

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0275

HOUSE STATE AFFAIRS ENGROSSED NO. **SB 64** 2/25/2009

Introduced by: The Committee on Commerce at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to establish certain energy efficiency disclosure
2 requirements for new residential buildings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The State of South Dakota hereby adopts the International Energy Conservation
5 Code of 2006, published by the International Code Council, as the voluntary standard applying
6 to the construction of new residential buildings in the state.

7 Section 2. Except as provided by section 3 of this Act, any person building or selling a
8 previously unoccupied new residential building which is a single-family or multifamily unit of
9 four units or less shall disclose to the buyer or prospective buyer information regarding the
10 energy efficiency of the residential building. The completed disclosure form shall be provided
11 prior to the signing of the contract to purchase and prior to closing if changes have occurred or
12 are requested, and at any other time upon request. For new residential buildings that are
13 completed and suitable for occupancy but unsold, the completed disclosure form shall be made
14 available to the buyer or prospective buyer by the builder or seller when the residence is shown



1 and at any other time upon request. The disclosure shall be made on a form prepared and
2 disseminated by the South Dakota Real Estate Commission.

3 Section 3. If the new residential building is subject to both the National Manufactured
4 Housing Construction and the Safety Standards Act pursuant to the United States Code, title 42
5 section 5403 and the Federal Trade Commission regulation on labeling and advertising of home
6 insulation pursuant to 16 C.F.R. section 460.16, both as in effect on January 1, 2009, the builder
7 or seller may disclose, instead of the information required by section 2 of this Act, the
8 information regarding the new residential building that is required to be disclosed pursuant to
9 the federal act and regulation.

10 Section 4. The disclosure form required in section 2 of this Act shall read as follows:

11 **BUILDER’S ENERGY EFFICIENCY DISCLOSURE STATEMENT**

12 Builder _____

13 Property Address _____

14 _____

15 This Disclosure Statement concerns the real property identified above situated in the City of
16 _____ County of _____, State of South Dakota.

17 Part 1. Builder shall provide the following information about the new residential building:

18 1. Has this new residential building been built or will it be built to meet the energy efficiency
19 standards of the International Energy Conservation Code of 2006 (IECC 2006)?

20 Yes _____ No _____

21 2. Has this new residential building received or will it receive any other energy efficient
22 certification?

23 Yes _____ No _____

24 If yes, which certification(s): _____

1 Part 2. Builder shall describe the following energy efficiency elements of the new residential
2 building:

	Actual	2006 IECC*	2006 IECC*
	Value	Zone 5	Zone 6
3 Wall Insulation R-Value	_____	R-19 (or R-13	R-19
6		cavity + R-5 insulated	
7		sheathing)	
8 Attic Insulation R-Value	_____	R-38	R-49
9 Foundation Insulation R-Value			
10 Basement Walls	_____	R-10/13**	R-10/13**
11 Crawlspace Walls	_____	R-10/13**	R-10/13**
12 Slab-on-Grade	_____	R-10, 2 ft. depth	R-10, 4 ft. depth
13 Floors over Unheated Spaces	_____	R-30	R-30
14 Window U-Value	_____	0.35	0.35

15 Part 3. Builder shall provide the following information about equipment:

16 1. Does the new residential building contain an Energy Star certified:

17 a. Water heater?

18 Yes _____ No _____

19 b. Heating system (furnace, heat pump, or other)?

20 Yes _____ No _____

21 c. Cooling system (air conditioner, heat pump, or other)?

22 Yes _____ No _____

23 Part 4. Builder's Notes and Comments:

24 _____

25 _____

26 _____

1 _____

2 * IECC stands for International Energy Conservation Code.

3 **The first R-Value applies to continuous insulation; the second to framing cavity insulation.