
Up to 900	30
Up to 1,100	35
Up to 1,400	40
Up to 1,600	2 30
Up to 1,800	2 30
Up to 2,000	2 35
Up to 2,400	2 40

~~1 For systems with more than 2,400 square feet of installed equivalent direct water radiation, the required capacity of the cushion tank shall be increased on the basis of 1 gallon tank capacity per 33 square feet of additional equivalent direct radiation.~~

~~Table 272B~~

~~Expansion Tank Capacities for Forced Hot Water Systems Based on average operating water temperature 195 degrees Fahrenheit, a fill pressure 12 psig and maximum operating pressure 30 psig.~~

System Volume, Gallons ¹	Tank Capacity, Gallons
100	15
200	30
300	45
400	60
500	75
1,000	150
2,000	300

~~1 Includes volume water in boiler, radiation, and piping, not including expansion tank.~~

R 408.4274 Internal parts subject to deterioration~~Rescinded~~.

~~Rule 274. Materials shall not be used for internal parts which are liable to fail due to deterioration when subjected to saturated steam temperatures at or below the maximum allowable working pressure.~~

R 408.4277 Connections for relief valves~~Rescinded~~.

~~Rule 277. The area of the opening shall be at least equal to the aggregate area based on the nominal diameters of all of the relief valves with which it connects. A screwed connection may be used for attaching a relief valve.~~

R 408.4278 Relief valves~~Rescinded~~.

~~Rule 278. (1) Each hot water heater boiler shall have at least 1 officially rated pressure relief valve set to relieve at or below the maximum allowable working pressure of the boiler.~~

~~(2) Each hot water supply boiler shall have at least 1 officially rated safety relief valve or at least 1 officially rated pressure-temperature relief valve of the automatic reseating type set to relieve at or below the maximum allowable working pressure of the boiler.~~

~~(3) When more than 1 relief valve is used on either hot water heating or hot water supply boilers, the additional valve or valves shall be officially rated and may be set within a range not to exceed 6 psi above the maximum allowable working pressure of the boiler up to and including 60 psi and 10% for those having a maximum allowable working pressure exceeding 60 psi.~~

~~(4) Relief valves shall be spring loaded without disk guides on the pressure side of the valve.~~

~~(5) Relief valves shall be so arranged that they cannot be reset to relieve at a higher pressure than the maximum permitted by this rule.~~

R 408.4280 Lifting devices~~Rescinded~~.

~~Rule 280. Each relief valve shall have a substantial device which will positively lift the disk from its seat at least 1/16 inch when there is no pressure on the boiler.~~

R 408.4281 Material of seats and disks of relief valves~~Rescinded~~.

~~Rule 281. Seats and disks of relief valves shall be of material suitable to resist corrosion. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.~~

R 408.4283 Relief valve size~~Rescinded~~.

~~Rule 283. No relief valve shall be smaller than 3/4 inch nor larger than 4 1/2 inches standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat~~

diameter. In no case shall the minimum opening through any part of the valve be less than 1/4 inch diameter or its equivalent area.

R 408.4284 Relieving capacity requiredRescinded.

~~Rule 284. (1) The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in Btu at the boiler nozzle obtained by the firing of any fuel for which the unit is designed by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of subrule (3) shall be met.~~

~~(2) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with subrule (3). The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is an intervening valve.~~

~~(3) Relief valve capacity for each boiler shall be such that with the maximum heat input the pressure cannot rise more than 6 psi above the maximum allowable pressure for pressures up to and including 60 psi and 10% for maximum allowable working pressures over 60 psi.~~

R 408.4286 Relief valve connectionsRescinded.

~~Rule 286. (1) Relief valves shall be connected to the top of boilers, with the spindle vertical either directly to a tapped or flanged opening in the boiler, to a fitting connected to the boiler by a close nipple, to a Y base, to a valveless water pipe between adjacent boilers, or to a valveless header connecting water outlets on the same boiler. When a Y base is used the inlet area shall be not less than the combined outlet areas.~~

~~(2) When the size of the boiler requires a relief valve larger than 4 1/2 inches diameter, 2 or more valves having the required capacity shall be used. When 2 or more valves are used on a boiler, they may be single, directly attached, or mounted on a Y base.~~

R 408.4287 Shutoff valves prohibitedRescinded.

~~Rule 287. No shutoff of any description shall be placed between the relief valve and the boiler, nor on discharge pipes between such valves and the atmosphere. Relief valves shall not be connected to an internal pipe in the boiler.~~

R 408.4288 Area of and support of relief valve discharge pipesRescinded.

~~Rule 288. (1) When a discharge pipe is used, its area shall be not less than the area of the valve or aggregate area based on the nominal diameters of the valves with which it connects, and the discharge pipe shall be fitted with an open drain to prevent water from lodging in the upper part of the valve or in the pipe. When an elbow is placed on a relief valve discharge pipe, it shall be located close to the valve outlet. The pipe shall be supported so that no undue stress is placed on the valve body.~~

~~(2) The discharge from relief valves shall be arranged so that there will be no danger of scalding attendants.~~

R 408.4290 Marking of safety or relief valvesRescinded.

~~Rule 290. Each safety or relief valve shall be plainly marked by the manufacturer in such a way that the markings will not be obliterated in service. The markings shall be cast or stamped on the valve body or on the lifting lever, providing the lifting lever is permanently attached to the valve, or, when desirable because of size, all or part of the required markings may be stamped, cast or etched~~

~~on a plate or plates, each securely fastened to the valve body, lever or other permanent part of the valve, and such markings shall include the following:~~

- ~~-(a) The name or identifying trademark of manufacturer.~~
- ~~-(b) Size _____ inches.~~
~~(The pipe size of the inlet)~~
- ~~-(c) Pressure _____ psi.~~
~~(The pressure at which it is set to blow)~~
- ~~-(d) Capacity _____ lb. per hour, or~~
~~Capacity _____ Btu per hour in accordance~~
~~with Par. H 51(d) ASME code.~~
- ~~-(e) ASME symbol as shown in Fig. H 4 ASME code.~~

R 408.4291 Indirectly heated hot water supply tanks~~Rescinded.~~

~~Rule 291. When a hot water supply is heated indirectly by steam in a coil or pipe, the pressure of the steam used shall not exceed the safe working pressure of the hot water tank, and a relief valve of at least 1 inch in diameter, set to relieve at or below the maximum allowable working pressure of the tank, shall be applied on the tank.~~

R 408.4292 Pressure or altitude gauges~~Rescinded.~~

~~Rule 292. Each hot water boiler shall have a pressure or altitude gauge connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or level handle, placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open. The scale on the dial of the pressure or altitude gauge shall be graduated to not less than 1 1/2 times the maximum allowable working pressure. The gauge shall be provided with effective stops for the indicating pointer at the zero point and at the maximum pressure point. Pressure or altitude gauge connections shall be of nonferrous composition when smaller than 1-inch pipe size and longer than 5 feet between the gauge and point of connection of pipe to boiler, and also when smaller than 1/2-inch pipe size and shorter than 5 feet between the gauge and point of connection of pipe to boiler.~~

R 408.4293 Thermometers~~Rescinded.~~

~~Rule 293. Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.~~

R 408.4294 Temperature combustion regulators~~Rescinded.~~

~~Rule 294. (1) In addition to the mandatory requirements for a pressure relief device required by R 408.4278, an individual automatically fired hot water heating or hot water supply boiler in addition to the operating control used for normal boiler operation, shall have a separate high limit-temperature actuated combustion control that will cut off the fuel supply. The temperature range of a high limit actuated combustion control shall not allow a maximum setting over 250 degrees Fahrenheit and shall control the rate of combustion to prevent the temperature of the water from rising above 250 degrees Fahrenheit at or near the boiler outlet. Separate controls may have a common connection to the boiler.~~

~~-(2) When it is known that the Btu input to a hot water supply boiler does not exceed 200,000 or the volume does not exceed 120 gallons, the maximum setting of the high limit control determines~~

~~whether the hot water supply boiler is subject to these rules. The settings at which stops are inserted can be considered to be the determining factor if the setting is with metallic fixed stops.~~

R 408.4296 Bottom blowoffs or drain valves~~Rescinded.~~

~~Rule 296. (1) Each boiler shall have a bottom blowoff or drain pipe connection fitted with a valve or cock connected with the lowest water space practicable, with the minimum size of blowoff piping and valves as shown in table 296.~~

~~Table 296
Size of Bottom Blowoff Piping and Valves~~

Minimum Required	Blowoff
Safety or Relief Valve Capacity	Valves
Lb. of Steam per Hour	Size, Inches
Up to 500	3/4
501 to 1,250	1
1,251 to 2,500	1 1/4
2,501 to 6,000	1 1/2
6,001 and larger	2

~~To determine the discharge capacity of relief valves in terms of Btu, the relieving capacity in pounds of steam per hour is multiplied by 1,000.~~

~~(2) Any discharge piping connected to bottom blowoff and/or bottom drain connection shall be full size to the point of discharge.~~

R 408.4298 Jacketed boilers~~Rescinded.~~

~~Rule 298. Any or all of the fittings and appliances required by these rules may be installed inside of boiler jackets provided the water gauge and pressure gauge on a thermometer and pressure gauge on a water boiler are visible through an opening or openings at all times.~~

**PART 3. INSPECTION AND TESTING FOR NEW CONSTRUCTION; INSTALLATION AND
LATERATION OF BOILERS AND PIPING**

R 408.4301 Scope~~Rescinded.~~

~~Rule 301. All boilers and piping constructed for use in this state shall be inspected and tested during construction as required by the applicable ASME code sections that are adopted by reference in R 408.4025, R 408.4027, and R 408.4032. Any alterations to an existing boiler or piping shall be accomplished in accordance with these rules for new construction.~~

R 408.4302 Boiler installation~~Rescinded.~~

~~Rule 302. (1) A boiler shall be installed by a licensed boiler installer in accordance with the requirements of the applicable ASME code referenced in R 408.4031 and as may be required by these rules.~~

~~(2) A boiler installer shall file welding procedure specifications and the procedure qualification reports qualified in accordance with the requirements of the ASME code, section IX, welding~~

~~and brazing qualifications, with the boiler division of the department, before performing any installations requiring welding.~~

~~-(3) A boiler installer utilizing welding during installation shall have welding procedure specifications, welder performance qualifications, and a quality control manual or procedures to be used or which were used in the conduct of the installation available for the inspector's review.~~

PART 5. INSERVICE INSPECTION OF BOILERS

R 408.4501 InspectionRescinded.

~~Rule 501. The inspection of boilers as provided for under part 1 of these rules shall be made in accordance with the requirements of the NBIC, except as modified by these rules.~~

R 408.4503 Owner or user to prepare boiler for inspectionRescinded.

~~Rule 503. All boilers and blowoff vessels, except for a boiler which is exempted by these rules, shall be prepared for inspection pursuant to the NBIC and these rules by the owner or user when notified by the chief inspector, deputy inspector, or special inspector. The owner or user shall ensure that all examinations and tests required by these rules are performed.~~

R 408.4507 Pressure testingRescinded.

~~Rule 507. The inspector may require a pressure test to assess leak tightness of the pressure retaining item. Pressure testing methods shall be as described in the NBIC.~~

R 408.4510 Traction boilersRescinded.

~~Rule 510. (1) A traction boiler is a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus, such as thrashers, saws, or grinding equipment. Such boilers shall be subject to the following provisions:~~

~~-(a) They shall be tested hydrostatically every 3 years to a hydrostatic pressure of 1 ½ times working pressure, held for sufficient time to permit visual observation of all seams, joints, supports, and attachments.~~

~~-(b) All seams, attachments, supports, and joints shall be exposed for each such annual inspection.~~

~~-(2) Traction boilers used for display or hobby purposes shall not be operated for any other purpose but that for which they were originally constructed.~~

~~-(3) Lap seam boilers shall not be operated in excess of 100 psi.~~

~~-(4) Any repairs by welding or riveting to traction boilers shall be made by licensed repair shops only after an approved permit has been obtained and subject to the approval of the inspector before and after repair is made.~~

R 408.4511 Nonvaporizing organic fluid boilersRescinded.

~~Rule 511. (1) A nonvaporizing organic fluid boiler is a boiler designed to heat, but not vaporize, a fluid in a closed system.~~

~~-(2) The owner shall ensure that a nonvaporizing organic fluid boiler is constructed pursuant to the ASME boiler and pressure vessel code.~~

~~-(3) The owner shall ensure that stop valves are located at an accessible point in the supply and return pipe connections as near the boiler as is practicable.~~

~~-(4) The owner shall ensure that a nonvaporizing organic fluid boiler has the following minimum equipment:~~

- ~~-(a) A relief valve of sufficient capacity to relieve the excess thermal fluid as a result of thermal expansion verified by engineering calculations provided by the owner or user to the inspector.~~
- ~~-(b) A thermometer graduated to not less than 133% of the expected operating temperature.~~
- ~~-(c) A pressure gauge graduated to not less than 150% of the expected operating pressure.~~
- ~~-(d) A low level or flow sensing device suitable for operating conditions.~~
- ~~-(5) The owner shall ensure that the installation, maintenance, operation, and testing of controls and safety devices is pursuant to R 408.4027.~~
- ~~-(6) Expansion tanks for closed systems designed to operate above 30 psi shall be constructed pursuant to ASME Section VIII, Division 1, meeting at least the pressure and temperature ratings of the system.~~

R 408.4512 Miniature hobby locomotive boilers~~Rescinded.~~

~~Rule 512. (1) A miniature hobby locomotive boiler is designed to be operated on a narrow gauge track of less than 24 inches.~~

~~-(2) At the initial inspection of a miniature hobby locomotive boiler, the owner shall provide the chief boiler inspector with design specifications and calculations for review and acceptance. If a boiler is approved for use, then the boiler division of the department shall issue an identifying state number and a deputy boiler inspector shall attach it to the boiler.~~

~~-(3) The owner shall ensure that a miniature hobby locomotive boiler has the following minimum equipment:~~

~~-(a) A pressure gauge graduated to approximately 1 ½ times the operating pressure, but not more than 4 times the operating pressure.~~

~~-(b) A means to extinguish the fire in the firebox if of a low water condition.~~

~~-(c) Two means of feeding water to the boiler, 1 of which shall be operable while the locomotive is stationary.~~

~~-(d) A water level gauge glass located so that the top of the bottom nut of the gauge glass is approximately 10% of the distance between the crown sheet and the shell, but not less than ½ inch above the crown sheet.~~

~~-(e) Two safety valves set at not more than 10% above the operating pressure for boilers fabricated after the effective date of the rules. The capacity of the safety valves shall be equal to or greater than the calculated steam generating capacity of the boiler.~~

~~-(4) The owner shall determine the maximum allowable working pressure of a miniature hobby locomotive boiler by calculation. In place of acceptable calculations, the owner shall subject the boiler to a hydrostatic pressure test of 1 ½ times the owner specified operating pressure.~~

~~-(5) Triennially, during the certificate inspection, the owner shall hydrostatically test the boiler to not more than 1 ½ times the operating pressure.~~

~~-(6) The boiler division of the department shall develop procedures, policies, and check lists necessary to accomplish the inspections and tests required by these rules.~~

~~-(7) Repairs to miniature hobby locomotive boilers are exempt from the licensing and permitting requirements of the act. Repair welding shall~~

~~be made in accordance with the requirements of ASME code section IX.~~

~~Welding procedures and performance qualification shall be filed with the boiler division of the department for review.~~

R 408.4515 Plant personnel to conduct test of boiler attachments or apparatus in presence of inspector~~Rescinded.~~

~~Rule 515. If boiler attachments or apparatus require testing, then plant personnel shall perform the test in the presence of the inspector, unless otherwise ordered.~~

R 408.4520 Failure to prepare boiler for internal inspectionRescinded.

~~Rule 520. If a boiler has not been properly prepared for an internal inspection or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test and a certificate blocking violation will be issued as referenced in R 408.4149.~~

R 408.4522 Stripping of riveted boiler to determine required dataRescinded.

~~Rule 522. If a riveted boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, and if data cannot be determined by other means, enough of the jacketing, setting wall, or other form of casing or housing shall be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained.~~

R 408.4566 Inspection and testing of pressure relief devicesRescinded.

~~Rule 566. Inspection and testing of pressure relief devices shall be conducted pursuant to the NBIC. The manual lift test addressed in the NBIC part 2, paragraph 2.5.7 (e) may be used instead of the pressure test required by NBIC part 2, paragraph 2.5.7 (a) through (d).~~

R 408.4575 Replacement of heating or process boiler pressure relief deviceRescinded.

~~Rule 575. When it becomes necessary to replace pressure relief devices on low pressure heating or process boilers for any reason, the replacement shall be made with other than top outlet type valves.~~

R 408.4581 Rerolling tubesRescinded.

~~Rule 581. Rerolling a tube is considered maintenance, except rerolling a tube required as a result of an accident is considered a repair. This repair work shall require a repair permit and shall be performed by a licensed repairer.~~

**PART 6. REPAIR OF BOILERS
SCOPE OF RULES FOR REPAIR BY RIVETING**

R 408.4601 Repair to riveted boilersRescinded.

~~Rule 601. Repairs to riveted boilers by riveting require the prior approval of the boiler division of the department. The repairs shall be conducted in accordance with the NBIC.~~

R 408.4626 Repairs by weldingRescinded.

~~Rule 626. Repairs to boilers and piping shall be conducted in accordance with the NBIC.~~

PART 7. BOILER BLOWOFF SYSTEMS

R 408.4701 Design and construction of blowdown vessel reportsRescinded.

~~Rule 701. (1) The owner shall ensure that blowdown vessels for use in the state of Michigan are designed and constructed as prescribed by these rules and the ASME boiler and pressure vessel code, section VIII, division 1, entitled "Unfired Pressure Vessels," 2010 edition, and its 2011a addenda which are adopted by reference in these rules and are available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos,~~

~~Michigan 48864 or from the ASME International, 22 Law Drive, Fairfield, New Jersey 07007, at a cost as of the time of adoption of these amendatory rules of \$700.00. National board of boiler and pressure vessel inspector document NB 27, 2004 edition, may be used as a guide for the design of blowdown tanks.~~

~~–(2) The owner shall ensure that a blowdown vessel has a minimum allowable working pressure of 50 psig and that the installation complies with these rules and the vessel manufacturer's instructions.~~

~~–(a) The blowdown vessel, its fittings, and connections shall be sized so that the internal pressure does not rise more than 5 psig above ambient pressure during the blowdown.~~

~~–(b) The blowdown vessel shall be provided with adequate openings to facilitate internal cleaning and inspection. An internal inspection of the blowdown vessel shall be conducted during the certificate inspection of the boiler.~~

~~–(c) The blowdown vessel shall be provided with the following fittings and connection openings in addition to those provided by the manufacturer for the proper installation and operation of the vessel:~~

~~–(i) A vent connection.~~

~~–(ii) A drain connection. A drain connection is not required on a separator.~~

~~–(iii) A thermometer that has a maximum scale reading of 300 degrees Fahrenheit and that is located in the water outlet from the blowdown vessel.~~

~~–(iv) A pressure gauge that is graduated from 0 to 30 psig and that is attached to the top of the steam space of the blowdown vessel.~~

~~–(d) The blowdown vessel shall be installed in a location that prevents it and its connected piping from freezing and shall be installed in a manner that permits both internal and external inspection.~~

~~–(3) A manufacturer shall provide the boiler division of the department, with the manufacturer's data reports. A data report that is signed by an authorized inspector, together with the ASME code symbol stamp on the vessel, is the record denoting that the blowdown vessel has been constructed pursuant to the ASME code.~~

~~–(4) The manufacturer shall register all blowdown vessels for use in the state of Michigan with the national board of boiler and pressure vessel inspector.~~

R 408.4711 ~~Safe discharge from blowdown system~~**Rescinded.**

~~Rule 711. A safe point of discharge from a blowdown system shall protect personnel and property from the injurious effects of the discharge and shall not exceed 140 degrees Fahrenheit at the outlet of the blowdown vessel. All safe points of discharge shall be in compliance with all federal, state, and local regulations governing discharges.~~

PART 15. HEARINGS

R 408.5501 ~~Conduct of hearings~~**Rescinded.**

~~Rule 1501. Hearings shall be conducted as prescribed by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

Part 16. MICHIGAN BOILER OPERATORS AND STATIONARY ENGINEERS QUALIFICATION AND VOLUNTARY REGISTRATION PROGRAM RULES

R 408.5601 ~~Scope~~**Rescinded.**

~~Rule 1601. These rules establish minimum standards for the voluntary registration of boiler operators and stationary engineers and are intended to apply to individuals working in or who have worked in the professions of boiler operator or stationary engineer, who elect to register.~~

R 408.5602 DefinitionsRescinded.

~~Rule 1602. (1) Terms used in these rules are defined as follows:~~

~~–(a) "Act" means the boiler act of 1965, 1965 PA 290, MCL 408.751 to MCL 408.776.~~

~~–(b) "Review panel" means a group of not less than 3 individuals knowledgeable in the profession of boiler operator or stationary engineer that have been approved by the board to act on its behalf to conduct reviews of applications for registration or conduct oral reviews of applicants for registration as stationary engineers.~~

~~–(2) Terms defined in the act mean the same when used in these rules.~~

R 408.5603 Apprenticeship program; board approvalRescinded.

~~Rule 1603. An organization providing an apprenticeship program to its employees working in the profession of boiler operator and stationary engineer that has been certified by the U.S. department of labor, office of apprenticeships, may request approval of the program from the board. The organization shall submit documentation that details the scope of the program and certification from the U.S. department of labor, office of apprenticeships.~~

R 408.5604 ReciprocityRescinded.

~~Rule 1604. (1) A request for reciprocity shall be accompanied by information sufficient for the board of boiler rules to compare the criteria for qualification of the issuing jurisdiction to the criteria for registration under Michigan's boiler law and rules.~~

~~–(2) The board of boiler rules may accept information maintained by a nationally recognized organization that details an individual's qualification for registration or licensing accepted by an issuing jurisdiction for the purpose of determining that the applicant meets the state of Michigan requirements for registration.~~

R408.5605 Examination; information availability.Rescinded.

~~–Rule 1605. Under MCL 408.762, the board adopts the examination prepared by the National Institute for Uniform Licensing of Power Engineers (NIULPE), Inc., 910 W. Van Buren, #220 Chicago, IL 60607 PH: 888.648.5566, Fax: 888.648.5577. The examination topics can be reviewed under the certification requirements for each level of boiler operator or stationary engineer at <http://www.niulpe.org/>. Copies of the examination topics are also available free of charge from the Michigan Department of Licensing and Regulatory Affairs Bureau of Construction Codes/Boiler Division 2501 Woodlake Circle, Okemos, Michigan 48864.~~

R 408.5606 Boiler operator and stationary engineer; application for examination; examination feesRescinded.

~~Rule 1606. (1) The examination for high and low pressure boiler operator shall be written. The examination for~~

~~stationary engineer shall be both written and oral. The written examination for all classifications of boiler operator and stationary engineer shall be delivered and administered by NIUPLE. The applicant shall complete an application provided by the department for review and determination of experience required by MCL 408.763d to qualify for examination. If approved, the applicant's information will be transmitted to NIULPE for scheduling an examination date and location. The oral examination for all classifications of stationary engineer shall be administered by the review panel. The oral~~

examination shall be for the purpose of determining an applicant's ability to respond to equipment situations in a real time atmosphere.

~~(2) A nonrefundable application fee of \$50.00 shall accompany the application for the written examination. The applicant will also be charged a fee by NIULPE for delivery and administration of the written examination. Stationary engineers shall successfully complete the written examination before submitting a new application and fee as prescribed by R 408.4038 for the oral examination. The fee entitles the applicant to take the oral examination once. An additional fee prescribed by R 408.4038 shall accompany each subsequent application.~~

R 408.5607 Registration applicationRescinded.

~~Rule 1607. (1) A fee prescribed by R 408.4038 shall accompany each application for registration.
(2) The application for registration shall indicate the classification requested.
(3) The application shall be presented to the board for recommendation of issuance of the registration by the director.~~

R 408.5608 Annual renewal of registrationRescinded.

~~Rule 1608. (1) A registration issued to a boiler operator or stationary engineer shall expire at the end of 12 months from the date of issuance.
(2) Registrations shall be renewed annually.
(3) The renewal application shall be accompanied by a fee as prescribed by R 408.4038.
(4) If a registration has been expired for more than 3 years and an individual desires to reactivate the registration, then the individual shall take a new written and oral examination as applicable in R 408.5606, and if successful, submit a new application for registration.~~

R 408.5609 Qualified technical education program content; board of boiler rules approval; application and approval process; standards; feesRescinded.

~~Rule 1609. (1) An organization requesting approval of a qualified technical education program (QTEP) or an employer requesting approval of a qualified training program (QTP) pursuant to MCL 408.752(q) shall submit an application provided by the department for submittal to the board. All applications must be complete. If an application is incomplete, a full evaluation is not possible, and the incomplete application will be disapproved. The applicant will be notified in writing of the deficiencies within 30 days of the date that the application is received by the boiler division.
(2) A fee of \$100.00 shall accompany the application for the review.
(3) The QTEP and QTP are not required to address subject matter on refrigeration.
(4) An application and supporting documentation submitted for QTEP or QTP for low or high pressure boiler operators shall contain at a minimum, the subject matter listed in MCL 408.763e(2).
(5) An application and supporting documentation submitted for QTEP or QTP intended for training 3rd, 2nd, and 1st class stationary engineers shall contain the following subject matter in addition to the subjects listed in MCL 408.763e(2):
(a) Third class stationary engineer: Thermodynamics; applied science; applied mechanics; public acts and boiler codes; prime movers; water treatment; control instrumentation; industrial legislation.
(b) Second class stationary engineer: In addition to continuing training in the subjects listed in MCL 408.763e and subdivision (a) of this subrule, the following subjects shall be included: metallurgy and material testing; power plant systems; mechanical drawing; environmental protection.
(c) First class stationary engineer: In addition to continuing training in the subjects listed in MCL 408.763e(2) and subdivisions (a) and (b) of this subrule, the following subjects shall be included: principles of fluid mechanics; thermodynamics and plant cycles; applied engineering technologies; safety, loss, and environmental management; business and workforce management.~~

- ~~–(6) An application and supporting documentation for QTEP or QTP shall contain all of the following general information:~~
 - ~~–(a) The name and address of the applicant and all training site addresses.~~
 - ~~–(b) Name and contact information of the individual responsible for the program.~~
 - ~~–(c) Policies or procedures for the selection of instructional staff.~~
 - ~~–(d) A statement of purpose and objectives of the program.~~
 - ~~–(e) Administrative and technical criteria for the development and delivery of the program.~~
 - ~~–(f) A description of the facilities, equipment, and instructional materials consistent with the purpose, design, and intended outcome of each learning experience in the program.~~
 - ~~–(g) A syllabus or course description, including contact hours and topics for each course.~~
 - ~~–(h) A statement of the criteria used to determine successful completion by participants in each of the training programs offered by the applicant.~~
 - ~~–(i) A list of instructional materials and other resources essential for the successful presentation of the program.~~
- ~~–(7) Approval of a program by the board shall be evidenced by a program approval report prepared by the boiler division and issued to the applicant. The report shall include all of the following:~~
 - ~~–(a) Name and address of the applicant.~~
 - ~~–(b) Program identification number.~~
 - ~~–(c) The date of approval.~~
 - ~~–(d) The conditions of approval.~~
- ~~–(8) A program or amendment which has been approved by the board shall not be altered. If an organization wishes to amend any part of a board approved program, the organization shall submit a draft document clearly identifying the changes for board review. The organization shall not implement changes to the program without approval by the board. All changes shall be made a part of the written record of approval. The authorization shall be in writing or be confirmed in writing within 10 days of oral authorization.~~
- ~~–(9) The board or its designee shall have access to any location during the presentation of an approved program for the purpose of evaluation to determine compliance with an approved program.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Michigan Boiler Rules
Rule Set 2019-115 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjIjBNlRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Michigan Boiler Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, repeals the State Plumbing Board Act, 2002 PA733, MCL 338.3511 to 338.3569; Electrical Administrative Board Act, 1956 PA 217, MCL 338.881 to 338.892; Boiler Act, 1965 PA 290, MCL 408.751 to 408.776; Board of Mechanical Act, 1984 PA 192, MCL 338.971 to 338.988; and the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. The repealed Acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses

Promulgation of the boiler rules is authorized under section 207 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous authority under 1965 PA 290, MCL 408.751 to 408.776. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Administrative Services Division- Rules Analyst Amanda Johnson
P.O. Box 30254, Lansing, MI 48909
[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

~~DEPARTMENT OF licensing and regulatory affairs~~**DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the ~~department of licensing and regulatory affairs~~**department of labor and economic opportunity** by sections 16 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, **and 2019-3**, MCL 445.2001, 445.2011, 445.2025, and 445.2030, **and 125.1998**)

R 408.16202, R 408.16211, R 408.16226, and R 408.16234 of the Michigan Administrative Code are amended and R 408.16223, R 408.16227, and R 408.16251 are rescinded, as follows:

PART 62. PLASTIC MOLDING

R 408.16202 Referenced standards.

Rule 6202. The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan ~~Department of Licensing and Regulatory Affairs~~**Department of Labor and Economic Opportunity**, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 2. "Walking-Working Surfaces," R 408.10201 to R 408.10241.

~~(b) General Industry Safety and Health Standard Part 27. "Woodworking Machinery," R 408.12701 to R 408.12799.~~

~~(be)~~ General Industry Safety Standard Part 85. "The Control of Hazardous Energy Sources," R 408.18501 to R 408.18599.

R 408.16211 Employer responsibilities.

Rule 6211. (1) An employer shall provide training to an employee regarding the operating procedures, hazards, and safeguards of any assigned job.

(2) An employer shall not allow a machine to be operated if the machine is not guarded as prescribed by this part or has a known defect that could affect the safety of an employee.

(3) An employer shall ensure that **all safety devices** ~~the interlocks~~ are checked and found to be functional and properly adjusted ~~before beginning the mold change~~.

EQUIPMENT INSTALLATION AND MAINTENANCE

R 408.16223 ~~Platforms and ladders~~ **Rescinded.**

~~Rule 6223. (1) If it is necessary for an employee to mount a machine to perform assigned duties, a platform or ladder, or both, must be provided and used. The floor of the platform must have an open design or slip-resistant surface. (2) A platform must comply with General Industry Safety and Health Standard Part 2. "Walking Working Surfaces," as referenced in R 408.16202.~~

~~(3) A fixed ladder must comply with General Industry Safety and Health Standard Part 2. "Walking Working Surfaces," as referenced in R 408.16202.~~

~~(4) A portable ladder shall be in compliance with General Industry Safety and Health Standard Part 2. "Walking Working Surfaces," as referenced in R 408.16202.~~

R 408.16226 Controls.

Rule 6226. (1) An operating control shall be guarded against accidental contact. A control button or lever shall be identified as to its function.

(2) If a machine requires more than 1 operator, and if each operator is exposed to a point of operation, the **controlsmachine** shall be activated concurrently before the machine will operate.

(3) A machine shall be provided with an emergency stop control at each operator station. The stop control shall be red in color and readily accessible. A button, if used, shall have a mushroom shape.

(4) A machine shall be provided with a means that, upon power failure, will prevent automatic restarting upon the restoration of power. Fire, coolant, and sump pumps are excepted from the requirements of this subrule.

(5) When used, interlocks shall be installed to minimize the possibility of accidental operation or tampering.

(6) Where more than 1 operator is assigned to a plastic molding machine that is not equipped with interlocked gates and the operator is exposed to a point of operation, or when hazardous motion in or near the point of operation could cause injury, each operator shall be provided with a device that prevents reaching into the point of operation during the closing cycle.

(7) Two-hand control devices shall be located in a manner to prevent bridging.

R 408.16227. ~~Lubrication and maintenance~~ **Rescinded.**

~~Rule 6227. (1) Lubrication of a machine shall be accomplished by 1 of the following:~~

~~(a) Manually when the machine can be shut off and locked out.~~

~~(b) An automatic pressure or gravity feed system.~~

~~(c) An extension pipe leading to an area outside of the guards or away from any hazard.~~

~~(2) Each employee doing the work shall lock out the power source of the machine or equipment to be repaired or serviced if unexpected motion would cause injury. Any residual pressure which would be hazardous shall be relieved before and remain relieved during work by an employee doing the work.~~

SPECIFIC EQUIPMENT

R 408.16234 Injection molding machinery.

Rule 6234. (1) An injection molding machine, except for one with a movable table that is subject to the provisions of subrule (4) of this rule, shall be equipped with a safety gate/ **or guard** that is designed and constructed to prevent an employee from reaching into the point of operation, except when the gate is open.

~~(2) A safety gate on an injection molding machine that was manufactured after August 28, 1973, shall be interlocked with electrical, mechanical, and hydraulic or pneumatic devices, except as noted in subrule (9) of this rule.~~

~~(2) (3) An~~ **A horizontal** injection molding machine ~~that was manufactured on or before August 28, 1973,~~ shall have the safety gate interlocked by any 2 of the following:

(a) An electrical mold-closing control.

(b) Hydraulic or pneumatic valves that control mold closing.

(c) A mechanical device that prevents mold closing.

(d) A second electrical mold closing control (all electrical horizontal injection molding machines).

(3) A vertical clamp injection molding machine shall have a mechanical restraint device to prevent unintentional gravity descent of the injection unit, and shall have the safety gate interlocked by any 2 of the following:

(a) An electrical mold closing control.

(b) Hydraulic or pneumatic valves that control mold closing.

(c) A second electrical mold closing control (all electrical vertical injection molding machines).

(4) An injection molding machine that uses a movable table to hold the lower mold shall be provided with a guard or device that is designed and constructed to deny an operator access to the point of operation during machine cycle.

(5) An injection molding machine shall be equipped with a fixed or an interlocked movable or **removable guard, or other device** ~~removable barrier~~ that is designed and constructed to prevent an employee from reaching into the clamping mechanism.

(6) When purging an injection molding machine, an employee shall be protected from the purging splatter by a shield that is fixed, portable, or worn on the employee. The same ~~guarding~~ **shielding** shall be used when servicing a heated runner manifold nozzle.

(7) An injection molding machine that uses an extruding machine that has an exposed feed screw shall have the screw guarded as prescribed by R 408.16233(4).

~~(8) An electrically interlocked barrier shall be provided to cover the mold area opposite the operator on an injection molding machine that was manufactured after August 28, 1973. An injection molding machine that was manufactured on or before August 28, 1973, shall be provided with an interlocked or fixed barrier to cover the mold area opposite the operator.~~

~~(9) On injection molding machines that are powered by sources other than hydraulics or pneumatics, at least 1 additional electrical interlock shall also be provided. The interlock shall be independent of, and perform the same function as, the control specified in subrule (3)(a) of this rule.~~

~~(10)~~ **(8) Mold changes on horizontal plastic injection molding machines may continue to be conducted using the procedures specified in subrule (11) of this rule through December 31, 2016. Effective January 1, 2017, employers** **Employers** engaged in mold changes on horizontal injection molding machines shall comply with General Industry Safety Standard Part 85. "The Control of Hazardous Energy Sources," (Lockout/Tagout), as referenced in R 408.16202.

~~(11) An employer shall ensure that routine mold changes on a horizontal injection molding machine are conducted in accordance with either of the following if the machine has an interlocked safety gate that~~

~~complies with subrule (2) of this rule and an electrically interlocked barrier covering the mold area opposite the operator:~~

~~(a) On a horizontal injection molding machine that has a functional mechanical safety device plus 2 independent interlocks on the operator's gate and an emergency or other stop which shuts off the motor or motors which activate the clamping mechanism, the person changing the mold shall activate the emergency or other stop and lock the operator's gate in the open position. An employer shall ensure that the interlocks are checked and found to be functional and properly adjusted before beginning the mold change.~~

~~(b) On a horizontal injection molding machine which has 2 independent interlocks on the rear barrier that shut off the motor or motors that activate the clamping mechanism, the person changing the mold shall lock the rear barrier in the open position. An employer shall ensure that the interlocks are checked and found to be functional and properly adjusted before beginning the mold change.~~

R 408.16251 Other machinery**Rescinded.**

~~Rule 6251. Where woodworking machinery is used in the processing of plastics, the machinery shall be as prescribed in General Industry Safety and Health Standard Part 27 "Woodworking Machinery," as referenced in R 408.16202.~~

NOTICE OF PUBLIC HEARING

Department of Labor and Economic Opportunity
MIOSHA
Administrative Rules for General Industry Safety and Health Part 62 Plastic Molding
Rule Set 2019-122 LE

NOTICE OF PUBLIC HEARING

Tuesday, January 12, 2021

09:00 AM

Virtual via Teams

[https://teams.microsoft.com/l/meetup-join/19%](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTNIY2VhNDAzMzQ3OC00NGFhLWE3MjktZjA5NzRjNzE0OGVk%40thread.v2/0?context=%7b%22Tid%22%3a%22d5fb7087-3777-42ad-966a-892ef47225d1%22%2c%22Oid%22%3a%22ca6dec2f-ba39-4bfb-928b-d289fb945b11%22%7d)

[3ameeting_ZTNIY2VhNDAzMzQ3OC00NGFhLWE3MjktZjA5NzRjNzE0OGVk%40thread.v2/0?context=%7b%22Tid%22%3a%22d5fb7087-3777-42ad-966a-892ef47225d1%22%2c%22Oid%22%3a%22ca6dec2f-ba39-4bfb-928b-d289fb945b11%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTNIY2VhNDAzMzQ3OC00NGFhLWE3MjktZjA5NzRjNzE0OGVk%40thread.v2/0?context=%7b%22Tid%22%3a%22d5fb7087-3777-42ad-966a-892ef47225d1%22%2c%22Oid%22%3a%22ca6dec2f-ba39-4bfb-928b-d289fb945b11%22%7d)

The Department of Labor and Economic Opportunity will hold a public hearing to receive public comments on proposed changes to the General Industry Safety and Health Part 62 Plastic Molding rule set.

The amendments of the General Industry Safety and Health Standard Part 62. Plastic Molding are proposed to take immediate effect after filing with the Secretary of State. The proposed rules (2019-122 LE) will be updated to amend the rules for lockout and guarding to reflect current technologies used in the plastics industry. By adding options for guarding this will give an employer more choices for effectively satisfying lockout/tagout minor servicing exemption of their plastic molding machines. This will also allow the rules to add additional options to new and old machines.

By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 19962,2003 1,20084,2011 4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998. The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Labor and Economic Opportunity

MIOSHA

Toscha Klopp

Department of Labor and Economic Opportunity MIOSHA, Technical Services Division, Standards and FOIA Section 530 West Allegan Street – P.O. Box 30643 – Lansing MI 48909-8143

[Email: kloppt@michigan.gov](mailto:kloppt@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/12/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-284-7740 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

BOARD OF MECHANICAL RULES

LICENSE EXAMINATION PROCEDURES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the secretary of state unless adopted under section 33,44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the board of mechanical rules by section 5 of 1984 PA 192 MCL 338.975, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and 445.2030)~~
By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 338.901, R 338.902, R 338.903, R 338.904, R 338.905, R 338.906, R 338.907, R 338.908, R 338.909, and R 338.911 of the Michigan Administrative Code are rescinded as follows:

R 338.901 Definitions Rescinded.

~~Rule 901. (1) The terms defined in the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988, have the same meaning when used in these rules.
(2) "Act" means 1984 PA 192, MCL 338.971 to 338.988 and known as the Forbes mechanical contractors act when used in these rules.~~

R 338.902 Applications; form; fee; grounds for denial of application and forfeiture of fee Rescinded.

~~Rule 902. (1) An applicant for examination shall submit, to the department, application on the form prepared and furnished by the department.
(2) An application shall be accompanied by the examination fee prescribed in the act.
(3) The department shall return an incomplete application to the applicant for completion and the applicant must resubmit the application to the department within 15 business days after the date of the department's request.
(4) Failure to comply with subrule (3) of this rule is grounds for denial of the application and forfeiture of the examination fee.~~

R 338.903 Examination qualifications Rescinded.

~~Rule 903. (1) To qualify for examination, the applicant shall furnish on the application a notarized statement or statements from present or former employers to the effect that the applicant has a minimum of 3 years of experience totaling at least 6,000 hours in performance of 1 or more of the work~~

~~classifications in the act. The notarized statement shall show a detailed and specific description of the type of work performed and the length of time work was performed.~~

~~–(2) When evidence is produced that an applicant is a graduate of a recognized trade school, credit shall be given the applicant, but such credit shall not exceed 1 year or 2,000 hours of the required 3 years of experience.~~

~~–(3) If the applicant is unable to comply with any of the requirements in subrules (1) and (2) of this rule, he or she shall, upon written request, appear before a representative of the department and a quorum of the board to present evidence as to his or her eligibility for examination. The board shall then determine if the individual may sit for the examination.~~

~~–(4) An applicant shall be of good moral character as defined in the occupational license for former offenders act, 1974 PA 381, MCL 338.41 to 338.47.~~

~~–(5) The department may investigate any applicant as to character and experience.~~

~~–(6) The department may approve or deny an application for examination based upon the requisites established by the act and these rules.~~

~~–(7) Upon the acceptance, or rejection, of an application the department shall immediately notify the applicant. If an application is rejected, the examination fee shall not be refunded.~~

R 338.904 Acceptance of applications. Rescinded.

~~–Rule 904. An application shall not be accepted, and an admission card shall not be issued, for a scheduled examination unless the completed application has been accepted, approved, and placed on file with the department for not less than 20 business days before the date of the next scheduled examination.~~

R 338.905 Time of examinations. Rescinded.

~~–Rule 905. The department shall conduct an examination at least once each calendar quarter at a time and place designated by the department.~~

R 338.906 Failure to appear for examination. Rescinded.

~~–Rule 906. The department shall not reissue an admission card unless the applicant provides a written explanation of his or her absence from the scheduled examination to the department within 10 business days following the scheduled examination. Unless the explanation is accepted and approved by the department, the application shall be denied and the examination fee shall be forfeited.~~

R 338.907 Examinations; notice; identification. Rescinded.

~~–Rule 907. (1) Notice of the time, place, and date of the examination shall be provided by the department to those applicants whose applications have been approved~~

~~–(2) An applicant appearing for examination shall present the admission card issued by the department and a current government issued photo identification.~~

R 338.908 Review and approval of form and content of examination; scope of examinations; minimum grade for qualification for license for work classification. Rescinded.

~~–Rule 908. (1) The examination shall consist of a written test on the law, which shall cover knowledge of the act and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and for each work classification for which the applicant qualifies based upon experience provided.~~

~~–(2) An examination shall cover the general theories and practices of the specific work classification, knowledge of the code, and applicable laws.~~

~~–(3) To qualify for a license for any classification, an applicant must receive a minimum grade of 70% on the examination for the law portion and for the work classification for which licensure is being sought.~~

R 338.909 Notification of results of examination **Rescinded.**

~~–Rule 909. An applicant shall be notified of the results of an examination within 30 business days after completing the examination. A license shall be issued pursuant to R 338.911 within 10 business days after receipt of the license application and fee.~~

R 338.911 Licenses; issuance **Rescinded.**

~~–Rule 911. The department shall issue a license only after an applicant has successfully completed all requirements of the act and these rules, including the receiving of the minimum passing grade on the law portion and work classifications to be covered by the license portion of the examination, and paid the license fee prescribed in the act.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Board of Mechanical Rules
Rule Set 2019-126 LR

NOTICE OF PUBLIC HEARING

Friday, January 8, 2021

09:00 AM

Virtual Room

<https://us02web.zoom.us/j/83244233086?pwd=NHNlMTliTCtIQjUxcjIBNlRVbzVPUT09>

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Board of Mechanical Rules rule set.

The Skilled Trades Regulation Act, 2016 PA 407, repeals the State Plumbing Board Act, 2002 PA733, MCL 338.3511 to 338.3569; Electrical Administrative Board Act, 1956 PA 217, MCL 338.881 to 338.892; Boiler Act, 1965 PA 290, MCL 408.751 to 408.776; Board of Mechanical Act, 1984 PA 192, MCL 338.971 to 338.988; and the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. The repealed Acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses.

Promulgation of the mechanical rules license examination procedures is authorized under the Skilled Trades Regulation Act, section 207 of 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This authority replaces the previous authority under 1984 PA 192, MCL 338.971 to 338.988. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at <http://www.michigan.gov/moahr> and in the Michigan Register in the 1/1/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Administrative Services Division- Rules Analyst Amanda Johnson

P.O. Box 30254, Lansing, MI 48909

[Email: LARA-BCC-Rules@michigan.gov](mailto:LARA-BCC-Rules@michigan.gov)

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/8/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-582-5519 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~LABOR AND ECONOMIC
OPPORTUNITY**

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY~~AND~~ HEALTH STANDARDS

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

By authority conferred on the director of the department of ~~licensing and regulatory affairs~~**labor and economic opportunity** by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, **MCL 408.1019 and 408.1021**, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3**, MCL 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030, **and 125.1998**)

R 408.40105 and R 408.40132 of the Michigan Administrative Code are amended, as follows:

**CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 1. GENERAL RULES**

R 408.40105. Adopted and referenced standards.

Rule 105. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standards Institute Standard ANSI A11.1 "Industrial lighting," 1965 edition. Cost: \$156.00.

(b) American Society of Mechanical Engineers Standard ASME "Boiler and pressure vessel code," Section viii on "Unfired pressure vessels," 1989 edition. Cost: \$514.00.

(2) The standards adopted in these rules are available for inspection at the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, Standards **and FOIA** Section, ~~7150 Harris Drive~~**530 W. Allegan Street**, P.O. Box ~~30643~~**30645**, Lansing, Michigan, ~~48909-8143~~**48909-8145**.

(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, Standards **and FOIA** Section, ~~7150 Harris Drive~~**530 W. Allegan Street**, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the ~~Michigan Department of Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA,

~~Regulatory Services~~**Standards and FOIA s**~~Section, 7150 Harris Drive~~**530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143** or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 16. “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(b) Construction Safety Standard Part 17. “Electrical Installations,” R 408.41701 to R 408.41734.

(c) Construction Safety Standard Part 22. “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.

~~(e)~~**(d)** Construction Safety **and Health** Standard Part 30. “Telecommunications for Construction,” R 408.43001 to R 408.43006.

~~(d)~~**(e)** Construction Safety **and Health** Standard Part 35. “Confined Space in Construction,” R 408.43501 to R 408.43510.

~~(e)~~**(f)** Construction Safety Standards Part 45. “Fall Protection,” R 408.44501 to R 408.44502.

~~(f)~~**(g)** General Industry Safety **and Health** Standard Part 7. “Guards for Power Transmission,” R 408.10701 to R 408.10765.

R 408.40132. Medical services and first aid.

Rule 132. (1) An employer shall ensure the availability of medical personnel for advice and consultation on matters of occupational health.

(2) Before beginning a project, provision must be made for prompt medical attention in case of serious injury.

(3) A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States ~~B~~Bureau of ~~m~~Mines, the American ~~r~~Red ~~e~~Cross, the guidelines for basic first aid training programs, or equivalent training.

(4) Where a remote location or a single employee worksite exists, an employer shall provide a written plan that includes alternate methods of assuring available treatment for employees at a remote location or single-employee worksite. The plan must be communicated to all affected employees.

(5) An employer must assure that there are first aid supplies at each jobsite and that the supplies are readily accessible.

(6) The contents of a first aid kit shall be sealed in individual packages, stored in a weatherproof container, and checked by an employer or designated person before being sent out on each job and at least weekly on each job to ensure that expended items are replaced.

~~(7) An employer shall provide proper equipment for the prompt transportation of an injured person to a physician or hospital and a communication system for contacting the necessary emergency service. In areas where 911 is not available, the telephone numbers of a physician, hospital, or emergency service shall be conspicuously posted at the jobsite.~~**In areas where 911 emergency dispatch services are not available, the telephone numbers of the physicians, hospitals, or ambulances shall be conspicuously posted.**

(8) In areas where 911 emergency dispatch services are available and an employer uses a communication system for contacting necessary emergency-medical service, the employer must do both of the following:

(a) Ensure that the communication system is effective in contacting the emergency-medical service.

(b) When using a communication system in an area that does not automatically supply the caller’s latitude and longitude information to the 911 emergency dispatcher, the employer must post in a conspicuous location at the worksite either of the following:

- (i) The latitude and longitude of the worksite.**
 - (ii) Other location-identification information that communicates effectively to employees the location of the worksite.**
 - (c) The requirement specified in subdivision (b) of this subrule does not apply to worksites with a readily available telephone that has 911 emergency service that automatically identifies the location of the caller.**
- ~~-(8)(9)~~ Where the eyes or body of any person may be exposed to injurious corrosive materials, the employer shall provide suitable facilities for quick drenching or flushing of the eyes and body within the work area for immediate emergency use.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~LABOR AND ECONOMIC
OPPORTUNITY**

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of ~~licensing and regulatory affairs~~**labor and economic opportunity** by sections 19 and 21 of **the Michigan occupational safety and health act**, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3**, MCL 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030, **and 125.1998**)

R 408.41410, R 408.41461, R 408.41467, R 408.41475a, R 408.41477 and R 408.41478 of the Michigan Administrative Code are amended, as follows:

**CONSTRUCTION SAFETY AND HEALTH STANDARD PART 14. TUNNELS, SHAFTS,
CAISSONS, AND COFFERDAMS**

R 408.41410 Adoption of standards by reference.

Rule 1410. (1) The following standards are adopted by reference in these rules and are available from the U.S. Government Printing Office Bookstore, 710 North Capitol Street N.W., Washington, DC, at the toll-free telephone number: 866-542-1800 or via the internet at web-site: www.ecfr.gov at no cost as of the time of adoption of these rules:

(a) The provisions of 30 C.F.R., Mineral Resources Parts 1-~~to~~199 “Mine Safety and Health Administration, Department of Labor,” revised July 1, 2000.

(b) The provisions of 42 C.F.R., Public Health Service, Part 84 “Approval of Respiratory Protective Devices,” revised October 1, 2001.

~~(2) The Bureau of Construction Codes, Elevator Safety Board 1967 PA 227, MCL 408.801 to 408.824 and R 408.8511 to R 408.8524 are is referenced in these rules and are available from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Elevator Safety Division, P.O. Box 30255, Lansing, Michigan 48909, or via the internet at web site: www.michigan.gov/bcc, at no cost as of the time of adoption of these rules.~~

~~(3)~~**(2)** The standards adopted in subrule (1) of this rule ~~and referenced in subrule (2) of this rule are also~~ is available for inspection at the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, Standards **and** FOIA Section, ~~7150 Harris Drive~~**530 West Allegan Street, P.O. Box 30643**, Lansing, Michigan, 48909-8143.

~~(4)~~**(3)** Copies of the standards adopted in subrule (1) of this rule ~~and referenced in subrule (2) of this rule~~ may be obtained from the publisher or may also be obtained from the Department of ~~Licensing and~~

~~Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, Standards **and FOIA** Section, ~~7150 Harris Drive~~**530 West Allegan Street, P.O. Box 30643**, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(5)(4) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, Standards **and FOIA** Section, ~~7150 Harris Drive~~**530 West Allegan Street, P.O. Box 30643**, Lansing, Michigan, 48909-8143; or via the internet at ~~web site~~**the following website:** www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of the adoption of these rules, is 4 cents per page.

(a) Construction Safety**and Health** Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.

(b) Construction Safety Standards Part 7. “Welding and Cutting,” R 408.40701 to R 408.40762.

(c) Construction Safety Standards Part 9. “Excavation, Trenching, and Shoring,” R 408.40901 to R 408.40953.

(d) Construction Safety **and Health** Standard Part 10. “**Cranes and Derricks**,” R 408.41001 to ~~R 408.41099~~**, which references to 29 CFR 1926.1400 et seq.**

(e) Construction Safety Standards Part 16. “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(f) Construction Safety Standards Part 17. “Electrical Installations,” R 408.41701 to R 408.41734.

(g) Construction Safety Standards Part 18. “Fire Protection and Prevention,” R 408.41801 to R 408.41884.

(h) Construction Safety**and Health** Standard Part 21. “Guarding of Walking and Working Areas,” R 408.42101 to R 408.42160.

(i) Construction Safety**and Health** Standard Part 22. “Signals, Signs, Tags, and Barricades,” R 408.42201 to **R 408.42243**.

(j) Construction Safety Standards Part 27. “Blasting and Use of Explosives,” R 408.42701 to R 408.42799.

(k) Construction Safety Standards Part 45. “Fall Protection,” R 408.44501 to R 408.44502.

(l) ~~Occupational Health~~**General Industry and Construction Safety and Health** Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(m) ~~Occupational~~**Construction Safety and Health** Standard Part 665. “Underground Construction, Caissons, Cofferdams, and Compressed Air,” R 325.62991 to R 325.62996.

R 408.41461 Advance notice of tunnel excavation.

Rule 1461. (1) Before the start of a pressurized tunnel being constructed, modified, or repaired, that is 24 inches or more in diameter, height or width, and that will be occupied by an employee, a report prepared by the employer performing the tunnel excavation shall be sent to the Michigan Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, Construction Safety and Health Division, 530 West Allegan Street, P.O. Box 30645, Lansing, Michigan 48909-8145, in addition to the following civil authorities in the area: hospital, police department, fire department, and sheriff department. The report shall contain all of the following information:

(a) Name of contractor or contractors.

(b) Starting date.

(c) Length of tunnel.

(d) Diameter of cut.

(e) Finished diameter.

(f) Number of shafts.

(g) Depth of shafts.

- (h) Location of shafts.
- (i) Method of tunneling.
- (j) Maximum working pressure in tunnel or shaft.
- (k) Type of primary liner.
- (l) Number of shifts.
- (m) Projected completion date.
- (n) Projected maximum work force within tunnel.

(2) An employer shall notify **the** parties notified pursuant to subrule (1) of this rule when the work has been completed.

(3) If, after the start of any tunnel project, a tunnel or shaft that the employer has shown to be constructed, modified, or repaired under atmospheric conditions requires the tunnel to be pressurized, then the employer shall notify the Construction Safety and Health Division at the Michigan Department of ~~Licensing and Regulatory Affairs~~ **Labor and Economic Opportunity**, 530 West Allegan Street, P.O. Box 30645, Lansing, Michigan 48909-8145, 24 hours before allowing employees to enter the tunnel.

(4) If the work operations of any occupied and pressurized tunnel projects are discontinued for 30 consecutive days or longer, then the employer shall notify the Construction Safety and Health Division at the Michigan Department of ~~Licensing and Regulatory Affairs~~ **Labor and Economic Opportunity**, 24 hours before resuming work operations on the tunnel project.

R 408.41467 Fire prevention and protection.

Rule 1467. (1) The applicable requirements for fire prevention and protection as prescribed in Construction Safety **and Health** Standard Part 18. "Fire Prevention and Protection," as referenced in R 408.41410, shall be complied with in all tunnel and shaft operations.

(2) Smoking and open flames are prohibited. An employer is responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons. Welding and cutting, where required, shall comply with the provisions of subrules (9), ~~(10), (11), and (12)~~ **to (14)** of this rule. A fire watch shall be maintained when hot work is performed.

(3) Not more than a 1-day supply of diesel fuel shall be stored in a tunnel or shaft. Gasoline or liquefied petroleum gas shall not be taken in a tunnel or shaft. Acetylene or methylacetylene propadiene stabilized gas may be used underground solely for welding, cutting, and other hot work and only as prescribed in Construction Safety Standards Part 7. "Welding and Cutting," as referenced in R 408.41410.

(4) The piping of diesel fuel from the surface to an underground location is permitted only if all of the following provisions are complied with:

(a) Diesel fuel is contained at the surface in a tank with a maximum capacity that is not more than the amount of fuel required to supply, for a 24-hour period, the equipment that is serviced by the underground fueling station.

(b) The surface tank is connected to the underground fueling station ~~of~~ **by** an acceptable pipe or hose system that is controlled at the surface by a valve and at the shaft bottom by a hose nozzle.

(c) The pipe is empty at all times, except when transferring diesel fuel from the surface tank to a piece of equipment in use underground.

(d) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(e) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting, and other hot work and only in accordance with subrules (9); ~~(10), (11), and (12)~~ **to (14)** of this rule.

(f) Not more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(5) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(6) Oil, grease, or diesel fuel that is stored in a tunnel or shaft shall be kept in tightly sealed containers in fire-resistant areas at safe distances from explosives, magazines, electrical installations, and shaft stations. Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures. Lighting fixtures in storage areas, or within 25 feet (7.62 meters) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for class I, division 2 locations.

(7) Fire-resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment. For the purpose of this requirement, a fire-resistant hydraulic fluid means any liquid which has a flash point above 200 degrees Fahrenheit and which has a vapor pressure of not more than 40 p.s.i. (absolute) at 100 degrees Fahrenheit.

(8) An approved 4A:40B:C rating fire extinguisher or equivalent protection shall be provided at the drive pulley of an underground conveyor and at 300-foot intervals along the belt. A minimum of 2 2A-10BC approved fire extinguishers shall be provided at the tunneling machine.

~~(9) All of the following are additional requirements for gassy operations:~~

~~–(a) Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.~~

~~–(b) Mobile diesel-powered equipment used in gassy operations shall be either approved as prescribed in the requirements of 30 C.F.R. Part 36 “Mineral Resources,” as adopted in R 408.41410 or shall be demonstrated by the employer to be fully equivalent to the mine safety and health administration approved equipment and shall be operated in accordance with that part.~~

~~–(c) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.~~

(9) Internal Combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(10) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations:

(a) Shall comply with MSHA provisions in 30 CFR 57.5067; or

(b) If purchased on or before July 15, 2019, may alternatively comply with MSHA provisions under 30 CFR part 32 (revised as of July 1, 1996) (formerly Schedule 24), or be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and be operated in accordance with that part.

(11) For purposes of subrule (9) and (10), when an applicable MSHA provision uses the term “mine,” use the phrase “underground construction site.” (Each brake horsepower of a diesel engine requires at least 100 cubic feet (2.832 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

~~(10)~~**(12) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher or fire extinguishers of sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:40B:C.**

~~(11)~~**(13) A noncombustible barrier shall be installed below welding or burning operations.**

~~(12)~~**(14) In an underground operation, local gas checks shall be made before and during a welding or cutting operation and during a drilling operation that would penetrate the tunnel.**

~~(13)~~**(15) Whenever 5% or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area or in the air return, an employer shall take steps to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation**

controls may be discontinued when gas concentrations are reduced below 5% of the lower explosive limit, but shall be reinstituted whenever the 5% level is exceeded.

~~(14)~~**(16)** Whenever 10% or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10% of the lower explosive limit.

~~(15)~~**(17)** A fire watch shall be maintained around welding and cutting operations until all possibility of fire is eliminated. The fire watch shall be provided with a minimum of 1 approved 2A-10BC fire extinguisher.

~~(16)~~**(18)** Flammable materials or supplies, other than those used during 1 shift, shall not be stored within 100 feet (30.48 meters) of any tunnel or shaft opening. If this is not feasible because of space limitations on the jobsite, then such materials may be located within the 100 foot limit, if both of the following provisions are complied with:

- (a) The materials are located as far as practicable from the opening.
- (b) A fire resistant barrier of not less than a 1-hour rating is placed between the stored material and the opening or additional precautions are taken that will protect the materials from ignition sources.

R 408.41475a Hoisting unique to underground construction.

Rule 1475a. Except as modified by this standard, employers shall comply with all of the following:

(a) The requirements of Construction Safety and Health Standard Part 10. ~~“Lifting and Digging Equipment”~~**Cranes and Derricks,**” as referenced in R 408.41410, except that the limitation in ~~R 408.41021a~~**1926.1431(a)** does not apply to routine access of employees to an underground worksite via a shaft.

(b) Ensure that material hoists comply with ~~R 408.41065a, R 408.41070b, R 408.41074a, and R 408.41075a~~**R 408.41540, R 408.41541, R 408.41542, R 408.41543 and R 408.41550** of Construction Safety Standard Part 10. ~~“Lifting and Digging Equipment”~~**Part 15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors,”** as referenced in R 408.41410.

(c) Ensure that personnel hoists comply with the personnel hoists requirements of ~~R 408.41065a, R 408.41072a, R 408.41074a, and R 408.41075a~~**R 408.41540, R 408.41560, R 408.41561, R 408.41562, R 408.41563, R 408.41564** and the elevator requirements of ~~R 408.41065a, R 408.41074a, R 408.41075a~~**R 408.41540, R 408.41541, R 408.41542, R 408.41543, R 408.41560, R 408.41561, R 408.41561, R 408.41562, R 408.41563, and R 408.41564** of Construction Safety Standard Part 10. ~~“Lifting and Digging Equipment”~~**15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors,”** as referenced in R 408.41410.

R 408.41477 Additional requirements for hoists.

Rule 1477. (1) A hoist used for raising or lowering materials in a shaft shall have a minimum factor of safety of 5, shall be designed and rated by a qualified engineer, and shall be constructed in accordance with the design. The design shall be constructed so that the hoist cannot exceed the maximum rated speed.

(2) The rated capacity of the hoist shall be posted at all working levels.

(3) To ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100% of its rated capacity at the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(4) A competent person designated by the employer shall visually inspect the stationary hoist assembly, anchorages, and hoisting rope at the beginning of each shift.

(5) All unsafe conditions that are revealed by tests, checks, or inspections shall be corrected before use of the equipment.

(6) Hoist equipment and the operator shall be protected from inclement weather by a hoist house with a comfortable temperature maintained.

(7) Where glass is used in hoist house windows, the glass shall be safety glass or its equivalent.

(8) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(9) Controls for powered hoists shall be of the deadman-type with a non-locking switch or control.

(10) All hoists shall be equipped with landing level indicators at the operator's station. Marking the hoist rope does not satisfy this requirement.

(11) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(12) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(13) Line speed shall not exceed the design limitations of the systems.

(14) A fire extinguisher that is rated at least 2A:10B:C, multi-purpose, dry chemical, shall be mounted in each hoist house.

(15) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(16) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker microphones located so that the operator can communicate with individual landing stations during hoist use.

(17) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(18) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail guided to within a rail length from the sinking operation.

(19) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(20) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least 5 times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to ~~R 408.41072a(14)(d)~~ **R 408.41542** of Construction Safety Standard Part 10. ~~“Lifting and Digging Equipment~~ **15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors,”** as referenced in R 408.41410, for design factors for wire rope used in personnel hoists. The design factor shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

R 408.41478 Additional requirements for personnel hoists.

Rule 1478. (1) A personnel hoist shall be used to raise or lower an employee in a tunnel shaft or caisson. A crane may be used to raise or lower an employee, if the crane and the work platform are as prescribed in Construction Safety **and Health** Standard Part 10. ~~“Lifting and Digging Equipment~~ **Cranes and Derricks,”** and **Construction Safety Standard Part 15. “Excavators, Hoists, Elevators,**

Helicopters and Conveyors,” as referenced in R 408.41410. The hoist shall be in compliance with 1967 PA 227, MCL 408.801 to 408.824, Bureau of Construction Codes, Elevator Safety Board, ~~R 408.8511 to R 408.8524~~ **R 408.7001 to R 408.8695** as referenced in R 408.41410.

(2) All sides of personnel cages shall be enclosed by 1/2-inch (12.70 mm) wire mesh, at least no. 14 gauge or its equivalent, to a height of at least 6 feet (1.83 m). When the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion. All personnel cages shall be provided with a positive-locking door that only opens inward.

(3) Flammable or combustible liquids or gases shall not be permitted on the work platform if the platform is occupied by an employee or employees.

(4) Hoist drum systems shall be equipped with at least 2 means of stopping the load, each of which shall be capable of stopping and holding 150 % of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping.

(5) The operator shall remain within sight and sound of the signals at the operator's station.

(6) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16-inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(7) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches or arrestment devices that will stop and hold 150 % of the weight of the personnel platform and its maximum rated load.

(8) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(9) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(10) The personnel platform may travel at rated speeds greater than 600 feet (182.88m) per minute in completed shafts.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

December 11, 2020

Ms. Deidre O’Berry
Michigan Office of Administrative
Hearings and Rules
611 W. Ottawa Street
Lansing, MI 48909

Re: Request for correction of the Michigan Administrative Code, Ski Area Safety- General Rules, filed with the Office of the Great Seal on December 10, 2020.

Dear Ms. O’Berry:

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, requests the Michigan Office of Administrative Hearings and Rules to exercise its discretion to correct an error in the Michigan Administrative Code, pursuant to section 56(1) of the Administrative Procedures Act, 1969 PA 306, MCL 24.256.

The Agency requests that the following change be made to Ski Area Safety- General Rules:

The body contains one clerical error:

1. In the last sentence of R 408.65 the word Bureau is missing.

Please correct the last sentence in R 408.65 to read as follows:

The standard is available for inspection and purchase for \$200.00 at the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, at 611 W. Ottawa Street, Lansing, Michigan 48933, phone: (517) 241-9273.

Please amend the rule set to reflect this correction in both the Michigan Register and the Michigan Administrative Code.

Amanda Johnson, Rules Analyst
On behalf of Keith Lambert, Director
Bureau of Construction Codes

MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

“(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.”

The following table cites administrative rules promulgated during the year 2020, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 RULE FILINGS)**

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
Rule 1	E	3	38.132	*	3	285.629.6	A	7
Rule 2	E	3	38.133	*	3	285.629.7	A	7
Rule 3	E	3	38.135	*	3	285.629.8	A	7
Rule 4	E	3	38.139	R	3	325.1001	R	4
Rule 5	E	3	38.141	*	3	325.1002	R	4
Rule 6	E	3	38.142	*	3	325.1003	R	4
Rule 7	E	3	38.143	*	3	325.1004	R	4
Rule 8	E	3	38.144	R	3	325.1005	R	4
Rule 9	E	3	38.145	*	3	325.1021	R	4
Rule 1	E	5	38.146	*	3	325.1022	R	4
Rule 2	E	5	38.147	*	3	325.1023	R	4
Rule 3	E	5	38.148	*	3	325.1024	R	4
Rule 4	E	5	38.149	*	3	325.1025	R	4
Rule 5	E	5	38.151	*	3	325.1026	R	4
Rule 6	E	5	38.152	*	3	325.1027	R	4
Rule 7	E	5	38.153	*	3	325.1028	R	4
Rule 8	E	5	38.155	*	3	325.1051	R	4
Rule 1	E	5	38.156	*	3	325.1052	R	4
Rule 2	E	5	38.157	*	3	325.1053	R	4
Rule 1	E	6	38.161	*	3	325.1054	R	4
Rule 2	E	6	38.162	*	3	325.1055	R	4
Rule 3	E	6	38.163	R	3	325.1056	R	4
Rule 1	E	6	38.165	R	3	325.1057	R	4
Rule 1	E	10	38.171	R	3	325.1058	R	4
Rule 2	E	10	38.172	*	3	325.1059	R	4
Rule 1	E	10	38.173	*	3	325.1071	R	4
Rule 2	E	10	38.174	*	3	325.1081	R	4
Rule 3	E	10	38.175	*	3	325.1100	R	4
Rule 4	E	10	38.176	*	3	325.1213	R	4
Rule 5	E	10	38.177	*	3	325.1214	R	4
Rule 1	E	10	38.179	*	3	325.1215	R	4
Rule 2	E	10	205.141	A	3	325.1216	R	4
Rule 3	E	10	205.150	A	3	325.1217	R	4
Rule 4	E	10	205.151	A	3	325.1281	R	4
Rule 5	E	10	285.629.1	A	7	325.1282	R	4
Rule 6	E	10	285.629.2	A	7	325.3801	R	4
Rule 1	E	10	285.629.3	A	7	325.3802	R	4
Rule 2	E	10	285.629.4	A	7	325.3803	R	4
38.131	*	3	285.629.5	A	7	325.3811	R	4

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.3812	R	4	325.3871	R	4	325.13505	R	4
325.3813	R	4	325.3872	R	4	325.13507	R	4
325.3815	R	4	325.3873	R	4	325.13509	R	4
325.3816	R	4	325.3874	R	4	325.13511	R	4
325.3820	R	4	325.3877	R	4	325.13513	R	4
325.3822	R	4	325.9081	*	3	325.13515	R	4
325.3825	R	4	325.9082	*	3	325.13517	R	4
325.3826	R	4	325.9083	*	3	325.13519	R	4
325.3827	R	4	325.9084	*	3	325.13521	R	4
325.3828	R	4	325.9085	*	3	325.13523	R	4
325.3831	R	4	325.9086	*	3	325.13525	R	4
325.3832	R	4	325.13101	R	4	325.13527	R	4
325.3833	R	4	325.13102	R	4	325.13529	R	4
325.3834	R	4	325.13104	R	4	325.13531	R	4
325.3835	R	4	325.13105	R	4	325.13533	R	4
325.3836	R	4	325.13106	R	4	325.13535	R	4
325.3837	R	4	325.13107	R	4	325.13537	R	4
325.3838	R	4	325.13108	R	4	325.13539	R	4
325.3839	R	4	325.13109	R	4	325.13541	R	4
325.3840	R	4	325.13111	R	4	325.20101	R	4
325.3841	R	4	325.13112	R	4	325.20102	R	4
325.3842	R	4	325.13201	R	4	325.20103	R	4
325.3843	R	4	325.13203	R	4	325.20104	R	4
325.3844	R	4	325.13204	R	4	325.20106	R	4
325.3845	R	4	325.13205	R	4	325.20107	R	4
325.3846	R	4	325.13207	R	4	325.20108	R	4
325.3847	R	4	325.13208	R	4	325.20109	R	4
325.3848	R	4	325.13211	R	4	325.20110	R	4
325.3855	R	4	325.13213	R	4	325.20111	R	4
325.3856	R	4	325.13301	R	4	325.20112	R	4
325.3857	R	4	325.13302	R	4	325.20113	R	4
325.3858	R	4	325.13304	R	4	325.20114	R	4
325.3859	R	4	325.13305	R	4	325.20115	R	4
325.3860	R	4	325.13306	R	4	325.20116	R	4
325.3866	R	4	325.13307	R	4	325.20117	R	4
325.3867	R	4	325.13308	R	4	325.20201	R	4
325.3868	R	4	325.13309	R	4	325.20202	R	4
325.3868a	R	4	325.13501	R	4	325.20203	R	4
325.3869	R	4	325.13503	R	4	325.20204	R	4

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.20205	R	4	325.20703	R	4	325.21305	R	4
325.20206	R	4	325.20704	R	4	325.21306	R	4
325.20207	R	4	325.20705	R	4	325.21307	R	4
325.20208	R	4	325.20706	R	4	325.21308	R	4
325.20209	R	4	325.20707	R	4	325.21309	R	4
325.20210	R	4	325.20708	R	4	325.21310	R	4
325.20211	R	4	325.20709	R	4	325.21311	R	4
325.20212	R	4	325.20710	R	4	325.21312	R	4
325.20213	R	4	325.20711	R	4	325.21313	R	4
325.20214	R	4	325.20712	R	4	325.21314	R	4
325.20215	R	4	325.20713	R	4	325.21315	R	4
325.20301	R	4	325.20714	R	4	325.21316	R	4
325.20302	R	4	325.20801	R	4	325.21317	R	4
325.20303	R	4	325.20802	R	4	325.21318	R	4
325.20304	R	4	325.20803	R	4	325.21319	R	4
325.20401	R	4	325.20804	R	4	325.21320	R	4
325.20402	R	4	325.20805	R	4	325.21321	R	4
325.20403	R	4	325.20806	R	4	325.21322	R	4
325.20404	R	4	325.20901	R	4	325.21323	R	4
325.20405	R	4	325.20902	R	4	325.21324	R	4
325.20406	R	4	325.20903	R	4	325.21325	R	4
325.20407	R	4	325.20904	R	4	325.21326	R	4
325.20501	R	4	325.20905	R	4	325.21327	R	4
325.20502	R	4	325.20906	R	4	325.21328	R	4
325.20503	R	4	325.21001	R	4	325.21401	R	4
325.20504	R	4	325.21002	R	4	325.21402	R	4
325.20505	R	4	325.21003	R	4	325.21403	R	4
325.20506	R	4	325.21101	R	4	325.21404	R	4
325.20507	R	4	325.21102	R	4	325.21405	R	4
325.20508	R	4	325.21103	R	4	325.21406	R	4
325.20509	R	4	325.21104	R	4	325.21407	R	4
325.20601	R	4	325.21105	R	4	325.21408	R	4
325.20602	R	4	325.21201	R	4	325.21409	R	4
325.20603	R	4	325.21203	R	4	325.21410	R	4
325.20604	R	4	325.21204	R	4	325.21411	R	4
325.20605	R	4	325.21301	R	4	325.21501	R	4
325.20606	R	4	325.21302	R	4	325.21502	R	4
325.20701	R	4	325.21303	R	4	325.21503	R	4
325.20702	R	4	325.21304	R	4	325.21504	R	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.21505	R	4	325.21920	R	4	325.45161	A	4
325.21506	R	4	325.21921	R	4	325.45163	A	4
325.21507	R	4	325.21922	R	4	325.45165	A	4
325.21508	R	4	325.22001	R	4	325.45167	A	4
325.21509	R	4	325.22002	R	4	325.45169	A	4
325.21510	R	4	325.22003	R	4	325.45171	A	4
325.21511	R	4	325.22003a	R	4	325.45173	A	4
325.21512	R	4	325.22004	R	4	325.45175	A	4
325.21514	R	4	325.45101	A	4	325.45177	A	4
325.21515	R	4	325.45102	A	4	325.45179	A	4
325.21601	R	4	325.45103	A	4	325.45181	A	4
325.21602	R	4	325.45105	A	4	325.45183	A	4
325.21603	R	4	325.45107	A	4	325.45185	A	4
325.21604	R	4	325.45109	A	4	325.45191	A	4
325.21605	R	4	325.45111	A	4	325.45193	A	4
325.21701	R	4	325.45113	A	4	325.45195	A	4
325.21702	R	4	325.45115	A	4	325.45197	A	4
325.21703	R	4	325.45117	A	4	325.45199	A	4
325.21704	R	4	325.45119	A	4	325.45201	A	4
325.21705	R	4	325.45121	A	4	325.45203	A	4
325.21901	R	4	325.45123	A	4	325.45205	A	4
325.21902	R	4	325.45125	A	4	325.45207	A	4
325.21903	R	4	325.45127	A	4	325.45211	A	4
325.21904	R	4	325.45129	A	4	325.45213	A	4
325.21905	R	4	325.45131	A	4	325.45215	A	4
325.21906	R	4	325.45133	A	4	325.45217	A	4
325.21907	R	4	325.45135	A	4	325.45219	A	4
325.21908	R	4	325.45137	A	4	325.45221	A	4
325.21909	R	4	325.45139	A	4	325.45231	A	4
325.21910	R	4	325.45141	A	4	325.45241	A	4
325.21911	R	4	325.45143	A	4	325.45243	A	4
325.21912	R	4	325.45145	A	4	325.45245	A	4
325.21913	R	4	325.45147	A	4	325.45247	A	4
325.21914	R	4	325.45149	A	4	325.45249	A	4
325.21915	R	4	325.45151	A	4	325.45251	A	4
325.21916	R	4	325.45153	A	4	325.45261	A	4
325.21917	R	4	325.45155	A	4	325.45263	A	4
325.21918	R	4	325.45157	A	4	325.45265	A	4
325.21919	R	4	325.45159	A	4	325.45267	A	4

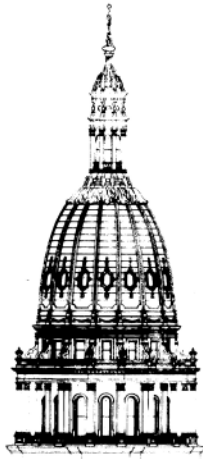
(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.45269	A	4	325.45353	A	4	338.1031	*	7
325.45271	A	4	325.45355	A	4	338.10310a	*	7
325.45273	A	4	325.45357	A	4	338.10312	*	7
325.45275	A	4	325.45359	A	4	338.10404c	*	7
325.45277	A	4	325.45361	A	4	338.10601	*	7
325.45279	A	4	325.45363	A	4	338.10602	*	7
325.45281	A	4	325.45365	A	4	338.10702	*	7
325.45283	A	4	325.45367	A	4	338.10703	*	7
325.45285	A	4	325.45369	A	4	338.10704	*	7
325.45287	A	4	325.45371	A	4	338.10705	*	7
325.45289	A	4	325.45373	A	4	340.1701	*	3
325.45291	A	4	325.45375	A	4	340.1701a	*	3
325.45293	A	4	325.45377	A	4	340.1721e	*	3
325.45295	A	4	325.45379	A	4	340.1724f	*	3
325.45297	A	4	325.45381	A	4	340.1724h	*	3
325.45299	A	4	325.45383	A	4	340.1725e	*	3
325.45301	A	4	325.45385	A	4	340.1795	*	10
325.45303	A	4	325.63201	A	11	340.1836	*	3
325.45305	A	4	325.64001	A	11	340.1851	*	3
325.45307	A	4	338.10105	*	7	400.2001	*	10
325.45309	A	4	338.10202	*	7	400.2002	*	10
325.45311	A	4	338.10204	*	7	400.2003	*	10
325.45313	A	4	338.10206	*	7	400.2004	*	10
325.45315	A	4	338.10207	*	7	400.2005	R	10
325.45317	A	4	338.10210	*	7	400.2006	*	10
325.45319	A	4	338.10211	*	7	400.2007	*	10
325.45321	A	4	338.10301	*	7	400.2008	*	10
325.45323	A	4	338.10303	*	7	400.2009	*	10
325.45331	A	4	338.10303a	*	7	400.2010	*	10
325.45333	A	4	338.10303b	*	7	400.2021	*	10
325.45335	A	4	338.101303c	*	7	400.2022	*	10
325.45337	A	4	338.10303d	*	7	400.2023	*	10
325.45339	A	4	338.10304	*	7	400.2024	*	10
325.45341	A	4	338.10305	*	7	400.2028	*	10
325.45343	A	4	338.10305a	*	7	400.2031	*	10
325.45345	A	4	338.10305b	*	7	400.2041	*	10
325.45347	A	4	338.10305c	*	7	400.2044	*	10
325.45349	A	4	338.10307	*	7	400.2045	R	10
325.45351	A	4	338.10309	*	7	400.2048	*	10

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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400.2049	*	10
400.4101	*	10
400.4159	*	10
400.10101	*	11
400.10177	*	11
408.3901	R	7
408.3902	R	7
408.3903	R	7
408.3904	R	7
408.3905	R	7
408.3906	R	7
408.3907	R	7
408.3911	R	7
493.1	*	11
493.5	R	11
493.10	R	11
493.11	*	11
493.12	*	11
493.14	*	11
493.15	*	11
493.16	*	11
493.20	*	11
493.22	A	11
493.24	A	11
493.95	R	11

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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2020 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2020 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

November 18, 2020
Compiled through PA 249 of 2020

PA No.	ENROLLED		I.E* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0322	Yes	1/24/2020	1/27/2020	1/27/2020 #	Counties; boards and commissions; transfer of functions of a county road commission to the county board of commissioners; remove sunset. (Sen. Roger Victory)
0002		0323	Yes	1/24/2020	1/27/2020	1/27/2020 #	Counties; boards and commissions; powers and duties of county road commissioners to be exercised by the county board of commissioners; remove sunset, and require a vote of the electors before transferring powers and duties of an elected county road commission to an appointed county road commission. (Sen. Roger Victory)
0003		0319	Yes	1/24/2020	1/27/2020	1/27/2020	Economic development; neighborhood enterprise zones; definition of rehabilitated facility; modify. (Sen. Jeremy Moss)
0004		0340	Yes	1/24/2020	1/27/2020	4/26/2020	Health; pharmaceuticals; remote pharmacies; allow under certain circumstances. (Sen. Curtis S. VanderWall)
0005		0309	Yes	1/24/2020	1/27/2020	1/27/2020	Transportation; other; trucks used for towing and recovery operations; assess fees under the motor carrier act. (Sen. Dale W. Zorn)
0006		0466	Yes	1/24/2020	1/27/2020	1/27/2020 #	Children; services; family first prevention services act; implement a qualified residential treatment program. (Sen. John Bizon, M.D.)
0007		0467	Yes	1/24/2020	1/27/2020	1/27/2020 #	Children; foster care; regulation of foster family homes or foster family group homes; modify. (Sen. Marshall Bullock)
0008		0468	Yes	1/24/2020	1/27/2020	1/27/2020 #	Children; services; placement in a qualified residential treatment program; provide regulations for. (Sen. John Bizon, M.D.)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009		0469	Yes	1/24/2020	1/27/2020	1/27/2020 #	Children; services; court's approval or disapproval of a qualified residential treatment placement at certain hearings; require. (<i>Sen. Marshall Bullock</i>)
0010		0539	Yes	1/24/2020	1/27/2020	1/27/2020 #	Human services; children's services; criminal history check for child caring institution staff and retention of certain data; update as required by the federal families first prevention services act. (<i>Sen. John Bizon, M.D.</i>)
0011		0527	Yes	1/24/2020	1/27/2020	1/27/2020	Highways; memorial; Beacon Boulevard in Grand Haven; designate as the "Officer Scott Flahive Memorial Highway". (<i>Sen. Roger Victory</i>)
0012	4051		Yes	1/27/2020	1/27/2020	4/26/2020	Mental health; other; Mchigan CARES hotline; create. (<i>Rep. Mary Whiteford</i>)
0013	4411		Yes	1/27/2020	1/27/2020	4/26/2020	Consumer credit; other; credit services protection act; modify exceptions to prohibited conduct provision. (<i>Rep. Jim Lilly</i>)
0014	4309		Yes	1/27/2020	1/27/2020	1/27/2020	Criminal procedure; sentencing guidelines; guidelines for violation of the fantasy contests consumer protection act; enact. (<i>Rep. Michael Webber</i>)
0015	5241		Yes	1/27/2020	1/27/2020	1/27/2020	Insurance; insurers; exemption relating to requirements for a valuation manual; eliminate. (<i>Rep. Daire Rendon</i>)
0016	5242		Yes	1/27/2020	1/27/2020	1/27/2020	Insurance; other; authority of the director of department of insurance and financial services to regulate holding companies; expand. (<i>Rep. Robert Wittenberg</i>)
0017	5243		Yes	1/27/2020	1/27/2020	1/27/2020	Insurance; other; annual audited financial requirements; modify. (<i>Rep. Brad Paquette</i>)
0018	4156		Yes	1/27/2020	1/27/2020	1/27/2020	Retirement; state employees; retired psychiatric health care workers to provide services at facilities operated by the department of health and human services; allow under certain circumstances without forfeiting retirement benefits. (<i>Rep. Hank Vaupel</i>)

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	HB	SB					
0019		0184	Yes	1/27/2020	1/27/2020	1/27/2020	Health occupations; health professionals; continuing education hours and licensing requirements for athletic trainers and requirements to act as a behavior technician; modify. (<i>Sen. Curtis S. VanderWall</i>)
0020		0434	Yes	1/27/2020	1/27/2020	4/26/2020	Occupations; cosmetologists; licensure of mobile cosmetology units; provide for, and make general revisions. (<i>Sen. Aric Nesbitt</i>)
0021	4245		Yes	1/27/2020	1/27/2020	1/27/2020	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2018-2019. (<i>Rep. Shane Hernandez</i>)
0022		0650	Yes	1/31/2020	1/31/2020	1/31/2020	School aid; membership; utilization by certain districts of a teacher of record for dropout recovery program who is employed or contracted through education management organization; allow without certain limitation. (<i>Sen. Lana Theis</i>)
0023		0651	Yes	1/31/2020	1/31/2020	1/31/2020	Education; other; certain requirements and exemptions related to dropout recovery programs; provide for. (<i>Sen. Jeremy Moss</i>)
0024	4620		Yes	2/4/2020	2/4/2020	2/4/2020 #	Liquor; licenses; issuance of special license to conduct spirits tasting; provide for. (<i>Rep. Brandt Iden</i>)
0025	4621		Yes	2/4/2020	2/4/2020	2/4/2020	Liquor; licenses; vendor of spirits providing a special licensee with certain brand logoed items; allow. (<i>Rep. Jack O'Malley</i>)
0026		0588	Yes	2/4/2020	2/4/2020	2/4/2020	Liquor; spirits; refunds for spirits sold by a specially designated distributor; allow. (<i>Sen. Jeremy Moss</i>)
0027	4335		Yes	2/4/2020	2/4/2020	5/4/2020	Occupations; barbers; education and training requirements for cosmetology and barber licensing; revise. (<i>Rep. Jeff Yaroch</i>)
0028		0455	Yes	2/13/2020	2/13/2020	2/13/2020	Property tax; exemptions; certain property located in a renaissance zone; modify exemption for. (<i>Sen. Jim Stamas</i>)

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	HB	SB					
0029	5187		Yes	2/13/2020	2/13/2020	2/13/2020	Sales tax; exemptions; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. (Rep. Rebekah Warren)
0030	5188		Yes	2/13/2020	2/13/2020	2/13/2020	Use tax; exemptions; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. (Rep. Mark Huizenga)
0031	4126		Yes	2/19/2020	2/20/2020	2/20/2020	Marihuana; other; requirement for health warning labels on marihuana products sold in Michigan; provide for. (Rep. Thomas Albert)
0032	4127		Yes	2/19/2020	2/20/2020	2/20/2020	Medical marihuana; other; requirement for health warning labels on medical marihuana products sold in Michigan; provide for. (Rep. Daire Rendon)
0033	5124		Yes	3/2/2020	3/2/2020	3/2/2020	Property tax; delinquent taxes; provisions for reducing redemption amounts; modify. (Rep. Wendell Byrd)
0034	5263		Yes	3/3/2020	3/3/2020	3/3/2020	Communications; telecommunications; lifeline program; modify. (Rep. Aaron Miller)
0035	4830		Yes	3/3/2020	3/3/2020	3/3/2020	Health facilities; quality assurance assessments; quality assurance assessment on ambulance providers; require department of health and human services to provide notice of the assessment. (Rep. Andrea Schroeder)
0036	4468		Yes	3/3/2020	3/3/2020	3/3/2020	Civil rights; public records; method of correspondence used for freedom of information requests; modify. (Rep. Steven Johnson)
0037	4444		Yes	3/3/2020	3/3/2020	3/3/2020	Civil rights; public records; publication by electronic means; allow. (Rep. Steven Johnson)
0038	4445		Yes	3/3/2020	3/3/2020	3/3/2020	Civil rights; public records; fee for public record provided on nonpaper physical media; clarify scope of nonpaper physical media. (Rep. Brandt Iden)

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	HB	SB					
0039	4912		Yes	3/3/2020	3/3/2020	3/3/2020	Liquor ; licenses; sale of alcoholic beverages at university conference centers; expand. (Rep. Roger Hauck)
0040	4128		Yes	3/3/2020	3/3/2020	6/1/2020	Courts ; probate court; parental consent required for name change; modify under certain circumstances. (Rep. Aaron Miller)
0041	4832		Yes	3/3/2020	3/3/2020	3/3/2020	Highways ; memorial; portion of I-94; designate as the "Deputy Gate Keeper George W. Haight Memorial Highway". (Rep. Sarah Lightner)
0042	5117		Yes	3/3/2020	3/3/2020	3/3/2020 #	Civil procedure ; other; court of claims notification requirements; exempt claims under the wrongful imprisonment compensation act. (Rep. Kyra Bolden)
0043	5118		Yes	3/3/2020	3/3/2020	3/3/2020 #	Civil procedure ; other; wrongful imprisonment compensation act; extend the time for claims by individuals who were released before the effective date of the act. (Rep. Julie Calley)
0044		0068	Yes	3/3/2020	3/3/2020	3/3/2020 #	Civil procedure ; other; court of claims statute of limitations; exempt claims under the wrongful imprisonment compensation act. (Sen. Paul Wojno)
0045	4689		Yes	3/3/2020	3/3/2020	6/1/2020	Construction ; other; temporary door barricade devices in school buildings; allow, and provide standards. (Rep. Scott VanSingel)
0046	4203		Yes	3/3/2020	3/3/2020	3/3/2020	Sales tax ; exemptions; exemption for prosthetic devices; modify definition. (Rep. Lynn Afendoulis)
0047	4204		Yes	3/3/2020	3/3/2020	3/3/2020	Use tax ; exemptions; exemption for prosthetic devices; modify definition. (Rep. Bronna Kahle)
0048	4862		Yes	3/3/2020	3/3/2020	6/1/2020	Health ; emergency services; critical incident stress management services for emergency service providers; revise to include certain health professionals and individuals employed by or under contract with a health facility or agency. (Rep. Douglas Wozniak)

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	HB	SB					
0049		0029	Yes	3/3/2020	3/3/2020	6/1/2020	Crimes; penalties; penalties for third degree and fourth degree child abuse; modify. (<i>Sen. Peter J. Lucido</i>)
0050		0030	Yes	3/3/2020	3/3/2020	6/1/2020 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of third degree and fourth degree child abuse; modify. (<i>Sen. Peter J. Lucido</i>)
0051		0118	Yes	3/3/2020	3/3/2020	3/3/2020	Vehicles; registration plates; blue star family registration plates; create. (<i>Sen. Kevin Daley</i>)
0052		0693	Yes	3/3/2020	3/3/2020	3/3/2020	Agriculture; other; agricultural disaster loan organization program act; update and modify. (<i>Sen. Dan Lauwers</i>)
0053	4152		Yes	3/3/2020	3/3/2020	6/1/2020 #	Records; birth; fees and procedure to obtain birth certificate; modify for certain individuals. (<i>Rep. Steven Johnson</i>)
0054	4153		Yes	3/3/2020	3/3/2020	6/1/2020 #	Records; birth; definition of certain individuals eligible for different fees and procedure to obtain birth certificate; provide for. (<i>Rep. Vanessa Guerra</i>)
0055	5043		Yes	3/3/2020	3/3/2020	3/3/2020	Mental health; other; use of mediation as a first step in dispute resolution; allow. (<i>Rep. Hank Vaupel</i>)
0056	5044		Yes	3/3/2020	3/3/2020	3/3/2020 #	Children; foster care; citation to mental health code definition; revise. (<i>Rep. LaTanya Garrett</i>)
0057	4712		Yes	3/10/2020	3/10/2020	6/8/2020	Crimes; other; possession of a trailer designed for defense or attack; repeal. (<i>Rep. Steven Johnson</i>)
0058	4713		Yes	3/10/2020	3/10/2020	6/8/2020 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of possession of a trailer designed for defense or attack; remove to reflect repeal. (<i>Rep. Aaron Miller</i>)

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	HB	SB					
0059	5103		Yes	3/10/2020	3/10/2020	3/10/2020	Probate ; other; priority of appointment of a special personal representative; clarify. (Rep. Rodney Wakeman)
0060	4266		Yes	3/10/2020	3/10/2020	3/10/2020 #	Civil procedure ; defenses; presumption in action involving certain utility easements; enact, and limit damages recoverable. (Rep. Triston Cole)
0061	5266		Yes	3/10/2020	3/10/2020	3/10/2020 #	Communications ; telecommunications; electric cooperative member-regulated pole attachment and calculated rate agreement; provide for. (Rep. Triston Cole)
0062	5174		Yes	3/17/2020	3/17/2020	3/17/2020	Insurance ; producers; fees allowed in the placement of a surplus line policy; modify. (Rep. Daire Rendon)
0063		0253	Yes	3/17/2020	3/17/2020	3/17/2020	Law ; contracts; agreements, contracts, or promises required to be in writing and signed; prohibit lawsuit to enforce real estate commission agreement that is not in writing. (Sen. Peter J. Lucido)
0064		0762	Yes	3/17/2020	3/17/2020	3/17/2020	Cities ; public services; population threshold for qualified city in the police and fire protection act; modify. (Sen. Ken Horn)
0065	4171		Yes	3/27/2020	3/27/2020	3/27/2020	Individual income tax ; retirement or pension benefits; limitations and restrictions on retirement income deduction for a surviving spouse; clarify. (Rep. Julie Alexander)
0066		0151	Yes	3/30/2020	3/30/2020	3/30/2020 +	Appropriations ; zero budget; supplemental appropriations; provide for fiscal year 2019-2020. (Sen. Jim Stamas)
0067	4729		Yes	3/30/2020	3/30/2020	3/30/2020	Appropriations ; zero budget; omnibus budget appropriations; provide for fiscal year 2019-2020. (Rep. Shane Hernandez)
0068	5576		Yes	4/2/2020	4/2/2020	4/2/2020 #	Higher education ; financial aid; Michigan reconnect grant act; create. (Rep. Ben Frederick)

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	HB	SB					
0069	5580		Yes	4/2/2020	4/2/2020	4/2/2020 #	Higher education; financial aid ; tuition incentive program; allow for certain other state aid to be last dollar. (Rep. Sarah Anthony)
0070	5401		Yes	4/2/2020	4/2/2020	4/2/2020 #	Watercraft; traffic control ; temporary speed restrictions during high water conditions; provide for. (Rep. Gary Eisen)
0071	5402		Yes	4/2/2020	4/2/2020	4/2/2020 #	Civil procedure; civil actions ; violations of temporary watercraft speed restrictions; classify as municipal civil infractions. (Rep. Gary Eisen)
0072	5463		No	4/2/2020	4/2/2020	4/2/2020 #	Watercraft; traffic control ; procedure to allow local political subdivisions to apply for temporary ordinances in water control zones; provide for. (Rep. Jim Lilly)
0073	4908		Yes	4/2/2020	4/2/2020	4/2/2020	State financing and management; bonds ; limitation on the aggregate cap on outstanding bonds; increase. (Rep. Karen Whitsett)
0074	4740		Yes	4/2/2020	4/2/2020	4/2/2020	Recreation; local parks ; Dr. T. K. Lawless Park in Cass County, designate as dark sky preserve. (Rep. Aaron Miller)
0075	4125		Yes	4/2/2020	4/2/2020	4/2/2020	Individual income tax; collections ; earmark for school aid fund; modify. (Rep. Scott VanSingel)
0076		0415	Yes	4/2/2020	4/2/2020	4/2/2020	Financial institutions; credit cards ; credit card arrangements act; modify definitions and update title. (Sen. Aric Nesbitt)
0077		0269	Yes	4/2/2020	4/2/2020	4/2/2020	Individual income tax; returns ; taxpayer protection act; provide for. (Sen. Erika Geiss)
0078		0543	Yes	4/2/2020	4/2/2020	4/2/2020	Liquor; other ; use of secure identity verification devices to determine age of purchaser; allow. (Sen. Curtis S. VanderWall)

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	HB	SB					
0079		0125	Yes	4/2/2020	4/2/2020	4/2/2020	Property; abandoned; unclaimed property of active duty military; modify requirements for extended dormancy periods. (Sen. Tom Barrett)
0080		0711	Yes	4/2/2020	4/2/2020	4/2/2020	Liquor; licenses; limited production brewer license; provide for. (Sen. Jon C. Bumstead)
0081		0712	Yes	4/2/2020	4/2/2020	4/2/2020	Villages; employees and officers; filling of council vacancies; modify, and modify procedure for compelling attendance of absent council members. (Sen. Jon C. Bumstead)
0082		0754	Yes	4/2/2020	4/2/2020	4/2/2020	Courts; reorganization; reorganization of the seventy-ninth district court and number of judgeships; modify. (Sen. Curtis S. VanderWall)
0083		0812	Yes	4/2/2020	4/2/2020	4/2/2020	Employment security; benefits; work search requirements; modify. (Sen. Ken Horn)
0084		0268	Yes	4/2/2020	4/2/2020	4/2/2020 #	Higher education; financial aid; Michigan reconnect grant act; create. (Sen. Ken Horn)
0085	5496		Yes	5/15/2020	5/15/2020	5/15/2020	Environmental protection; solid waste; lateral expansion coal ash landfill; modify definition. (Rep. Gary Howell)
0086		0350	Yes	6/11/2020	6/11/2020	6/11/2020	Property tax; delinquent taxes; delinquent tax collections by villages; modify procedures. (Sen. Kimberly A. LaSata)
0087		0718	Yes	6/11/2020	6/11/2020	6/11/2020	Traffic control; traffic regulation; roadside drug testing for controlled substances; allow. (Sen. Peter MacGregor)
0088	5766		Yes	6/11/2020	6/11/2020	6/11/2020	Property tax; appeals; tax tribunal appeal deadlines; modify. (Rep. Roger Hauck)

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	HB	SB					
0089	5164		Yes	6/16/2020	6/16/2020	9/14/2020	Occupations ; individual licensing and registration; boiler inspection requirements; modify. (Rep. Jim Lilly)
0090		0172	Yes	6/16/2020	6/16/2020	9/14/2020	Insurance ; insurers; requirements for providing privacy policies to customers; modify. (Sen. Jim Stamas)
0091		0306	Yes	6/16/2020	6/16/2020	6/16/2020	Economic development ; other; definition of assessable property in the principal shopping district act; revise. (Sen. Peter MacGregor)
0092	5541		Yes	6/23/2020	6/23/2020	7/1/2021	State ; identification cards; designation as an individual with a communication impediment; allow in official state personal identification card and provide for law enforcement access, and make other general revisions. (Rep. Frank Liberati)
0093		0278	Yes	6/23/2020	6/23/2020	7/1/2021	Traffic control ; driver license; designation as an individual with a communication impediment; allow in vehicle registration, and operator's and chauffeur's license, and provide for law enforcement access. (Sen. Tom Barrett)
0094		0279	Yes	6/23/2020	6/23/2020	6/23/2020 #	Traffic control ; driver license; designation as an individual with a communication impediment; allow in enhanced driver license and official state personal identification card, and provide for law enforcement access. (Sen. Curtis Hertel, Jr.)
0095	5141		Yes	6/23/2020	6/23/2020	6/23/2020	Elections ; absent voters; local agreements dealing with absent voter counting boards and combined absent voter counting boards; allow. (Rep. Julie Calley)
0096		0940	Yes	6/24/2020	6/24/2020	6/24/2020	Property tax ; principal residence exemption; principal residence exemption application deadline; delay under certain circumstances related to the declared state of emergency due to the COVID-19 pandemic. (Sen. Roger Victory)
0097	5412		Yes	6/24/2020	6/24/2020	6/24/2020	Insurance ; other; definition of telemedicine; modify in the insurance code of 1956. (Rep. Hank Vaupel)
0098	5413		Yes	6/24/2020	6/24/2020	6/24/2020	Insurance ; other; definition of telemedicine; modify in the nonprofit health care corporation reform act. (Rep. Douglas Wozniak)

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	HB	SB					
0099	5414		Yes	6/24/2020	6/24/2020	6/24/2020	Mental health ; code; definition of telemedicine services; add in the mental health code. (Rep. Phil Green)
0100	5415		Yes	6/24/2020	6/24/2020	6/24/2020	Human services ; medical services ; Medicaid reimbursement of remote patient monitoring via telemedicine; require. (Rep. Frank Liberati)
0101	5416		Yes	6/24/2020	6/24/2020	6/24/2020	Human services ; medical services ; medical reimbursement for in-home or in-school telemedicine services; provide for. (Rep. Mary Whiteford)
0102	5195		Yes	7/1/2020	7/1/2020	9/29/2020 #	Vehicles ; registration plates ; fees for the transfer of registration plates from 1 vehicle to another; modify. (Rep. Jason Sheppard)
0103	5313		Yes	7/1/2020	7/1/2020	9/29/2020 #	Vehicles ; registration ; electric vehicle registration fees; revise. (Rep. Jason Sheppard)
0104	4449		Yes	7/1/2020	7/1/2020	7/1/2020	Insurance ; no-fault ; allowable expenses; eliminate requirement to reimburse for chiropractic services. (Rep. Beth Griffin)
0105	5341		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor ; licenses ; provision related to brewpub license conditions; update cross-reference. (Rep. Pauline Wendzel)
0106	5342		Yes	7/1/2020	7/1/2020	7/1/2020	Liquor ; manufacturer ; allowing certain micro brewers to deliver beer to retailers; eliminate, and clarify electronic advertising procedures. (Rep. Pauline Wendzel)
0107	5343		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor ; manufacturer ; self-distribution limit of micro brewers; increase. (Rep. Pauline Wendzel)
0108	5344		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor ; distribution ; reference related to section about shipping and delivering alcoholic liquor; update. (Rep. Pauline Wendzel)

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	HB	SB					
0109	5345		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; beer ; required intervals to pay beer tax; modify, and increase production threshold for a brewer to claim a credit or refund. (Rep. Jason Wentworth)
0110	5346		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; wine ; required intervals to pay wine tax; modify. (Rep. Jason Wentworth)
0111	5347		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; licenses ; beer festivals special license requirements; modify. (Rep. Alex Garza)
0112	5348		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; liquor control commission ; certain provisions of salesperson license accreditation program; modify. (Rep. Alex Garza)
0113	5349		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; beer ; successor manufacturer or successor outstate seller of beer not assigned a brand extension; provide certain exception. (Rep. Matt Hall)
0114	5350		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; wine ; successor manufacturer or successor outstate seller of wine not assigned a brand extension; provide certain exception. (Rep. Matt Hall)
0115	5351		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; other ; definition of a successor to a supplier that continues in business; provide for. (Rep. Graham Filler)
0116	5352		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; manufacturer ; procedure for manufacturer canceling agreement with a wholesaler; revise. (Rep. Graham Filler)
0117	5353		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; beer ; requirement that beer sold in a growler have a registration number; eliminate. (Rep. Sara Cambensy)
0118	5354		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; licenses ; certain labeling requirements for a brewpub; eliminate. (Rep. Sara Cambensy)

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	HB	SB					
0119	5355		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; manufacturer ; requirement for manufacturer or wholesaler to provide proof of valid label from United States Alcohol and Tobacco Tax and Trade Bureau; eliminate under certain circumstances. (Rep. Sara Cambensy)
0120	5400		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; licenses ; cross reference to section about micro brewers selling beer to retailers; update. (Rep. Alex Garza)
0121	5315		Yes	7/1/2020	7/1/2020	7/1/2020	Liquor; licenses ; license to serve alcohol on certain premises of Northern Michigan University; allow. (Rep. Sara Cambensy)
0122		0963	Yes	7/1/2020	7/1/2020	7/1/2020	Appropriations; other ; presentation of general appropriations bills to the governor; revise. (Sen. Curtis Hertel, Jr.)
0123		0690	Yes	7/1/2020	7/1/2020	7/1/2020	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2019-2020. (Sen. Jim Stamas)
0124	5781		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; permits ; on-premises licensee serving alcoholic liquor in a commons area designated by a local unit of government; allow. (Rep. Michael Webber)
0125	5811		Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; licenses ; carryout sales and delivery of alcoholic liquor by an on-premises licensee; allow. (Rep. Sarah Anthony)
0126		0942	Yes	7/1/2020	7/1/2020	7/1/2020 #	Liquor; licenses ; certain regulations relating to the sale, delivery, and purchase of alcoholic liquor by an on-premises licensee; modify. (Sen. Aric Nesbitt)
0127		0876	Yes	7/1/2020	7/1/2020	7/1/2020	Traffic control; driver license ; extension of renewal date for certain driver licenses during a declared emergency; provide for. (Sen. Wayne A. Schmidt)
0128		0877	Yes	7/1/2020	7/1/2020	7/1/2020	State; identification cards ; extension of renewal date for state identification cards during a declared emergency; provide for. (Sen. Wayne A. Schmidt)

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	HB	SB					
0129		0878	Yes	7/1/2020	7/1/2020	7/1/2020	Traffic control; driver license ; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. (Sen. Wayne A. Schmidt)
0130	4546		Yes	7/8/2020	7/8/2020	7/8/2020	Education; dual enrollment ; certain dual enrollment eligibility requirements in career and technical preparation act; modify. (Rep. Bronna Kahle)
0131	4547		Yes	7/8/2020	7/8/2020	7/8/2020	Education; dual enrollment ; certain dual enrollment eligibility requirements in postsecondary enrollment options act; modify. (Rep. Ben Frederick)
0132	4389		Yes	7/8/2020	7/8/2020	7/8/2020	Environmental protection; hazardous products ; firefighting foam containing PFAS; require reports on use of and require department of environmental quality to accept for disposal. (Rep. Sue Allor)
0133	4390		Yes	7/8/2020	7/8/2020	10/6/2020	Law enforcement; fire personnel ; use of firefighting foam containing certain substances; prohibit in firefighter training, and require certain training on use. (Rep. Jeff Yaroch)
0134	4217		Yes	7/8/2020	7/8/2020	7/8/2020 #	Health; pharmaceuticals ; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. (Rep. Joseph Bellino)
0135		0254	Yes	7/8/2020	7/8/2020	7/8/2020 #	Health; controlled substances ; requirement for opioid and benzodiazepine prescriptions to be electronically transmitted to pharmacies; provide for under certain circumstances. (Sen. Dale W. Zorn)
0136		0248	Yes	7/8/2020	7/8/2020	7/8/2020 #	Health; pharmaceuticals ; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. (Sen. Ruth A. Johnson)
0137		0850	Yes	7/8/2020	7/8/2020	7/8/2020	Agriculture; industrial hemp ; regulations for growing industrial hemp; create. (Sen. Dan Lauwers)
0138		0696	Yes	7/8/2020	7/8/2020	10/6/2020	Occupations; mortuary science ; waiver to manage more than 1 funeral establishment; allow under certain circumstances. (Sen. Rick Outman)

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	HB	SB					
0139		0585	Yes	7/8/2020	7/8/2020	7/8/2020	Highways; memorial ; portion of US-31; designate as the "PFC Brett Witteveen Memorial Highway". (<i>Sen. Jon C. Burnstead</i>)
0140		0517	Yes	7/8/2020	7/8/2020	7/8/2020	Highways; bridges ; feasibility study on tolling of certain highways; provide for. (<i>Sen. John Bizon, M.D.</i>)
0141		0173	Yes	7/8/2020	7/8/2020	10/6/2020	Vehicles; wreckers ; incentives for or from local governments for wrecker, recovery, or towing services; prohibit. (<i>Sen. Jim Stamas</i>)
0142		0630	Yes	7/13/2020	7/14/2020	7/14/2020	Health; pharmaceuticals ; wholesale distributor-broker license; create. (<i>Sen. John Bizon, M.D.</i>)
0143	4391		Yes	7/31/2020	7/31/2020	7/31/2020	Labor; health and safety ; firefighting foam concentrate containing PFAS; require promulgation of rules regarding firefighters' use of. (<i>Rep. Jeff Yaroch</i>)
0144	5265		Yes	7/31/2020	7/31/2020	7/31/2020	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2019-2020. (<i>Rep. Shane Hernandez</i>)
0145		0145	Yes	7/31/2020	7/31/2020	7/31/2020	Appropriations; natural resources ; trust fund projects; provide for fiscal year 2020-2021. (<i>Sen. Jon C. Burnstead</i>)
0146		0373	Yes	7/31/2020	7/31/2020	7/31/2020	Appropriations; school aid ; fiscal year 2019-2020 omnibus appropriations for school aid, higher education, and community colleges; provide for. (<i>Sen. Jim Stamas</i>)
0147	5911		Yes	8/20/2020	8/20/2020	8/20/2020 #	Education; other ; certain requirements concerning virtual courses; modify. (<i>Rep. Gregory Markkanen</i>)
0148	5912		Yes	8/20/2020	8/20/2020	8/20/2020 #	Education; other ; certain requirements concerning required hours and days of pupil instruction; modify. (<i>Rep. Andrea Schroeder</i>)

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	HB	SB					
0149	5913		Yes	8/20/2020	8/20/2020	8/20/2020 #	Education; attendance; certain provisions concerning pupil membership and attendance; modify and add certain requirements concerning benchmark assessments. (Rep. Annette Glenn)
0150		0745	Yes	9/8/2020	9/8/2020	9/8/2020	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2019-2020. (Sen. Jim Stamas)
0151	5488		Yes	9/17/2020	9/17/2020	9/17/2020	Criminal procedure; sentencing; certain permissible costs; extend sunset. (Rep. Sarah Lightner)
0152	4965		Yes	9/17/2020	9/17/2020	9/17/2020	Transportation; funds; allocations for certain county road commission expenditures; modify. (Rep. Rodney Wakeman)
0153	4966		Yes	9/17/2020	9/17/2020	9/17/2020	Transportation; funds; return of distribution to city and village managers; modify. (Rep. Andrea Schroeder)
0154	5502		Yes	9/17/2020	9/17/2020	9/17/2020 #	Fire; other; use of lock block devices on classroom doors and certain types of door locks; allow. (Rep. Scott VanSingel)
0155	5503		Yes	9/17/2020	9/17/2020	9/17/2020 #	Construction; fire safety; use of lock block devices on classroom doors and certain types of door locks; allow. (Rep. Scott VanSingel)
0156		0473	Yes	9/17/2020	9/17/2020	9/17/2020	Education; financing; calculation of number of mills to be levied for school operating purposes; update to reflect change in terminology to target foundation allowance. (Sen. Wayne A. Schmidt)
0157		0475	Yes	9/17/2020	9/17/2020	9/17/2020	School aid; foundation allowance; reference to basic foundation allowance in revenue estimating conference; change to target foundation allowance. (Sen. Wayne A. Schmidt)
0158		0171	Yes	9/17/2020	9/17/2020	9/17/2020	Education; graduation requirements; certain requirements for high school diploma; modify. (Sen. Jim Stamas)

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	HB	SB					
0159		0595	Yes	9/17/2020	9/17/2020	9/17/2020	Property; conveyances; restrictions on use of previously conveyed state-owned property in Grand Traverse County; revise. (Sen. Wayne A. Schmidt)
0160		0799	Yes	9/17/2020	9/17/2020	9/17/2020	Property; conveyances; property in Gogebic County previously conveyed to the county road commission; provide for reconveyance to Watersmeet Township. (Sen. Ed McBroom)
0161	4228		Yes	9/17/2020	9/17/2020	9/17/2020	Highways; memorial; portion of US-41; designate as the "Samuel R. Costello Memorial Highway". (Rep. Beau LaFave)
0162	4577		Yes	9/17/2020	9/17/2020	9/17/2020	Highways; memorial; portion of M-52; designate as the "Michigan Desert Storm Veterans Memorial Highway". (Rep. Ben Frederick)
0163	5134		Yes	9/17/2020	9/17/2020	9/17/2020	Trade; business regulation; age limit for amusement park ride operators; provide. (Rep. Greg VanWoerkom)
0164	4971		Yes	9/17/2020	9/17/2020	9/17/2020	Transportation; funds; engineering study for certain local road agencies to increase capacity; provide for. (Rep. Julie Alexander)
0165		0927	Yes	9/30/2020	9/30/2020	9/30/2020	Appropriations; school aid; fiscal year 2020-2021 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Sen. Jim Stamas)
0166	5396		Yes	9/30/2020	9/30/2020	9/30/2020	Appropriations; omnibus; appropriations for fiscal year 2020-2021; provide for. (Rep. Shane Hernandez)
0167	6118		Yes	9/30/2020	9/30/2020	9/30/2020	Elections; presidential primary; deadline to submit verified account of actual costs of conducting a presidential primary election; extend for March 2020 presidential primary election. (Rep. Roger Hauck)
0168	6116		Yes	10/1/2020	10/1/2020	10/1/2020	Property tax; other; fund shift for the land reutilization fund; provide for. (Rep. Sarah Lightner)

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	HB	SB					
0169	6117		Yes	10/1/2020	10/1/2020	10/1/2020	Health facilities ; certificate of need; fund shift for the certificate of need fees, and the health professions regulatory fund; provide for. (Rep. Mary Whiteford)
0170	6120		Yes	10/1/2020	10/1/2020	10/1/2020	Marihuana ; administration; marihuana regulatory fund revenue; transfer to the general fund for the 2019-2020 fiscal year. (Rep. Cynthia Johnson)
0171	6121		Yes	10/1/2020	10/1/2020	10/1/2020	State financing and management ; funds; fund shift for the 21st century jobs fund; provide for. (Rep. Abdullah Hammoud)
0172	6122		Yes	10/1/2020	10/1/2020	10/1/2020	Courts ; funding; fund shift for the juror compensation reimbursement fund; provide for. (Rep. Lori Stone)
0173	4831		Yes	10/1/2020	10/1/2020	10/1/2020	State financing and management ; purchasing; bids on certain options on certain procurement contracts; allow. (Rep. Sarah Lightner)
0174	5053		Yes	10/1/2020	10/1/2020	12/30/2020	State financing and management ; purchasing; clawback provisions in certain state contracts; require. (Rep. Mark Huizenga)
0175		0384	Yes	10/1/2020	10/1/2020	12/30/2020 #	Crimes ; other; certain definitions regarding the requirements for the resale of event tickets at higher or lower prices; provide for. (Sen. Erika Geiss)
0176		0385	Yes	10/1/2020	10/1/2020	12/30/2020 #	Crimes ; other; certain requirements regarding the resale of event tickets at higher or lower prices; provide for. (Sen. Tom Barrett)
0177		0757	Yes	10/6/2020	10/6/2020	10/6/2020	Elections ; election officials; certain city and township clerks opening absent voter ballot return envelopes on the day before election day; authorize, allow precinct election inspectors to work in shifts, require notice to electors for mismatched or missing signatures on an absent voter ballot application or return envelope, and provide requirements for absent voter ballot drop boxes. (Sen. Ruth A. Johnson)
0178	5444		No	10/8/2020	10/8/2020	Pending #	Children ; services; kinship caregiver navigator program; create. (Rep. Frank Liberati)

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	HB	SB					
0179	5492		Yes	10/8/2020	10/8/2020	10/8/2020	State financing and management; other; information technology services of the department of health and human services; require to be provided by the department of technology, management, and budget. (Rep. Abdullah Hammoud)
0180	5493		Yes	10/8/2020	10/8/2020	10/8/2020	State financing and management; audits; quarterly report on executive branch and enterprisewide information technology projects; require the department of technology, management, and budget to provide. (Rep. Mary Whiteford)
0181	5494		Yes	10/8/2020	10/8/2020	10/8/2020	State financing and management; purchasing; requirements for certain procurement contracts; modify. (Rep. Annette Glenn)
0182	5495		Yes	10/8/2020	10/8/2020	10/8/2020 #	Legislature; auditor general; certain audits by the auditor general of information technology contracts and projects; provide directives. (Rep. Terry Sabo)
0183	5148		Yes	10/8/2020	10/8/2020	10/8/2020	Children; adoption; persons authorized to advertise for, solicit, or recruit adoptive parents or guardians; modify. (Rep. Brenda Carter)
0184	5149		Yes	10/8/2020	10/8/2020	1/6/2021	Crimes; penalties; exceptions to the prohibition of the transfer or acquisition of legal or physical custody of an individual; modify. (Rep. Douglas Wozniak)
0185	5248		Yes	10/8/2020	10/8/2020	10/8/2020	Children; other; public release of redacted children's ombudsman's findings and recommendations; allow. (Rep. Matt Hall)
0186	5249		Yes	10/8/2020	10/8/2020	10/8/2020	Children; services; powers and duties of the children's ombudsman; modify. (Rep. Andrea Schroeder)
0187	4981		Yes	10/12/2020	10/13/2020	4/11/2021 #	Criminal procedure; expunction; Expungement of certain offenses; prohibit. (Rep. Pauline Wendzel)
0188	4985		Yes	10/12/2020	10/13/2020	4/11/2021 #	Criminal procedure; records; expungement of multiple criminal offenses arising out of the same criminal transaction; allow under certain circumstances. (Rep. Sherry Gay-Dagnogo)

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	HB	SB					
0189	5120		Yes	10/12/2020	10/13/2020	4/11/2021 #	Criminal procedure; expunction; procedure for record expungement of certain marihuana offenses; provide for. (Rep. Isaac Robinson)
0190	4983		Yes	10/12/2020	10/13/2020	4/11/2021 #	Criminal procedure; expunction; time period after certain events applicant must wait to petition to set aside a conviction; amend. (Rep. Yousef Rabhi)
0191	4984		Yes	10/12/2020	10/13/2020	4/11/2021	Criminal procedure; expunction; number of felony and misdemeanor offenses that may be set aside; expand. (Rep. David LaGrand)
0192	4982		Yes	10/12/2020	10/13/2020	4/11/2021 #	Criminal procedure; expunction; set aside process for certain marihuana related offenses; modify. (Rep. Luke Meerman)
0193	4980		Yes	10/13/2020	10/13/2020	4/11/2021 #	Criminal procedure; expunction; certain convictions to be automatically set aside after 10 years under certain circumstances; provide for. (Rep. Eric Leutheuser)
0194	4926		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; local community stabilization share; calculation for eligible millage cap levied; modify. (Rep. Lynn Afendoulis)
0195	4927		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; local community stabilization share; distribution of local community stabilization share revenue; modify. (Rep. Hank Vaupel)
0196	4928		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; local community stabilization share; distribution of local community stabilization share revenue; modify. (Rep. Michael Webber)
0197	4929		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; local community stabilization share; certain calculations relating to tax increment financing plans; modify. (Rep. Tenisha Yancey)
0198	4930		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; local community stabilization share; certain distribution calculations; modify reporting deadlines and procedures. (Rep. Karen Whitsett)

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	HB	SB					
0199		1066	Yes	10/15/2020	10/15/2020	10/15/2020	State financing and management; funds; fund shift for the Michigan film promotion fund; provide for. (<i>Sen. Jon C. Bumstead</i>)
0200		1067	Yes	10/15/2020	10/15/2020	10/15/2020	Liquor; other; fund shift for the Michigan craft beverage council fund; provide for. (<i>Sen. Curtis Hertel, Jr.</i>)
0201		1068	Yes	10/15/2020	10/15/2020	10/15/2020	Environmental protection; solid waste; solid waste management fund and scrap tire regulatory fund revenue; transfer to the general fund for 2019-2020 fiscal year. (<i>Sen. Curtis Hertel, Jr.</i>)
0202		1069	Yes	10/15/2020	10/15/2020	10/15/2020	Criminal procedure; sex offender registration; fund shift for the sex offenders registration fund; provide for. (<i>Sen. Adam J. Hollier</i>)
0203		1070	Yes	10/15/2020	10/15/2020	10/15/2020	Vehicles; other; fund shift for the transportation economic development fund; provide for. (<i>Sen. Adam J. Hollier</i>)
0204		1071	Yes	10/15/2020	10/15/2020	10/15/2020	Transportation; funds; fund shift for the transportation economic development fund; provide for. (<i>Sen. Adam J. Hollier</i>)
0205	6119		Yes	10/15/2020	10/15/2020	10/15/2020	Economic development; other; fund shift for the convention facility development fund; provide for. (<i>Rep. Cynthia Neeley</i>)
0206	4851		Yes	10/15/2020	10/15/2020	10/15/2020	Property tax; board of review; review of denials of disabled veterans exemptions in certain circumstances; provide for. (<i>Rep. Michele Hoytenga</i>)
0207	5490		Yes	10/15/2020	10/15/2020	10/15/2020	Medical marihuana; administration; court-appointed individual to operate medical marihuana facility; allow, and require promulgation of rules to establish procedures and standards. (<i>Rep. Brandt Iden</i>)
0208	5491		Yes	10/15/2020	10/15/2020	10/15/2020	Marihuana; administration; court-appointed individual to operate marihuana establishment; allow, and require promulgation of rules to establish procedures. (<i>Rep. Brandt Iden</i>)

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	HB	SB					
0209	5289		Yes	10/15/2020	10/15/2020	10/15/2020	Records; death; fee for certificate of stillbirth; prohibit under certain circumstances. (Rep. Julie Alexander)
0210	5336		Yes	10/15/2020	10/15/2020	10/15/2020	Civil procedure; remedies; uniform commercial real estate receivership act; modify. (Rep. Brandt Iden)
0211	5482		Yes	10/15/2020	10/15/2020	10/15/2020	Health; suicide; suicide prevention hotline telephone number on student identification cards; require. (Rep. Andrea Schroeder)
0212	5334		Yes	10/15/2020	10/15/2020	10/15/2020	Highways; memorial; portion of US-10; designate as the "Cpl. Casey P. Zylman Memorial Highway". (Rep. Roger Hauck)
0213		0132	Yes	10/15/2020	10/15/2020	10/15/2020	Highways; memorial; portion of US-12; designate as the "Trooper Rodger M. Adams Memorial Highway". (Sen. Dale W. Zorn)
0214		0435	Yes	10/15/2020	10/15/2020	10/15/2020	Highways; memorial; portion of M-81; designate as the "Staff Sergeant Eugene H. E. Alex Memorial Highway". (Sen. Ken Horn)
0215		0321	Yes	10/15/2020	10/15/2020	10/15/2020	History and arts; historic sites; criteria for inclusion on Michigan Law Enforcement Officers Memorial; expand. (Sen. Kimberly A. LaSata)
0216		0432	Yes	10/15/2020	10/15/2020	10/15/2020	Economic development; Michigan strategic fund; tax exemption for entities receiving aid from the Michigan strategic fund; clarify. (Sen. Ken Horn)
0217		0493	Yes	10/15/2020	10/15/2020	10/15/2020	Economic development; other; commercial rehabilitation certificates; extend sunset. (Sen. Jim Stamas)
0218		0494	Yes	10/15/2020	10/15/2020	10/15/2020	Economic development; commercial redevelopment; commercial redevelopment exemptions; extend sunset. (Sen. Jim Stamas)

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	HB	SB					
0219		0665	Yes	10/16/2020	10/16/2020	10/16/2020	Liquor ; beer; eligibility of a brewer that is not a microbrewer to operate a tasting room; limit. (<i>Sen. Roger Victory</i>)
0220		0852	Yes	10/16/2020	10/16/2020	10/16/2020	Agriculture ; industrial hemp; regulations for growing industrial hemp; create. (<i>Sen. Dan Lauwers</i>)
0221		1080	Yes	10/16/2020	10/16/2020	10/16/2020	Natural resources ; inland lakes; length of time that bonds may be issued against the proceeds of special assessments for a lake level project; modify. (<i>Sen. Rick Outman</i>)
0222		1103	Yes	10/16/2020	10/16/2020	10/16/2020	Transportation ; funds; depositing funds from marihuana tax into Michigan transportation fund; allow. (<i>Sen. Curtis Hertel, Jr.</i>)
0223	5602		Yes	10/16/2020	10/16/2020	10/16/2020	Construction ; permits; low-voltage electric fence requirements; modify. (<i>Rep. Rodney Wakeman</i>)
0224	4288		Yes	10/16/2020	10/16/2020	10/16/2020	Communications ; technology; broadband funding; provide for. (<i>Rep. Michele Hoytenga</i>)
0225	4686		Yes	10/16/2020	10/16/2020	10/16/2020	Gaming ; casinos; removal of name from disassociated persons list; allow. (<i>Rep. Ryan Berman</i>)
0226	5267		Yes	10/16/2020	10/16/2020	10/16/2020	Highways ; memorial; portion of US-127 in Isabella County; designate as the "Lance Corporal Justin Ellsworth Memorial Highway". (<i>Rep. Ryan Berman</i>)
0227	5194		Yes	10/16/2020	10/16/2020	10/16/2020	Occupations ; vehicles, dealers and repair facilities; definition of heavy-duty truck in the vehicle repair act; modify. (<i>Rep. Gregory Markkanen</i>)
0228		1108	Yes	10/16/2020	10/16/2020	10/16/2020	Civil rights ; open meetings; procedures for electronic meetings of public bodies; provide for. (<i>Sen. Lana Theis</i>)

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	HB	SB					
0229		0886	Yes	10/20/2020	10/20/2020	10/20/2020 #	Employment security; benefits ; unemployment benefits for certain employees during a declared emergency; expand. (<i>Sen. Ken Horn</i>)
0230		0911	Yes	10/20/2020	10/20/2020	10/20/2020 #	Retirement; state employees ; retirants hired by the Michigan unemployment insurance agency or the Michigan occupational safety and health administration; allow under certain circumstances without forfeiting retirement benefits. (<i>Sen. Ken Horn</i>)
0231		1094	Yes	10/22/2020	10/22/2020	10/22/2020	Health facilities; nursing homes ; admittance of COVID-19-positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. (<i>Sen. Peter J. Lucido</i>)
0232	4990		Yes	10/22/2020	10/22/2020	10/22/2020 #	Health occupations; health professionals ; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. (<i>Rep. Roger Hauck</i>)
0233	4991		Yes	10/22/2020	10/22/2020	10/22/2020 #	Health occupations; health professionals ; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. (<i>Rep. Frank Liberati</i>)
0234	4459		Yes	10/22/2020	10/22/2020	10/22/2020 #	Health; other ; charges by nonparticipating providers; regulate. (<i>Rep. Roger Hauck</i>)
0235	4460		Yes	10/22/2020	10/22/2020	10/22/2020 #	Health; other ; charges by nonparticipating providers; regulate. (<i>Rep. Frank Liberati</i>)
0236	6030		Yes	10/22/2020	10/22/2020	10/22/2020 #	Torts; defenses ; COVID-19 emergency; provide protection from liability to certain persons. (<i>Rep. Thomas Albert</i>)
0237	6031		Yes	10/22/2020	10/22/2020	10/22/2020 #	Labor; health and safety ; protection from liability related to an employee's exposure to COVID-19; provide to employers who comply with certain requirements. (<i>Rep. Tommy Brann</i>)
0238	6032		Yes	10/22/2020	10/22/2020	10/22/2020 #	Labor; fair employment practices ; employer taking adverse employment action against an employee who is absent from work because of COVID-19; prohibit. (<i>Rep. Graham Filler</i>)

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	HB	SB					
0239	6101		Yes	10/22/2020	10/22/2020	10/22/2020 #	Labor; health and safety ; protection from liability related to an employee's exposure to COVID-19; provide for a definition of COVID-19. (Rep. Wendell Byrd)
0240	6159		Yes	10/22/2020	10/22/2020	10/22/2020	Torts; liability ; pandemic health care immunity act; create. (Rep. Roger Hauck)
0241	6192		Yes	10/22/2020	10/22/2020	10/28/2020 #	Traffic control; driver license ; Traffic control; driver license; extension of renewal date for certain driver licenses and vehicle registrations; provide for. (Rep. Jack O'Malley)
0242	5756		Yes	10/28/2020	10/28/2020	10/28/2020 #	State; identification cards ; extension of renewal date for state identification cards during a declared emergency; provide for. (Rep. Mike Mueller)
0243	5757		Yes	10/28/2020	10/28/2020	10/28/2020 #	Traffic control; driver license ; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. (Rep. Mike Mueller)
0244	6137		Yes	11/5/2020	11/5/2020	11/5/2020 #	Health facilities; nursing homes ; additional requirements for certain homes for the aged and nursing homes dedicated as CARE facilities and residents who test positive for coronavirus; provide for. (Rep. Leslie Love)
0245	6293		Yes	11/5/2020	11/5/2020	11/5/2020	Health occupations; health professionals ; COVID-19 testing services; allow certain licensees to administer under certain circumstances. (Rep. Graham Filler)
0246	6294		Yes	11/5/2020	11/5/2020	11/5/2020	Probate; other ; electronically signing and witnessing certain documents; allow under certain conditions, and allow required visitations to take place electronically. (Rep. Sarah Lightner)
0247	6295		Yes	11/5/2020	11/5/2020	11/5/2020	Records; other ; use of electronic records and signatures; modify. (Rep. Sarah Lightner)
0248	6296		Yes	11/5/2020	11/5/2020	11/5/2020 #	Property; recording ; procedures under the uniform real property electronic recording act; revise to deal with the COVID-19 emergency. (Rep. Sarah Lightner)

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** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0249	6297		Yes	11/5/2020	11/5/2020	11/5/2020	Occupations; notaries public; a notary to utilize 2-way real-time audiovisual technology for notarial acts in certain circumstances; allow. (Rep. Sarah Lightner)
Veto		0294	No	No		2/4/2020	Construction; other; heating requirements for a building used as a viewing area for outdoor sporting activities; exempt. (Sen. Dale W. Zorn)
Veto		0858	No	No		5/4/2020	State financing and management; other; duration of executive orders, proclamations, and directives; modify. (Sen. Tom Barrett)
Veto		0686	No	No		7/8/2020	Public employees and officers; other; state agency or department disciplining an employee for communicating with a legislator; prohibit unless the communication is prohibited. (Sen. Tom Barrett)
Veto		0935	No	No		7/8/2020	Use tax; collections; collection of use tax for certain businesses affected by a declared emergency; delay. (Sen. Kevin Daley)
Veto		0936	No	No		7/8/2020	Sales tax; collections; collection of sales tax for certain businesses affected by a declared emergency; delay. (Sen. Jim Runestad)
Veto		0937	No	No		7/8/2020	Individual income tax; withholding requirements; remittance of withholding tax payments during state of emergency; (Sen. Curtis S. VanderWall)
Veto	5761		No	No		7/8/2020	Property tax; payment and collection; property tax deadlines that fall during a declared state of emergency; extend. (Rep. James Lower)
Veto	5810		No	No		7/8/2020	Property tax; payment and collection; summer 2020 property taxes; extend payment deadline and provide for early (Rep. James Lower)
Veto		0956	No	No		7/31/2020	Health facilities; nursing homes; admittance of COVID-19 positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. (Sen. Peter J. Lucidol)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto		0899	No	No		8/10/2020	Health occupations; health professionals; immunity from civil or criminal liability during a declared emergency; provide for certain health care workers. (<i>Sen. Michael D. MacDonald</i>)
Veto	5443		No	No		10/8/2020	Children; services; kinship caregiver advisory council; create. (<i>Rep. Kathy Crawford</i>)
Veto	4332		No	No		10/15/2020	Natural resources; funds; use of pneumatic airbows in certain hunting seasons; allow. (<i>Rep. Beau LaFave</i>)
Veto	5339		No	No		10/15/2020	State financing and management; escheats; access to certain unclaimed property account information and distribution of certain unclaimed property to locators; modify. (<i>Rep. Michael Webber</i>)
Veto	5340		No	No		10/15/2020	State financing and management; escheats; contracts with certain locators; modify. (<i>Rep. Wendell Byrd</i>)
Veto	4476		No	No		10/28/2020	Transportation; funds; funding formula; modify. (<i>Rep. Gary Eisen</i>)

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