

SENATE BILL NO. 33

INTRODUCED BY B. HOVEN

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN ACTIVITIES RELATED TO STATE-OWNED TRAFFIC SIGNS, TRAFFIC CONTROL DEVICES, AND STREET LIGHTING FROM THE REQUIREMENTS OF THE STATE BUILDING CODE; AND AMENDING SECTION 50-60-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability -- local government energy conservation standards. (1) Except as provided in subsection (5), the state building code, as defined in 50-60-203(3), does not apply to:

(a) residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building of any size, and any private garage or private storage structure of any size used only for the owner's own use, located within a county, city, or town, unless the local legislative body by ordinance or resolution makes the state building code applicable to these structures;

(b) mines and buildings on mine property regulated under Title 82, chapter 4, and subject to inspection under the Federal Mine Safety and Health Act;

(c) petroleum refineries and pulp and paper mills, except a structure classified under chapter 7, section 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the 1991 edition of the Uniform Building Code; ~~or~~

(d) industrial process piping, vessels, and equipment and process-related structures located outside of another structure occupied on a regular basis by employees or the public; or

(e) the installation, removal, alteration, or repair of traffic control signals, street lighting, traffic control signs, and other traffic control devices owned or operated by the state.

(2) Except as provided in subsection (5), the state may not enforce the state building code under 50-60-205 for the buildings, AND equipment, and activities referred to in subsection (1). A county, city, or town that has made the state building code applicable to the buildings referred to in subsection (1) may enforce within the area of its jurisdiction the state building code as adopted by the county, city, or town.

1 (3) When good and sufficient cause exists, a written request for limitation of the state building code may
2 be filed with the department for filing as a permanent record.

3 (4) The department may limit the application of any rule or portion of the state building code to include
4 or exclude:

5 (a) specified classes or types of buildings according to use or other distinctions as may make
6 differentiation or separate classification or regulation necessary, proper, or desirable; or

7 (b) specified areas of the state based on size, population density, special conditions prevailing in the
8 area, or other factors that make differentiation or separate classification or regulation necessary, proper, or
9 desirable.

10 (5) (a) Subject to subsection (6), for purposes of promoting the energy efficiency of home design and
11 operation, the provisions of the state building code relating to energy conservation adopted pursuant to
12 50-60-203(1) apply to residential buildings, except:

13 (i) farm and ranch buildings; and

14 (ii) any private garage or private storage structure attached to a residential building and used only for the
15 owner's own use.

16 (b) Subject to subsection (6), the provisions of the state building code relating to energy conservation
17 in residential buildings are enforceable:

18 (i) by the department only for those residential buildings containing five or more dwelling units or
19 otherwise subject to the state building code; and

20 (ii) through the builder self-certification program provided for in 50-60-802 for those residential buildings
21 containing less than five dwelling units and not otherwise subject to the state building code.

22 (6) (a) A county, city, or town with a building code enforcement program may, as part of its building code
23 or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the
24 purpose of providing incentives to encourage voluntary energy conservation. The incentive-based standards
25 adopted may exceed any applicable energy conservation standards contained in the state building code.

26 (b) New construction is not required to meet local standards that exceed state energy conservation
27 standards unless the building contractor elects to receive a local incentive."

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