**South Carolina General Assembly**

118th Session, 2009-2010

**A46, R105, H3550**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cato, Herbkersman, Agnew, Merrill, Stavrinakis, Funderburk, Brady, Anderson, R.L. Brown, Kelly, Limehouse, J.E. Smith, Whipper, Hutto, Allison, Parker, Sottile, Erickson and Bales

Document Path: l:\council\bills\nbd\11221ac09.docx

Companion/Similar bill(s): 719

Introduced in the House on February 17, 2009

Introduced in the Senate on April 30, 2009

Last Amended on April 28, 2009

Passed by the General Assembly on May 14, 2009

Governor's Action: June 2, 2009, Signed

Summary: Energy Standard Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/17/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑24

2/17/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑25

2/18/2009 House Member(s) request name added as sponsor: Hutto

2/24/2009 House Member(s) request name added as sponsor: Allison, Parker

2/26/2009 House Member(s) request name added as sponsor: Sottile

4/22/2009 House Member(s) request name added as sponsor: Erickson

4/22/2009 House Committee report: Favorable with amendment **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑3

4/23/2009 House Member(s) request name added as sponsor: Bales

4/24/2009 Scrivener's error corrected

4/28/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\04-28-09.docx)‑21

4/28/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\04-28-09.docx)‑24

4/29/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑19

4/30/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑15

4/30/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑15

5/7/2009 Senate Committee report: Favorable **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2009\05-07-09.docx)‑16

5/8/2009 Scrivener's error corrected

5/12/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\05-12-09.docx)‑17

5/14/2009 Senate Read third time and enrolled [SJ](file:///h:\SJ%20Archive\2009\05-14-09.docx)‑22

5/27/2009 Ratified R 105

6/2/2009 Signed By Governor

6/11/2009 Effective date 07/01/09

6/12/2009 Act No. 46

**VERSIONS OF THIS BILL**

[2/17/2009](file:///p:\pprever\2009-10\3550_20090217.docx)

[4/22/2009](file:///p:\pprever\2009-10\3550_20090422.docx)

[4/24/2009](file:///p:\pprever\2009-10\3550_20090424.docx)

[4/28/2009](file:///p:\pprever\2009-10\3550_20090428.docx)

[5/7/2009](file:///p:\pprever\2009-10\3550_20090507.docx)

[5/8/2009](file:///p:\pprever\2009-10\3550_20090508.docx)

(A46, R105, H3550)

**AN ACT TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE “ENERGY STANDARD ACT”; TO REVISE DEFINITIONS; TO ADOPT THE 2006 EDITION INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS AND ADDITIONS MUST COMPLY WITH THIS STANDARD, TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL; TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION, AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL; AND TO PROVIDE THAT THE BUILDING OFFICIAL MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6‑9‑50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Energy Standard Act**

SECTION 1. Chapter 10, Title 6 of the 1976 Code is amended to read:

“CHAPTER 10

Energy Standard Act

Section 6‑10‑10. This chapter may be cited as the Energy Standard Act.

Section 6‑10‑20. As used in this chapter, unless a different meaning is clearly indicated by the context:

(1) ‘Addition’ means the extension or increase in floor area or height of a building.

(2) ‘Building’ means any combination of materials, which comprises a structure affording facilities or shelter for any occupancy. The word ‘building’ must be construed wherever used in this chapter as if followed by the words ‘or part or parts of the building and all equipment in the building’ unless the context clearly requires a different meaning. The term ‘building’ includes manufactured buildings but not manufactured housing or buildings heated to less than fifty degrees Fahrenheit.

(3) ‘Building inspection department’ means the agency of a local jurisdiction with authority to make energy related building inspections and to enforce state and local laws, ordinances, and regulations applicable to the construction of buildings.

(4) ‘Construction’ means the erection, fabrication, reconstruction, alteration, conversion, or repair of a building, or the installation of equipment in a building.

(5) ‘Equipment’ means components associated with plumbing, heating, electrical, ventilating, air conditioning, lighting and refrigerating systems, and elevators, dumbwaiters, escalators, boilers, and pressure vessels.

(6) ‘Local jurisdiction’ means a county, city, municipality, or other political subdivision of this State.

(7) ‘One‑ or two‑family dwelling’ means a building which contains one or two units, each providing complete, independent living facilities for one or more persons, including permanent provisions for sleeping, cooking, and sanitation.

(8) ‘Renovations’ means the condition where within any twelve‑month period, alterations or repairs costing in excess of fifty percent of the then physical value of the building are made to an existing building.

Section 6‑10‑30. The 2006 edition of the International Energy Conservation Code is adopted as the Energy Standard. All new and renovated buildings and additions constructed within the State must comply with this standard.

Section 6‑10‑40. A local jurisdiction may appeal to the South Carolina Building Codes Council for a variance from the Energy Standard for application within its jurisdiction based on special local conditions. The council may approve variations if it is established to the council’s satisfaction that the proposed variance:

(1) is consistent with this chapter, so that its application will not reduce statewide uniformity of effective energy conservation;

(2) does not discriminate against particular technologies, techniques, or materials;

(3) does not unnecessarily increase the cost of construction and operation of the building in the jurisdiction; or

(4) is necessary to protect the public health, safety, and welfare within the jurisdiction.

Copies of an approved variance must be provided upon the request by the State Energy Office.

Section 6‑10‑50. (A) Local building officials shall enforce the provisions of the Energy Standard.

(B) In areas of the State without a building official, the local jurisdiction may designate its engineer, director of public works, or chief fire inspector to enforce the provisions of the Energy Standard.

Upon request, the State Energy Office shall provide local jurisdictions a brief synopsis of the Energy Standard, the Residential Energy Efficiency Requirements that apply to South Carolina, and penalties.

(C) The building officials are responsible for examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, and the inspection of buildings pursuant to the provisions of the Energy Standard.

(D) Except as otherwise provided in the Energy Standard, the construction of a building must not begin until a building permit is issued. Upon submission of an application to the building official, if the building proposed to be erected will comply with this chapter, a permit must be issued. The building official may suspend or revoke a building permit if the building under construction pursuant to that building permit does not comply with this chapter.

(E) The building official periodically shall inspect, or cause to be inspected, all construction undertaken pursuant to permits issued by the building official to assure compliance with this chapter. If a building is found not to comply with the Energy Standard, the building official shall notify the permit holder in writing to bring the building into compliance with the standard or to secure it from entry or both; if the permit holder fails to comply with the notification, the building official shall revoke the permit.

(F) A building constructed after the effective date of the Energy Standard must not be used or occupied until a certificate of occupancy has been issued.

Section 6‑10‑60. Each local jurisdiction may establish a schedule of fees for the functions performed by the building inspection department in connection with the enforcement of this chapter.

Section 6‑10‑70. (A) Local jurisdictions must provide an appeals board and process for the routine granting of variations for residential recreational dwellings not intended for use as permanent residences and for buildings such as log buildings which, if insulation were required on the walls, would change the character of these buildings. Until the boards are established, appeals must be heard by the South Carolina Building Codes Council. A local jurisdiction must be relieved of the duty to appoint local appeals boards if it is established to the satisfaction of the council that qualified people cannot be found in the jurisdiction or through cooperation with neighboring jurisdictions. Two or more local jurisdictions may establish a building board of appeals to serve their jurisdictions.

(B) Where local jurisdictions have been relieved of the duty to appoint an appeals board because qualified people cannot be found in the jurisdiction, appeals may be made to the South Carolina Building Codes Council.

(C) The council promptly shall hear and decide appeals brought by a person or party in an individual capacity, or on behalf of a call of persons or parties, affected by a regulation or decision pursuant to this chapter. Final decisions by the council are reviewable on appeal, or on successive appeals, in the courts of competent jurisdiction.

Section 6‑10‑80. The building official may obtain injunctive relief from a court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy, erection, alteration, or installation of a building covered by this chapter, upon an affidavit from the building official specifying the manner in which the building does not conform to the requirements of this chapter.

Section 6‑10‑90. (A) When a violation of the provisions of this chapter is discovered, the person in violation must be granted thirty days to correct the violation. A person who fails to correct a violation is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days for each offense.

(B) A separate violation is deemed to have occurred with respect to each building not in compliance with this chapter. Each day the violation continues constitutes a separate violation.”

**Adoption and enforcement of nationally recognized codes and standards**

SECTION 2. Section 6‑9‑50 of the 1976 Code, as last amended by Act 83 of 2003, is further amended to read:

“Section 6‑9‑50. (A) The council shall adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within this State: building, residential, gas, plumbing, mechanical, fire, and energy codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. The appendices of the codes provided in this section may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

(B) The governing body of a county may not enforce that portion of a nationally recognized fire prevention code it has adopted which may regulate outdoor burning for forestry, wildlife, and agricultural purposes as regulated by the South Carolina Forestry Commission.”

**Permits not subject to new requirements**

SECTION 3. The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.

**Time effective**

SECTION 4. This act takes effect July 1, 2009.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

\_\_\_\_\_\_\_\_\_\_