

SECOND REGULAR SESSION

# SENATE BILL NO. 745

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BRAY.

Read 1st time January 12, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4337S.011

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## AN ACT

To amend chapter 640, RSMo, by adding thereto five new sections relating to the Missouri uniform building energy code.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 640, RSMo, is amended by adding thereto five new sections, to be known as sections 640.162, 640.163, 640.164, 640.165, and 640.166, to read as follows:

**640.162. As used in sections 640.162 to 640.166, the following terms mean:**

(1) "ASHRAE/IESNA 90.1", the published document developed by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) and the Illuminating Engineering Society of North America (IESNA) entitled "Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings";

(2) "Builder", the prime contractor that hires and coordinates building subcontractors or if there is no prime contractor, the contractor that completes more than fifty percent of the total construction work performed on the building;

(3) "Commercial buildings", any structure, privately owned or publicly owned, that is designed for commercial, industrial, municipal, or private school use, excluding residential buildings or structures, as identified by the IECC;

(4) "Department", the Missouri Department of Natural Resources;

(5) "Designer", the architect, engineer, landscape architect, interior designer, or other person who performs the actual design work or is under the direct supervision and responsibility of the person who performs the actual design work;

21           (6) "IECC" or "International Energy Conservation Code", the  
22 published document developed by the International Code Council, Inc.,  
23 entitled "International Energy Conservation Code";

24           (7) "Renovations", any new construction or addition to an  
25 existing building;

26           (8) "Residential building", any structure that is privately or  
27 publicly owned, that is designed for residential use, or as identified by  
28 the IECC.

          640.163. 1. No later than August 28, 2011, the department shall  
2 establish by rule, the "Missouri Uniform Building Energy Code". Such  
3 code shall meet the requirements of the latest versions of the  
4 ASHRAE/IESNA 90.1 and the IECC. The department shall also establish  
5 by rule, a process for the review and consideration of amendments to  
6 the code submitted to the department by municipalities, counties,  
7 regional or state governmental units, professional trade organizations,  
8 and the public.

9           2. The department shall review, amend, and maintain the  
10 Missouri uniform building energy code. It shall review the code no less  
11 often than every three years and within nine months from the date of  
12 publication of any subsequent edition of the IECC or ASHRAE/IESNA  
13 Standard 90.1. The department shall make such updates or  
14 amendments to the code as necessary to conform with the provisions of  
15 sections 640.162 to 640.166. The department's review shall include  
16 consideration of the best available technology and life-cycle costs of  
17 technologies and techniques associated with the code. Prior to the  
18 adoption of any proposed amendment, modification, or new provision  
19 to the code, the department shall conduct public hearings as required  
20 for the adoption of rules in accordance with chapter 536.

21           3. The department shall resolve conflicts between the Missouri  
22 uniform building energy code and other building-related codes and  
23 provide training for local code officials, building inspectors, builders  
24 and designers. The director of the department's energy center shall  
25 appoint a Training and Certification Committee to:

26           (1) Establish the training and certification requirements for  
27 municipal and rural building inspectors; and

28           (2) Adopt and maintain adequate training programs for  
29 municipal and rural inspectors.

30           4. The department shall implement a public information  
31 campaign directed toward residential home buyers and commercial  
32 building owners on the benefits and features of the Missouri uniform  
33 building energy code.

34           5. Any rule or portion of a rule, as that term is defined in section  
35 536.010 that is created under the authority delegated in this section  
36 shall become effective only if it complies with and is subject to all of  
37 the provisions of chapter 536, and, if applicable, section 536.028. This  
38 section and chapter 536 are nonseverable and if any of the powers  
39 vested with the general assembly pursuant to chapter 536, to review, to  
40 delay the effective date, or to disapprove and annul a rule are  
41 subsequently held unconstitutional, then the grant of rulemaking  
42 authority and any rule proposed or adopted after August 28, 2010, shall  
43 be invalid and void.

          640.164. Any building designed, constructed, or renovated within  
2 Missouri shall meet or exceed the Missouri uniform building energy  
3 code established under section 640.163 except the following structures,  
4 which shall be considered exempt from this provision:

5           (1) Buildings or portions thereof whose peak design rate of  
6 energy usage is less than 3.4 Btu/h per square foot or 1.0 watt per  
7 square foot of floor area for all purposes;

8           (2) Buildings or portions thereof which are neither heated nor  
9 cooled;

10          (3) Historic buildings;

11          (4) Hunting and fishing camps, boat houses, and remote cabins  
12 which are not considered to be permanent dwelling units;

13          (5) Buildings that do not use either electricity or fossil fuel for  
14 comfort conditioning; and

15          (6) Other buildings specified as exempt by the IECC and  
16 ASHRAE/IESNA 90.1.

          640.165. 1. Within one hundred twenty days, all counties and  
2 municipalities shall adopt the Missouri uniform building energy code  
3 upon its establishment under subsection 1 of section 640.163 or upon  
4 any amendment to the code under subsection 2 of section 640.163.

5           2. Nothing in sections 640.162 to 640.166 shall preclude any local  
6 government from enacting more stringent requirements for energy  
7 efficient construction than those specified in the Missouri uniform

8 **building energy code.**

2 **640.166. 1. In any municipality where a building permit is**  
3 **required for new construction or for renovations of existing structures**  
4 **or where the municipality is required to have an inspector of buildings,**  
5 **the municipality shall be responsible for ensuring enforcement and**  
6 **compliance with sections 640.162 to 640.166. Enforcement may be**  
7 **provided through agreements with other municipalities or by**  
8 **contractual agreements between municipal, county, or regional**  
9 **authorities. Contracts with third-party-certified inspectors may be**  
10 **used in place of local code enforcement officers.**

11 **2. In municipalities where a building permit is not required for**  
12 **new construction or renovations of existing structures, the designer or**  
13 **builder, or both, are responsible for filing a certification with**  
14 **department that the building is designed and constructed in**  
15 **accordance with the Missouri uniform building energy code. The**  
16 **penalty for violation of this subsection shall be the revocation of**  
17 **occupancy permit or stoppage of construction until the violation is**  
18 **corrected.**

19 **3. The department shall have the authority to perform**  
20 **inspections and to issue notices of violation on buildings constructed**  
21 **in areas where no building permit is required. The department's**  
22 **energy center shall have the authority to collect building energy**  
23 **standards compliance information and data from local governments.**

24 **4. The department shall have the authority to levy fees sufficient**  
**to cover the cost of administering sections 640.162 to 640.166.**

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