

SENATE BILL 540

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M3

2002 Regular Session
2lr2310
CF 2lr2054

By: **Senators Frosh, Dorman, Forehand, Kelley, Lawlah, Pinsky, Schrader,
and Van Hollen**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Energy Administration - Minimum Energy Efficiency Standards**
3 **for Appliances and Equipment Sold in State**

4 FOR the purpose of requiring the Maryland Energy Administration to adopt
5 regulations establishing minimum energy efficiency standards for certain new
6 products sold in the State; prohibiting certain new products from being sold or
7 offered for sale in the State on or after a certain date unless the products meet
8 the minimum energy efficiency standards; prohibiting certain new products
9 from being installed in the State on or after a certain date unless the products
10 meet the minimum energy efficiency standards; authorizing the Administration
11 to establish new or increased standards under certain circumstances; requiring
12 the Administration to adopt certain testing procedures; providing for the
13 certification of new products; authorizing the Administration to test certain
14 products and make certain inspections to determine compliance; requiring the
15 Administration to investigate certain complaints; authorizing the Attorney
16 General to institute certain enforcement proceedings; providing for certain
17 penalties; defining certain terms; and generally relating to energy efficiency
18 standards for certain products.

19 BY adding to
20 Article - State Government
21 Section 9-2006
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article - State Government**

27 9-2006.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

1 (2) (I) "AUTOMATIC COMMERCIAL ICE-MAKER" MEANS A
2 FACTORY-MADE ASSEMBLY, NOT NECESSARILY SHIPPED IN ONE PACKAGE,
3 CONSISTING OF A CONDENSING UNIT AND ICE-MAKING SECTION OPERATING AS AN
4 INTEGRATED UNIT, WITH MEANS FOR MAKING AND HARVESTING ICE.

5 (II) "AUTOMATIC COMMERCIAL ICE-MAKER" INCLUDES AN
6 ASSEMBLY WITH MEANS FOR STORING OR DISPENSING ICE OR BOTH.

7 (3) "COMMERCIAL CLOTHES WASHER" MEANS A SOFT MOUNT
8 FRONT-LOADING OR SOFT MOUNT TOP-LOADING CLOTHES WASHER THAT IS
9 DESIGNED FOR USE IN:

10 (I) APPLICATIONS WHERE THE OCCUPANTS OF MORE THAN ONE
11 HOUSEHOLD WILL BE USING IT, INCLUDING MULTI-FAMILY HOUSING COMMON
12 AREAS AND COIN LAUNDRIES; OR

13 (II) OTHER COMMERCIAL APPLICATIONS, IF THE CLOTHES
14 CONTAINER COMPARTMENT IS NOT GREATER THAN:

15 1. 3.5 CUBIC FEET FOR HORIZONTAL-AXIS CLOTHES
16 WASHERS; OR

17 2. 4.0 CUBIC FEET FOR VERTICAL-AXIS CLOTHES WASHERS.

18 (4) "ILLUMINATED EXIT SIGN" MEANS AN INTERNALLY ILLUMINATED
19 SIGN THAT IS DESIGNED TO BE PERMANENTLY FIXED IN PLACE AND USED TO
20 IDENTIFY AN EXIT AND THE BACKGROUND OF WHICH IS NOT TRANSPARENT.

21 (5) "LARGE PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
22 PACKAGED AIR-CONDITIONING EQUIPMENT WITH OVER 20 TONS OF COOLING
23 CAPACITY.

24 (6) "LOW-VOLTAGE DRY-TYPE TRANSFORMER" MEANS A TRANSFORMER
25 THAT:

26 (I) HAS AN INPUT VOLTAGE OF 600 VOLTS OR LESS;

27 (II) IS AIR-COOLED; AND

28 (III) DOES NOT USE OIL AS A COOLANT.

29 (7) "PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
30 AIR-CONDITIONING EQUIPMENT THAT IS BUILT AS A PACKAGE AND SHIPPED AS A
31 WHOLE TO END-USER SITES.

32 (8) "REFRIGERATED BEVERAGE VENDING MACHINE" MEANS A MACHINE
33 THAT COOLS BOTTLED OR CANNED BEVERAGES AND DISPENSES THEM UPON
34 PAYMENT.

35 (9) "SET-TOP BOX" MEANS A COMMERCIALY AVAILABLE ELECTRONIC
36 PRODUCT THE PURPOSE OF WHICH IS TO RECEIVE, SEND, PROCESS, TRANSLATE, OR

1 RECORD SIGNALS THAT ARE THEN SENT TO A TELEVISION OR SIMILAR DISPLAY
2 DEVICE FOR VIEWING OR TO A COMPUTER FOR PROCESSING.

3 (10) "TORCHERE LIGHTING FIXTURE" MEANS A PORTABLE ELECTRIC
4 LIGHTING FIXTURE WITH A REFLECTOR BOWL GIVING LIGHT DIRECTED UPWARD SO
5 AS TO GIVE INDIRECT ILLUMINATION.

6 (11) "TRAFFIC SIGNAL" MEANS A DEVICE CONSISTING OF A SET OF
7 SIGNAL LIGHTS OPERATING IN SEQUENCE AND PLACED AT INTERSECTIONS TO
8 REGULATE TRAFFIC.

9 (12) "TRAFFIC SIGNAL MODULE" MEANS A STANDARD 8-INCH (200MM) OR
10 12-INCH (300MM) ROUND TRAFFIC SIGNAL INDICATION THAT:

11 (I) CONSISTS OF A LIGHT SOURCE, LENS, AND ALL PARTS
12 NECESSARY FOR OPERATION; AND

13 (II) COMMUNICATES MOVEMENT MESSAGES TO DRIVERS
14 THROUGH RED, AMBER, AND GREEN COLORS.

15 (13) "TRANSFORMER" MEANS A DEVICE CONSISTING ESSENTIALLY OF
16 TWO OR MORE COILS OF INSULATED WIRE THAT TRANSFERS ALTERNATING
17 CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER IN
18 ORDER TO CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.

19 (14) (I) "UNIT HEATER" MEANS A SELF-CONTAINED FAN-TYPE HEATER
20 THAT:

21 1. IS DESIGNATED TO BE INSTALLED WITHIN THE HEATED
22 SPACE; AND

23 2. INCLUDES AN APPARATUS OR APPLIANCE TO SUPPLY
24 HEAT AND A FAN FOR CIRCULATING AIR OVER A HEAT EXCHANGE SURFACE, ALL
25 ENCLOSED IN A COMMON CASING.

26 (II) "UNIT HEATER" DOES NOT INCLUDE "WARM AIR FURNACES" AS
27 SPECIFICALLY DEFINED UNDER THE FEDERAL ENERGY POLICY ACT OF 1992.

28 (B) (1) THIS SECTION APPLIES TO THE TESTING, CERTIFICATION, AND
29 ENFORCEMENT OF EFFICIENCY STANDARDS FOR THE FOLLOWING TYPES OF NEW
30 PRODUCTS SOLD, OFFERED FOR SALE, OR INSTALLED IN THE STATE:

31 (I) TORCHERE LIGHTING FIXTURES;

32 (II) UNIT HEATERS;

33 (III) LOW-VOLTAGE DRY-TYPE TRANSFORMERS;

34 (IV) REFRIGERATED BEVERAGE VENDING MACHINES;

35 (V) TRAFFIC SIGNAL MODULES;

- 1 (VI) ILLUMINATED EXIT SIGNS;
- 2 (VII) AUTOMATIC COMMERCIAL ICE-MAKERS;
- 3 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT;
- 4 (IX) SET-TOP BOXES;
- 5 (X) COMMERCIAL CLOTHES WASHERS; AND
- 6 (XI) ANY OTHER PRODUCTS DESIGNATED BY THE ADMINISTRATION
- 7 IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

8 (2) THIS SECTION DOES NOT APPLY TO:

9 (I) NEW PRODUCTS MANUFACTURED IN THE STATE AND SOLD

10 OUTSIDE THE STATE;

11 (II) NEW PRODUCTS MANUFACTURED OUTSIDE THE STATE AND

12 SOLD AT WHOLESALE INSIDE THE STATE FOR FINAL RETAIL SALE AND

13 INSTALLATION OUTSIDE THE STATE;

14 (III) PRODUCTS INSTALLED IN MOBILE MANUFACTURED HOMES AT

15 THE TIME OF CONSTRUCTION; OR

16 (IV) PRODUCTS DESIGNED EXPRESSLY FOR INSTALLATION AND USE

17 IN RECREATIONAL VEHICLES.

18 (C) (1) ON OR BEFORE JANUARY 1, 2003, THE ADMINISTRATION SHALL

19 ADOPT REGULATIONS ESTABLISHING MINIMUM ENERGY EFFICIENCY STANDARDS

20 FOR THE TYPES OF NEW PRODUCTS SET FORTH IN SUBSECTION (B)(1) OF THIS

21 SECTION.

22 (2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING MINIMUM

23 EFFICIENCY STANDARDS:

24 (I) TORCHERE FIXTURES MAY NOT CONSUME MORE THAN 190

25 WATTS AND MAY NOT BE CAPABLE OF OPERATING WITH LAMPS THAT TOTAL MORE

26 THAN 190 WATTS;

27 (II) UNIT HEATERS MAY NOT HAVE PILOT LIGHTS AND SHALL HAVE

28 EITHER POWER VENTING OR AN AUTOMATIC FLUE DAMPER;

29 (III) THE EFFICIENCY OF ALL LOW-VOLTAGE DRY-TYPE

30 DISTRIBUTION TRANSFORMERS SHALL BE NOT LESS THAN THE VALUES SHOWN IN

31 TABLE 4-2 OF NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION STANDARD

32 TP-1-1996;

33 (IV) REFRIGERATED BEVERAGE VENDING MACHINES THAT ARE

34 ILLUMINATED SHALL USE T-8 FLUORESCENT LAMPS WITH ELECTRONIC BALLASTS

35 OR A LIGHTING SYSTEM OF EQUAL OR GREATER EFFICACY;

1 (V) TRAFFIC SIGNAL MODULES SHALL MEET THE REQUIREMENTS
2 OF THE "ENERGY STAR PROGRAM REQUIREMENTS FOR TRAFFIC SIGNALS"
3 DEVELOPED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THAT TOOK
4 EFFECT IN FEBRUARY 2001;

5 (VI) ILLUMINATED EXIT SIGNS SHALL MEET THE REQUIREMENTS
6 OF THE "ENERGY STAR PROGRAM REQUIREMENTS FOR EXIT SIGNS" DEVELOPED BY
7 THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THAT TOOK EFFECT ON
8 JANUARY 1, 1999;

9 (VII) AUTOMATIC COMMERCIAL ICE-MAKERS SHALL MEET THE
10 REQUIREMENTS OF THE "COMMERCIAL ICE-MAKER EFFICIENCY
11 RECOMMENDATIONS" DEVELOPED BY THE FEDERAL ENERGY MANAGEMENT
12 PROGRAM OF THE U.S. DEPARTMENT OF ENERGY AND DATED NOVEMBER 2000;

13 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT SHALL
14 MEET THE TIER II REQUIREMENTS OF THE "MINIMUM EQUIPMENT EFFICIENCIES
15 FOR UNITARY COMMERCIAL AIR CONDITIONERS" AND "MINIMUM EQUIPMENT
16 EFFICIENCIES FOR HEAT PUMPS" DEVELOPED BY THE CONSORTIUM FOR ENERGY
17 EFFICIENCY, BOSTON, MA, AS IN EFFECT ON JAN. 1, 2002;

18 (IX) SET-TOP BOXES SHALL MEET THE REQUIREMENTS OF THE
19 "ENERGY STAR PROGRAM REQUIREMENTS FOR SET-TOP BOXES" DEVELOPED BY THE
20 U.S. ENVIRONMENTAL PROTECTION AGENCY AND THAT TOOK EFFECT ON JANUARY
21 1, 2001; AND

22 (X) COMMERCIAL CLOTHES WASHERS SHALL MEET THE
23 REQUIREMENTS SHOWN IN TABLE P-3 OF SECTION 1605.3 OF "PROPOSED
24 AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 20: DIVISION 2,
25 CHAPTER 4, ARTICLE 4, SECTIONS 1601-1608: APPLIANCE EFFICIENCY REGULATIONS"
26 DATED NOVEMBER 2001.

27 (D) (1) ON OR AFTER JANUARY 1, 2004, A NEW PRODUCT OF ANY TYPE SET
28 FORTH IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE SOLD OR OFFERED FOR
29 SALE IN THE STATE UNLESS THE ENERGY EFFICIENCY OF THE NEW PRODUCT
30 MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS
31 ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

32 (2) ON OR AFTER JANUARY 1, 2005, A NEW PRODUCT OF A TYPE SET
33 FORTH IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE INSTALLED IN THE
34 STATE UNLESS THE ENERGY EFFICIENCY OF THE NEW PRODUCT MEETS OR
35 EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS ADOPTED
36 UNDER SUBSECTION (C) OF THIS SECTION.

37 (E) (1) THE ADMINISTRATION MAY ESTABLISH:

38 (I) INCREASED EFFICIENCY STANDARDS FOR THE PRODUCTS
39 LISTED IN SUBSECTION (B)(1) OF THIS SECTION; AND

1 (II) STANDARDS FOR PRODUCTS NOT SPECIFICALLY LISTED IN
2 SUBSECTION (B)(1) OF THIS SECTION.

3 (2) IN CONSIDERING NEW OR AMENDED STANDARDS, THE
4 ADMINISTRATION SHALL SET EFFICIENCY STANDARDS UPON A DETERMINATION
5 THAT INCREASED EFFICIENCY STANDARDS WOULD SERVE TO PROMOTE ENERGY
6 CONSERVATION IN THE STATE AND WOULD BE COST-EFFECTIVE FOR CONSUMERS
7 WHO PURCHASE AND USE NEW PRODUCTS.

8 (3) NEW OR INCREASED EFFICIENCY STANDARDS MAY NOT BECOME
9 EFFECTIVE BEFORE 1 YEAR FOLLOWING THE ADOPTION OF ANY REGULATIONS
10 ESTABLISHING THE NEW OR INCREASED EFFICIENCY STANDARDS.

11 (4) THE ADMINISTRATION MAY APPLY FOR A WAIVER OF FEDERAL
12 PREEMPTION IN ACCORDANCE WITH FEDERAL PROCEDURES (42 U.S.C. § 6297 (D)) FOR
13 THOSE PRODUCTS REGULATED BY THE FEDERAL GOVERNMENT.

14 (5) THE ADMINISTRATION MAY ADOPT ANY OTHER REGULATIONS
15 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

16 (F) (1) THE ADMINISTRATION SHALL ADOPT PROCEDURES FOR TESTING
17 THE ENERGY EFFICIENCY OF THE NEW PRODUCTS LISTED IN SUBSECTION (B)(1) OF
18 THIS SECTION IF TESTING PROCEDURES ARE NOT PROVIDED FOR IN THE MARYLAND
19 BUILDING PERFORMANCE STANDARDS.

20 (2) THE ADMINISTRATION SHALL USE UNITED STATES DEPARTMENT OF
21 ENERGY APPROVED TEST METHODS, OR IN THE ABSENCE OF THESE TEST METHODS,
22 OTHER APPROPRIATE NATIONALLY RECOGNIZED TEST METHODS.

23 (3) THE MANUFACTURERS OF NEW PRODUCTS LISTED IN SUBSECTION
24 (B)(1) OF THIS SECTION SHALL CAUSE SAMPLES OF THEIR PRODUCTS TO BE TESTED
25 IN ACCORDANCE WITH THE TEST PROCEDURES ADOPTED UNDER THIS SUBSECTION
26 OR THOSE SPECIFIED IN THE MARYLAND BUILDING PERFORMANCE STANDARDS.

27 (G) (1) MANUFACTURERS OF NEW PRODUCTS LISTED IN SUBSECTION (B)(1)
28 OF THIS SECTION SHALL CERTIFY TO THE ADMINISTRATION THAT THE PRODUCTS
29 ARE IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

30 (2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
31 THE CERTIFICATION OF NEW PRODUCTS AND MAY COORDINATE WITH THE
32 CERTIFICATION PROGRAMS OF OTHER STATES WITH SIMILAR STANDARDS.

33 (H) (1) THE ADMINISTRATION MAY TEST PRODUCTS LISTED IN SUBSECTION
34 (B)(1) OF THIS SECTION USING AN ACCREDITED TESTING FACILITY.

35 (2) IF PRODUCTS TESTED ARE FOUND NOT TO BE IN COMPLIANCE WITH
36 THE MINIMUM EFFICIENCY STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF
37 THIS SECTION, THE ADMINISTRATION SHALL:

1 (I) CHARGE THE MANUFACTURER OF THE PRODUCT FOR THE
2 COST OF PRODUCT PURCHASE AND TESTING; AND

3 (II) PROVIDE INFORMATION TO THE PUBLIC ON PRODUCTS FOUND
4 NOT TO BE IN COMPLIANCE WITH THE STANDARDS.

5 (I) (1) THE ADMINISTRATION MAY MAKE PERIODIC INSPECTIONS OF
6 DISTRIBUTORS OR RETAILERS OF NEW PRODUCTS LISTED IN SUBSECTION (B)(1) OF
7 THIS SECTION IN ORDER TO DETERMINE COMPLIANCE WITH THE PROVISIONS OF
8 THIS SECTION.

9 (2) THE ADMINISTRATION SHALL ALSO WORK WITH THE DEPARTMENT
10 OF HOUSING AND COMMUNITY DEVELOPMENT TO COORDINATE ON INSPECTIONS
11 FOR NEW PRODUCTS THAT ARE ALSO COVERED BY THE MARYLAND BUILDING
12 PERFORMANCE STANDARDS.

13 (J) (1) THE ADMINISTRATION SHALL INVESTIGATE COMPLAINTS RECEIVED
14 CONCERNING VIOLATIONS OF THIS SECTION AND SHALL REPORT THE RESULTS OF
15 AN INVESTIGATION TO THE ATTORNEY GENERAL.

16 (2) THE ATTORNEY GENERAL MAY INSTITUTE PROCEEDINGS TO
17 ENFORCE THE PROVISIONS OF THIS SECTION.

18 (3) A MANUFACTURER, DISTRIBUTOR, OR RETAILER THAT VIOLATES ANY
19 PROVISION OF THIS SECTION SHALL BE ISSUED A WARNING BY THE
20 ADMINISTRATION FOR A FIRST VIOLATION.

21 (4) REPEAT VIOLATIONS SHALL BE SUBJECT TO A CIVIL PENALTY OF
22 NOT MORE THAN \$250.

23 (5) EACH VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE
24 OFFENSE AND EACH DAY THAT A VIOLATION CONTINUES SHALL CONSTITUTE A
25 SEPARATE OFFENSE.

26 (6) PENALTIES ASSESSED UNDER THIS SUBSECTION ARE IN ADDITION
27 TO COSTS ASSESSED UNDER SUBSECTION (H) OF THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2002.