



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1626

Introduced 2/22/2007, by Rep. Kathleen A. Ryg - Karen May

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Energy Efficient Furnace Act. Sets out the applicability of the Act. Provides that no later than one year after the effective date of this Act, the Department of Commerce and Economic Opportunity shall promulgate rules establishing minimum efficiency standards for residential furnaces. Sets out minimum efficiency standards for residential furnaces. Provides for exceptions to the provisions of this Act. Provides that no later than 6 months after the effective date of this Act, the Department, in consultation with the Attorney General, shall determine if State implementation of residential furnace standards is preempted by federal law. Provides that the Department may adopt rules to establish increased efficiency standards for residential furnaces in the State. Provides for testing and labeling of all residential furnaces sold in the State in order to ensure compliance with the Act. Sets out penalties for violations of the Act. Effective immediately.

LRB095 08699 CMK 28882 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning energy efficiency.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This act may be cited as the
5 Illinois Energy Efficient Furnace Act.

6 Section 5. Findings.

7 (a) Home heating accounts for nearly 50% of the energy used
8 in our homes and heating costs for the year 2007 is estimated
9 to be more than \$100 billion.

10 (b) In the Midwest volatile natural gas prices continue to
11 make families vulnerable to unpredictable heating costs.

12 (c) The Department of Energy's federal standard for
13 furnaces is appropriate for Southern states, but is inadequate
14 for Northern states like Illinois.

15 (d) An efficient furnace can save a consumer in Illinois
16 \$150 to \$200 per year in natural gas costs.

17 (e) A statewide energy efficiency standard for furnaces
18 will save Illinois citizens a significant sum of money every
19 year.

20 (f) Saving natural gas keeps money in the State and
21 improves the State's economy.

22 (g) Saving energy through energy efficiency will also
23 reduce harmful pollution that causes global warming and

1 respiratory disease.

2 Section 10. Definitions. For purposes of this Act:

3 "Compensation" means money or any other valuable thing,
4 regardless of form, received or to be received by a person for
5 services rendered.

6 "Department" means the Department of Commerce and Economic
7 Opportunity.

8 "Electricity ratio" is the ratio of furnace electricity use
9 to total furnace energy use. Electricity ratio =
10 $(3.412 * EAE) / (1000 * EF + 3.412 * EAE)$ where EAE (average annual
11 auxiliary electrical consumption) and EF (average annual fuel
12 energy consumption) are defined in Appendix N to subpart B of
13 part 430 of title 10 of the Code of Federal Regulations and EF
14 is expressed in millions of BTUs per year.

15 "Residential furnace" means a self-contained space heater
16 designed to supply heated air through ducts longer than 10
17 inches and that uses only single-phase electric current or DC
18 current in conjunction with natural gas, propane, or home
19 heating oil, and that:

20 (1) is designed to be the principle heating source for
21 the living space of one or more residences;

22 (2) is not contained within the same cabinet as a
23 central air conditioner whose rated cooling capacity is
24 above 65,000 BTU per hour; and

25 (3) has a heat input rate of less than 225,000 BTU per

1 hour.

2 Section 15. Minimum furnace efficiency standard.

3 (a) Scope.

4 (1) The provisions of this Section apply to residential
5 furnaces sold, offered for sale, or installed in the State.

6 (2) The provisions of this Act do not apply to:

7 (i) new products manufactured in the State and sold
8 outside the State;

9 (ii) new products manufactured outside the State
10 that are sold at wholesale inside the State for final
11 retail sale and installation outside the State;

12 (iii) products installed in mobile manufactured
13 homes at the time of construction; or

14 (iv) products designed expressly for installation
15 and use in recreational vehicles.

16 (b) Efficiency standards.

17 (1) No later than one year after the effective date of
18 this Act, the Department shall promulgate rules
19 establishing minimum efficiency standards for residential
20 furnaces.

21 (2) The rules shall provide for the following minimum
22 efficiency standards:

23 (A) Residential furnaces that use natural gas or
24 propane shall have a minimum Annual Fuel Utilization
25 Efficiency (AFUE) of 90% and a maximum electricity

1 ratio of 2%. AFUE shall be measured in accordance with
2 the federal test method for measuring the energy
3 consumption of furnaces and boilers contained in
4 Appendix N to subpart B of part 430, title 10, Code of
5 Federal Regulations.

6 (B) The Department may adopt rules to exempt
7 compliance with the foregoing residential furnace AFUE
8 standards at any building, site, or location where
9 complying with the standards would conflict with any
10 local zoning ordinance, building or plumbing code, or
11 other rule regarding installation and venting of
12 residential furnaces or residential boilers.

13 (c) Implementation.

14 (1) No later than 6 months after the effective date of
15 this Act, the Department, in consultation with the Attorney
16 General, shall determine if State implementation of
17 residential furnace standards is preempted by federal law.
18 The Department shall make separate determinations with
19 respect to minimum AFUE and maximum electricity ratio
20 standards. If the Department determines that a waiver from
21 federal preemption is not needed, then on January 1, 2009,
22 or on the date that is one year after the effective date of
23 this Act, whichever is later, no new residential furnace
24 may be sold or offered for sale in the State unless the
25 efficiency of the new product meets or exceeds the
26 applicable non-preempted efficiency standards set forth in

1 the rules adopted pursuant to subsection (b) of this
2 Section.

3 If the Department determines that a waiver from federal
4 preemption is required, then the Department shall apply for
5 a waiver within one year of after that determination. Upon
6 approval of the federal waiver application, the applicable
7 State standards shall go into effect at the earliest date
8 permitted by federal law.

9 (2) One year after the effective date of this Section,
10 as determined in item (1) of this subsection, no
11 residential furnace may be installed for compensation in
12 the State unless the efficiency of the new product meets or
13 exceeds the efficiency standards set forth in the rules
14 adopted pursuant to subsection (b) of this Section.

15 (d) New and revised standards. The Department may adopt
16 rules, in accordance with the Illinois Administrative
17 Procedure Act, to establish increased efficiency standards for
18 residential furnaces. In considering new or amended standards,
19 the Department, in consultation with the other State agencies,
20 shall set efficiency standards upon a determination that
21 increased efficiency standards would serve to promote energy
22 conservation in the State and would be cost-effective for
23 consumers who purchase and use the new products, provided that
24 no new or increased efficiency standards shall become effective
25 within one year following the adoption of any amended rules
26 establishing increased efficiency standards. The Department

1 may apply for a waiver of federal preemption in accordance with
2 federal procedures for State efficiency standards for any
3 product regulated by the federal government.

4 (e) Testing, certification, labeling and enforcement.

5 (1) The manufacturers of residential furnaces shall
6 test products in accordance with the test procedures
7 adopted pursuant to this Act or those specified in the
8 State Building Code. The Department, in consultation with
9 other State agencies, shall adopt test procedures for
10 determining the energy efficiency of residential furnaces
11 if the test procedures provided for in this Act are
12 inappropriate. The Department shall adopt U.S. Department
13 of Energy approved test methods, or in the absence of U.S.
14 Department of Energy approved test methods, other
15 appropriate nationally recognized test methods. The
16 Department may adopt updated test methods when new versions
17 of test procedures become available.

18 (2) Manufacturers of residential furnaces shall
19 certify to the Department that residential furnaces are in
20 compliance with the provisions of this Act. Certifications
21 shall be based on test results. The Department shall
22 promulgate rules governing the certification of
23 residential furnaces and shall coordinate with the
24 certification programs of other states and federal
25 agencies with similar standards.

26 (3) Manufacturers of residential furnaces shall

1 identify each product offered for sale or installation in
2 the State as in compliance with the provisions of this Act
3 by means of a mark, label, or tag on the product and
4 packaging at the time of sale or installation. The
5 Department shall promulgate rules governing the
6 identification of residential furnaces and packaging,
7 which shall be coordinated to the greatest practical extent
8 with the labeling programs of other states and federal
9 agencies with equivalent efficiency standards. The
10 Department shall allow the use of existing marks, labels,
11 or tags that indicate compliance with the efficiency
12 requirements of this Act.

13 (4) The Department may test residential furnaces. If
14 tested furnaces are found not to be in compliance with
15 established minimum efficiency standards the Department
16 shall:

17 (A) charge the manufacturer of the furnace for the
18 cost of product purchase and testing; and

19 (B) make information available to the public on
20 furnaces found in violation with the standards.

21 (5) With prior notice and at reasonable and convenient
22 hours, the Department may cause periodic inspections to be
23 made of distributors or retailers of residential furnaces
24 in order to determine compliance with the provisions of
25 this Act. The Department shall also coordinate with
26 building contractors regarding inspections prior to

1 occupancy of newly constructed buildings containing new
2 products that are also covered by the applicable building
3 code.

4 (6) The Department shall investigate complaints
5 received concerning violations of this Act and shall report
6 the results of investigations to the Attorney General. The
7 Attorney General may institute proceedings to enforce the
8 provisions of this Act. Any manufacturer, distributor, or
9 retailer, or any person who installs a product covered by
10 this Act for compensation, who violates any provision of
11 this Act shall be issued a warning by the Department for
12 any first violation. Repeat violations shall be subject to
13 a civil penalty of not more than \$250 imposed by the
14 Department. Each violation shall constitute a separate
15 offense, and each day that a violation continues shall
16 constitute a separate offense. Penalties assessed under
17 this paragraph are in addition to costs assessed under this
18 Section.

19 (7) The Department may adopt rules as necessary to
20 insure the proper implementation and enforcement of the
21 provisions of this Act.

22 (f) Severability. The provisions of this Act are severable
23 under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.