



## Michigan Adopts the 2005 NEC

The State of Michigan has adopted the 2005 Michigan Electrical Code, based on the 2005 NEC. The rules were sent to the Secretary of State on July 26, 2007 and take effect 120 days later. The effective date is November 23, 2007.

The State of Michigan has exempted the following sections of the 2005 NEC: 501.30B, 502.30B, 503.30B, 505.25B, 506.25B, 547.1 to 547.10, and Annex G

The State of Michigan has amended the following sections of the 2005 NEC: 230.71, 230.40, 348.60, 350.60, 250.118, and 334.10.

During the adoption process of the 2005 NEC, The State of Michigan wrestled with issue of requiring permits for the installation of telecommunication wiring. This is a very controversial issue between the telecommunications industry and the inspection authorities. It was determined by SOAHR (State Office of Administrative Hearings and Rules), that a legal conflict would result if the Electrical Code Rules contained the proposed regulations requiring permits for telephone and cable installations therefore, the language in R 408.30818, 80.19.1 (6) has been removed and an exemption added under R 408.30818, 80.19. This action has resulted in telecommunication installations being exempted from permits.

It is now assumed by some that by exempting telecommunication installations from permits that it is also exempt from inspections. I personally do not find this to be true. The telecommunication installations are still required to be inspected based on the following requirements of the State of Michigan and comments contained in the Agency Report to the Joint Committee on Administrative Rules.

**R 408.30808, Rule 808. Section 80.1.3. Code conformity required. A person shall not install, alter, maintain, service, or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's action the work does not conform to the provisions of the code.**

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Since Chapter 8 of the adopted Michigan Electrical Code (2005 NEC) was not deleted, the above rule would not permit it to be violated by the telecommunication installation. Therefore all installations covered by Chapter 8 of the Michigan Electrical Code (2005 NEC) must be installed to comply with all of the requirements contained in that section.

**R 408.30810, Rule 810. Section 80.13. Authority. Where used in the code, "authority having jurisdiction" means the enforcing agency in accordance with the as defined in R 408.30828. The code shall be administered and enforced by the enforcing agency in accordance with the act.**

This rule is mandating that the AHJ is required to administer and enforce the Michigan Electrical Code (2005 NEC). Again since Chapter 8 was not deleted, the AHJ is required to enforce the provisions contained therein.

Statements contained within the Agency Report to the Joint Committee on Administrative Rules were consistent with the belief that telecommunication installation should be inspected to ensure Life Safety is not compromised by the installation. The following statements were obtained from the Agency Report to the Joint Committee;

**“Permit fees are not established in the electrical code rules. The agency believed the benefits of the inspections outweigh the minimal fee, however, due to a recent ruling from SOAHR permits will no longer be required for telecommunication and cable installations.”**

**“Section 484.3302(3)(l) of the Michigan Compiled Laws refers to the requirements of 47 C.F.R. 76.309(c). During the rule development process, the agency did not believe the rules contravene the federal and state policy against delays in initiating cable service as installations would be inspected during new construction and emergency repairs are allowed when necessary.”**

**“The Electrical Administrative Act, 1956 PA 217 provides an exemption from licensing for telecommunication wiring and equipment. While the adoption of the 1999 Michigan Electrical Code did provide an exemption for telecommunication wiring and equipment, previous and current code editions contain permit and inspection requirements. The language was added to the proposed rules to provide clarification, as many individuals have interpreted the code to exempt telecommunication work because it is not specifically identified in Michigan amendments.”**

**“While the agency believes the benefits of an inspection could outweigh the cost of an inspection to assure the integrity of the home is not compromised through penetration of fire stopping in floors or the garage wall, the agency has removed the**

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**telecommunication equipment and installation language from the rules. This decision is based upon a determination by the State Office of Administrative Hearings and Rules that the rules cannot be legally certified with this language.”**

**“Chapter 8 of the Michigan Electrical Code covers the extent of electrical work contributed to telecommunications and related systems. Other chapters may also be applicable for installation requirements. The code covers all types of buildings or structures regardless of type or use.”**

**“The applicable code and installation standard is the Michigan Electrical Code regardless of the type of installation.”**

In summary, it is clear that the intent is to exempt the telecommunication installations from permits only it does not exempt the telecommunication installations from inspection.

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