

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Construction Codes - Part 8. Electrical Code

5. Rule numbers or rule set range of numbers:

R 408.30801 – R 408.30880

6. Estimated time frame:

12 months

Name of person filling out RFR:

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

Part 8 of the Construction Code currently adopts by reference the 2017 edition of the National Electrical Code (NEC), which establishes standards for the safe installation of electrical wiring and equipment. Part 8 also includes rules that amend the NEC to address electrical practices that are specific to Michigan. The 2023 version of the NEC, which is the most current edition, contains provisions relating to revised standards and new materials. The proposed rules will adopt by reference the 2023 edition of the NEC with amendments, deletions, and additions deemed necessary for use in Michigan.

The NEC is one of the component codes of the State Construction Code. Rules will be updated to allow the industry to take full advantage of new and improved materials and technologies that have come into use since the 2017 version. Rules may also be rescinded as a result of updates to the national standards.

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

Department Director and Board & Commission.

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

The following are applicable statutory references for the Part 8. Electrical Rule Set: Section 4 of the Stille- DeRosset-Hale Single State Construction Code Act, 1972 PA 230; MCL 125.1504(5); Executive Reorganization order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030.

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

The authority for the proposed rules is found in Section 4 of the Stille-DeRosset-Hale Single State Construction Code Act, 1972 PA 230, (MCL 125.1504(5)), and Executive Reorganization order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030. MCL 125.1504(5) requires that the director add, amend, and rescind rules to update the code, not less than once every three years, to coincide with the national code change cycle.

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

There are no similar rules or regulations adopted by the State or Federal government.

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

There is no subject matter in the proposed rules that is currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

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

No.

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

Full Process

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

The proposed rules will adopt by reference the 2023 edition of the NEC as the basis for the State's electrical code, with amendments, deletions, and additions deemed necessary for use in Michigan. The adoption of the 2023 NEC will allow the industry to take full advantage of new and improved materials and technologies that have come into use since the 2017 version. The Bureau of Construction Codes is not aware of any proposed rules or revisions to current rules that may exceed national or regional standards. The rules review committee does not intend to write a code, with rules, that exceeds national or regional standards. Until the review committee has the opportunity to review the 2023 NEC, the Bureau is unable to describe the extent to which any amendments, deletions, and additions to the NEC made through the rules could differ from national standards.

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

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

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

The electrical rules were last updated on January 4, 2019, and those updates were based on the 2017 NEC. NEC updates its code every three years. Rules will be updated to allow the industry to take full advantage of new and improved materials and technologies that have come into use since the 2017 version.

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

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

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

No