

SENATE BILL 394

Unofficial Copy
M3

2003 Regular Session
(31r0610)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senators Pinsky, Britt, Conway, Exum, Forehand, Frosh,
Garagiola, Gladden, Green, Grosfeld, Kelley, Lawlah, Schrader, Stone,
and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Energy Efficiency Standards Act**

3 FOR the purpose of requiring the Maryland Energy Administration to adopt
4 regulations ~~establishing~~ by a certain date to establish certain minimum energy
5 efficiency standards for certain new products sold in the State; prohibiting
6 certain new products from being sold or offered for sale in the State on or after
7 certain dates unless the products meet the minimum energy efficiency
8 standards; prohibiting certain new products from being installed in the State on
9 or after a certain date unless the products meet the minimum energy efficiency
10 standards; authorizing the Administration to delay the effective date of certain
11 standards for up to a certain period in certain circumstances; requiring the
12 Administration to adopt certain testing procedures and labeling requirements;
13 providing for the certification of new products; authorizing the Administration
14 to test certain products and make certain inspections to determine compliance;
15 requiring the Administration to work with the Department of Housing and

1 Community Development regarding certain inspections; authorizing the
 2 Administration to investigate certain complaints; authorizing the Attorney
 3 General to institute certain enforcement proceedings; providing for certain
 4 penalties; providing for the application of this Act; requiring the Administration
 5 to monitor a certain study, to conduct a certain assessment, and to report by a
 6 certain date; defining certain terms; requiring the Governor, upon a certain
 7 contingency, to reassign a certain obligation under this Act to a certain State
 8 agency; providing for the termination of a portion of this Act; and generally
 9 relating to energy efficiency standards for certain products.

10 BY adding to
 11 Article - State Government
 12 Section 9-2006
 13 Annotated Code of Maryland
 14 (1999 Replacement Volume and 2002 Supplement)

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

17 **Article - State Government**

18 9-2006.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 20 INDICATED.

21 (2) ~~(H)~~ "CEILING FAN" MEANS A NONPORTABLE DEVICE THAT IS
 22 SUSPENDED FROM A CEILING FOR THE PURPOSE OF CIRCULATING AIR VIA THE
 23 ROTATION OF FAN BLADES.

24 ~~(H)~~ (3) "CEILING FAN LIGHT KIT" MEANS ~~THE~~ EQUIPMENT
 25 DESIGNED TO PROVIDE LIGHT FROM A CEILING FAN. ~~THIS EQUIPMENT, WHICH CAN~~
 26 BE:

27 1. (I) INTEGRAL, SUCH THAT THE ~~CEILING FAN LIGHT KIT~~
 28 EQUIPMENT IS HARDWIRED TO THE CEILING FAN; OR

29 2. (II) ATTACHABLE, SUCH THAT AT THE TIME OF SALE
 30 ~~THE CEILING FAN LIGHT KIT~~ EQUIPMENT IS NOT PHYSICALLY ATTACHED TO THE
 31 CEILING FAN; BUT MAY BE INCLUDED INSIDE THE CEILING FAN PACKAGE AT THE
 32 TIME OF SALE OR SOLD SEPARATELY FOR SUBSEQUENT ATTACHMENT TO THE FAN.

33 ~~(H)~~ (4) "COMMERCIAL CLOTHES WASHER" MEANS A SOFT MOUNT
 34 FRONT-LOADING OR SOFT MOUNT TOP-LOADING CLOTHES WASHER THAT IS
 35 DESIGNED FOR USE IN:

36 (I) APPLICATIONS WHERE THE OCCUPANTS OF MORE THAN ONE
 37 HOUSEHOLD WILL BE USING IT, INCLUDING MULTIFAMILY HOUSING COMMON
 38 AREAS AND COIN LAUNDRIES; OR

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

3 1. 3.5 CUBIC FEET FOR HORIZONTAL-AXIS CLOTHES
4 WASHERS; OR

5 2. 4.0 CUBIC FEET FOR VERTICAL-AXIS CLOTHES WASHERS.

6 ~~(4)~~ (5) (I) "COMMERCIAL REFRIGERATION CABINET" MEANS A
7 REFRIGERATOR, FREEZER, OR REFRIGERATOR-FREEZER DESIGNED FOR USE BY
8 COMMERCIAL OR INSTITUTIONAL FACILITIES FOR THE PURPOSE OF STORING FOOD
9 PRODUCTS, ICE, OR OTHER PERISHABLE ITEMS AT SPECIFIED TEMPERATURES AND
10 THAT MAY BE CONFIGURED WITH EITHER SOLID OR TRANSPARENT DOORS AS A:

11 1. REACH-IN CABINET;

12 2. PASS-THROUGH CABINET;

13 3. ROLL-IN CABINET; OR

14 4. ROLL-THROUGH CABINET.

15 (II) "COMMERCIAL REFRIGERATION CABINET" DOES NOT INCLUDE:

16 1. ~~PRODUCTS~~ A PRODUCT WITH 85 CUBIC FEET OR MORE OF
17 INTERNAL VOLUME;

18 2. A WALK-IN REFRIGERATORS REFRIGERATOR OR WALK-IN
19 ~~FREEZERS~~ FREEZER; OR

20 3. A CONSUMER PRODUCTS PRODUCT REGULATED UNDER
21 THE NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1987 (PUBLIC LAW
22 100-12).

23 ~~(5) "DIGITAL CABLE TELEVISION BOX" MEANS A DEVICE THAT ACTS AS A
24 TUNER FOR CABLE TELEVISION PROGRAMMING AND CONVERTS DIGITAL SIGNALS
25 RECEIVED FROM A CABLE SERVICE PROVIDER TO A SIGNAL USABLE BY A
26 TELEVISION SET.~~

27 ~~(6) "DIGITAL TELEVISION CONVERTER BOX" MEANS A DEVICE THAT
28 RECEIVES AND DECODES DIGITAL SIGNALS FOR DISPLAY BY AN ANALOG TELEVISION
29 SET.~~

30 ~~(7)~~ (6) "ILLUMINATED EXIT SIGN" MEANS AN INTERNALLY
31 ILLUMINATED SIGN THAT IS DESIGNED TO BE PERMANENTLY FIXED IN PLACE TO
32 IDENTIFY AN EXIT AND THE BACKGROUND OF WHICH IS NOT TRANSPARENT.

33 ~~(8)~~ (7) "LARGE PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
34 PACKAGED AIR-CONDITIONING EQUIPMENT WITH OVER 20 TONS OF COOLING
35 CAPACITY.

1 ~~(9)~~ (8) (I) "LOW-VOLTAGE DRY-TYPE DISTRIBUTION
2 TRANSFORMER" MEANS A DISTRIBUTION TRANSFORMER THAT:

3 (+) 1. HAS AN INPUT VOLTAGE OF 600 VOLTS OR LESS;

4 (++) 2. IS AIR-COOLED; AND

5 (+++) 3. DOES NOT USE OIL AS A COOLANT.

6 (II) "LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMER"
7 DOES NOT INCLUDE ANY OF THE FOLLOWING TRANSFORMERS:

8 1. AN AUTOTRANSFORMER IN WHICH THE PRIMARY AND
9 SECONDARY WINDINGS ARE NOT ELECTRONICALLY ISOLATED AND AT LEAST A
10 PORTION OF THE SECONDARY VOLTAGE IS DERIVED FROM THE PRIMARY WINDING;

11 2. A DRIVE TRANSFORMER DESIGNED ONLY TO PROVIDE
12 POWER TO OPERATE AN ELECTRONIC VARIABLE SPEED MOTOR DRIVE;

13 3. A GROUNDING TRANSFORMER DESIGNED ONLY TO
14 PROVIDE A SYSTEM GROUND REFERENCE POINT;

15 4. A HARMONIC TRANSFORMER DESIGNED TO SUPPLY A
16 LOAD WITH A HIGHER THAN NORMAL HARMONIC CURRENT LEVEL AND THAT HAS A
17 K-RATING OF K-4 OR GREATER;

18 5. AN IMPEDANCE TRANSFORMER THAT HAS A SPECIFIED
19 IMPEDANCE OF LESS THAN 4% OR GREATER THAN 8%;

20 6. A MACHINE TOOL TRANSFORMER DESIGNED ONLY TO
21 PROVIDE POWER TO MACHINE TOOL EQUIPMENT;

22 7. A RECTIFIER TRANSFORMER DESIGNED TO PROVIDE
23 POWER ONLY TO A RECTIFIER CIRCUIT AND THAT HAS A NAMEPLATE RATING FOR
24 BOTH THE FUNDAMENTAL FREQUENCY POWER RATING AND THE RMS POWER
25 RATING;

26 8. A REGULATING TRANSFORMER WITH AUTOMATIC TAP
27 CHANGERS;

28 9. A SEALED AND NONVENTILATING TRANSFORMER
29 DESIGNED TO PREVENT AIRFLOW THROUGH THE TRANSFORMER;

30 10. A TESTING TRANSFORMER DESIGNED ONLY AS PART OF,
31 OR TO SUPPLY POWER TO, ELECTRICAL TEST EQUIPMENT;

32 11. A UPS TRANSFORMER DESIGNED ONLY AS AN INTEGRAL
33 PART OF AN UNINTERRUPTIBLE POWER SYSTEM; OR

34 12. A WELDING TRANSFORMER DESIGNED ONLY TO PROVIDE
35 POWER TO WELDING EQUIPMENT.

1 ~~(10)~~ (9) "PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
2 AIR-CONDITIONING EQUIPMENT THAT IS BUILT AS A PACKAGE AND SHIPPED AS A
3 WHOLE TO END-USER SITES.

4 ~~(11)~~ (10) "PASS-THROUGH CABINET" MEANS A COMMERCIAL
5 REFRIGERATOR OR COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS ON
6 BOTH THE FRONT AND REAR OF THE REFRIGERATOR OR FREEZER.

7 ~~(12)~~ (11) (I) "REACH-IN CABINET" MEANS A COMMERCIAL
8 REFRIGERATOR ~~OR~~ COMMERCIAL FREEZER, OR COMMERCIAL
9 REFRIGERATOR-FREEZER WITH HINGED OR SLIDING DOORS OR LIDS; ~~BUT~~
10 ~~EXCLUDES~~.

11 (II) "REACH-IN CABINET" DOES NOT INCLUDE A ROLL-IN OR
12 ROLL-THROUGH CABINETS CABINET AND OR A PASS-THROUGH CABINETS CABINET.

13 ~~(13)~~ (12) "ROLL-IN CABINET" MEANS A COMMERCIAL REFRIGERATOR OR
14 COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS THAT ALLOWS ALLOW
15 WHEELED RACKS OF PRODUCT TO BE ROLLED INTO THE REFRIGERATOR OR
16 FREEZER.

17 ~~(14)~~ (13) "ROLL-THROUGH CABINET" MEANS A COMMERCIAL
18 REFRIGERATOR OR COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS THAT
19 ALLOWS ALLOW WHEELED RACKS OF PRODUCT TO BE ROLLED THROUGH THE
20 REFRIGERATOR OR FREEZER.

21 ~~(15)~~ "~~SET TOP BOX~~" ~~MEANS A DIGITAL CABLE TELEVISION BOX,~~
22 ~~WIRELESS TELEVISION RECEIVER, OR DIGITAL TELEVISION CONVERTER BOX.~~

23 ~~(16)~~ (14) "TORCHIERE LIGHTING FIXTURE" MEANS A PORTABLE
24 ELECTRIC LIGHTING FIXTURE WITH A REFLECTOR BOWL GIVING LIGHT DIRECTED
25 UPWARD SO AS TO GIVE INDIRECT ILLUMINATION.

26 ~~(17)~~ (15) "TRAFFIC SIGNAL" MEANS A DEVICE CONSISTING OF A SET OF
27 SIGNAL LIGHTS OPERATING IN SEQUENCE AND PLACED AT INTERSECTIONS TO
28 REGULATE TRAFFIC.

29 ~~(18)~~ (16) "TRAFFIC SIGNAL MODULE" MEANS A STANDARD 8-INCH
30 (200MM) OR 12-INCH (300MM) ROUND TRAFFIC SIGNAL INDICATION THAT:

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

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

35 ~~(19)~~ (17) "TRANSFORMER" MEANS A DEVICE CONSISTING ESSENTIALLY
36 OF TWO OR MORE COILS OF INSULATED WIRE THAT TRANSFERS ALTERNATING
37 CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER IN
38 ORDER TO CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.

1 ~~(20)~~ (18) (I) "UNIT HEATER" MEANS A SELF-CONTAINED FAN-TYPE
2 HEATER THAT:

3 1. IS DESIGNED TO BE INSTALLED WITHIN THE HEATED
4 SPACE; AND

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

8 (II) "UNIT HEATER" DOES NOT INCLUDE A "WARM AIR FURNACES
9 FURNACE" AS SPECIFICALLY DEFINED UNDER THE FEDERAL ENERGY POLICY ACT OF
10 1992.

11 ~~(21)~~ "WIRELESS TELEVISION RECEIVER" MEANS A DEVICE USED IN
12 CONJUNCTION WITH A DISH ANTENNA TO RECEIVE SATELLITE OR OTHER WIRELESS
13 TELEVISION PROGRAMMING, AND THAT CONVERTS SIGNALS FROM A DISH ANTENNA
14 FOR USE BY A TELEVISION SET.

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

- 18 (I) TORCHIERE LIGHTING FIXTURES;
- 19 (II) UNIT HEATERS;
- 20 (III) LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS;
- 21 (IV) CEILING FANS AND CEILING FAN LIGHT KITS;
- 22 (V) RED AND GREEN TRAFFIC SIGNAL MODULES;
- 23 (VI) ILLUMINATED EXIT SIGNS;
- 24 (VII) COMMERCIAL REFRIGERATION CABINETS;
- 25 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT; AND
- 26 (IX) ~~SET-TOP BOXES; AND~~
- 27 ~~(X)~~ COMMERCIAL CLOTHES WASHERS.

28 (2) THIS SECTION DOES NOT APPLY TO:

29 (I) NEW PRODUCTS MANUFACTURED IN THE STATE AND SOLD
30 OUTSIDE THE STATE;

31 (II) NEW PRODUCTS MANUFACTURED OUTSIDE THE STATE AND
32 SOLD AT WHOLESALE INSIDE THE STATE FOR FINAL RETAIL SALE AND
33 INSTALLATION OUTSIDE THE STATE;

1 (III) PRODUCTS INSTALLED IN MOBILE MANUFACTURED HOMES AT
2 THE TIME OF CONSTRUCTION; OR

3 (IV) PRODUCTS DESIGNED EXPRESSLY FOR INSTALLATION AND USE
4 IN RECREATIONAL VEHICLES.

5 (C) (1) ON OR BEFORE JANUARY 1, 2004, THE ADMINISTRATION SHALL
6 ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS FOR THE
7 TYPES OF NEW PRODUCTS SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION.

8 (2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING MINIMUM
9 EFFICIENCY STANDARDS:

10 (I) TORCHIERE FIXTURES MAY NOT CONSUME MORE THAN 190
11 WATTS AND MAY NOT BE CAPABLE OF OPERATING WITH LAMPS THAT TOTAL MORE
12 THAN 190 WATTS;

13 (II) UNIT HEATERS MAY NOT HAVE PILOT LIGHTS AND SHALL HAVE
14 EITHER POWER VENTING OR AN AUTOMATIC FLUE DAMPER;

15 (III) THE EFFICIENCY OF ALL LOW-VOLTAGE DRY-TYPE
16 DISTRIBUTION TRANSFORMERS ~~SHALL BE NOT~~ MAY NOT BE LESS THAN THE VALUES
17 SHOWN IN TABLE 4-2 OF NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION
18 STANDARD TP-1-2002;

19 (IV) CEILING FANS AND CEILING FAN LIGHT KITS SHALL MEET THE
20 TIER 1 CRITERIA OF VERSION 1.1 OF THE PRODUCT SPECIFICATION CONTAINED IN
21 THE "ENERGY STAR PROGRAM REQUIREMENTS FOR RESIDENTIAL CEILING FANS",
22 DEVELOPED BY THE U. S. ENVIRONMENTAL PROTECTION AGENCY ~~AND~~ THAT TOOK
23 EFFECT ON JANUARY 1, 2002;

24 (V) RED AND GREEN TRAFFIC SIGNAL MODULES SHALL:

25 1. MEET THE REQUIREMENTS OF THE "ENERGY STAR
26 PROGRAM REQUIREMENTS FOR TRAFFIC SIGNALS" DEVELOPED BY THE U.S.
27 ENVIRONMENTAL PROTECTION AGENCY ~~AND~~ THAT TOOK EFFECT IN FEBRUARY 2001;
28 AND

29 2. BE INSTALLED WITH COMPATIBLE,
30 ELECTRICALLY-CONNECTED SIGNAL CONTROL INTERFACE DEVICES AND CONFLICT
31 MONITORING SYSTEMS;

32 (VI) ILLUMINATED EXIT SIGNS SHALL MEET THE REQUIREMENTS
33 OF THE "ENERGY STAR PROGRAM REQUIREMENTS FOR EXIT SIGNS" DEVELOPED BY
34 THE U.S. ENVIRONMENTAL PROTECTION AGENCY ~~AND~~ THAT TOOK EFFECT ON
35 JANUARY 1, 1999;

36 (VII) COMMERCIAL REFRIGERATION CABINETS SHALL MEET THE
37 REQUIREMENTS SHOWN IN THE FOLLOWING TABLE IN WHICH "V" MEANS TOTAL
38 VOLUME IN CUBIC FEET AND "AV" MEANS ADJUSTED VOLUME, WHICH IS THE SUM OF

1 THE VOLUME OF REFRIGERATED SPACE AND 1.63 TIMES THE VOLUME OF FREEZER
2 SPACE:

3 EQUIPMENT TYPE	MAXIMUM DAILY
4	ENERGY CONSUMPTION
5	(KILOWATT HOURS)

6 REACH-IN CABINETS, PASS-THROUGH 7 CABINETS, AND ROLL-IN OR 8 ROLL-THROUGH CABINETS THAT ARE 9 REFRIGERATORS WITH SOLID DOORS	0.125V + 2.76
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10 REACH-IN CABINETS, PASS-THROUGH 11 CABINETS, AND ROLL-IN OR 12 ROLL-THROUGH CABINETS THAT ARE 13 REFRIGERATORS WITH TRANSPARENT 14 DOORS	0.172V + 4.77
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15 REACH-IN CABINETS, PASS-THROUGH 16 CABINETS, AND ROLL-IN OR 17 ROLL-THROUGH CABINETS THAT ARE 18 FREEZERS WITH SOLID DOORS	0.398V + 2.28
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19 REACH-IN CABINETS, PASS-THROUGH 20 CABINETS, AND ROLL-IN OR 21 ROLL-THROUGH CABINETS THAT ARE 22 FREEZERS WITH TRANSPARENT DOORS	0.940V + 5.10
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23 REACH-IN CABINETS THAT 24 ARE REFRIGERATOR-FREEZERS WITH 25 SOLID DOORS	0.273AV + 1.65
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26 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT SHALL
27 MEET THE TIER II REQUIREMENTS OF THE "MINIMUM EQUIPMENT EFFICIENCIES
28 FOR UNITARY COMMERCIAL AIR CONDITIONERS" OR "MINIMUM EQUIPMENT
29 EFFICIENCIES FOR HEAT PUMPS", AS APPROPRIATE, DEVELOPED BY THE
30 CONSORTIUM FOR ENERGY EFFICIENCY, BOSTON, MASSACHUSETTS, AS IN EFFECT
31 ON JANUARY 1, 2002; AND

32 ~~(IX) SET TOP BOXES SHALL MEET THE TIER 2 CRITERIA OF THE~~
33 ~~"ENERGY STAR PROGRAM REQUIREMENTS FOR SET TOP BOXES" DEVELOPED BY THE~~
34 ~~U.S. ENVIRONMENTAL PROTECTION AGENCY AND THAT TOOK EFFECT ON JANUARY~~
35 ~~1, 2001; AND~~

36 ~~(X)~~ (IX) COMMERCIAL CLOTHES WASHERS SHALL HAVE A
37 MINIMUM MODIFIED ENERGY FACTOR OF 1.26 AND A MAXIMUM WATER
38 CONSUMPTION FACTOR OF 9.5, AS MEASURED IN ACCORDANCE WITH THE FEDERAL
39 TEST METHOD FOR CLOTHES WASHERS AS DEFINED IN 10 C.F.R., SECTION 430.23(J)
40 (APPENDIX J1 TO SUBPART B OF PART 430) (2001).

41 (D) (1) (I) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPH (H)~~ SUBPARAGRAPHS
42 (II) AND (III) OF THIS PARAGRAPH, ON OR AFTER ~~JANUARY~~ MARCH 1, 2005, A NEW
43 PRODUCT OF ANY TYPE SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT
44 BE SOLD OR OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE
45 NEW PRODUCT MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE
46 REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

1 (II) WITH RESPECT TO CEILING FAN LIGHT KITS, ENERGY
2 EFFICIENCY STANDARDS MAY NOT TAKE EFFECT UNTIL MARCH 1, 2007.

3 ~~(H)~~ (III) WITH RESPECT TO COMMERCIAL CLOTHES WASHERS,
4 ~~WATER~~ EFFICIENCY STANDARDS MAY NOT TAKE EFFECT UNTIL ~~JANUARY~~ MARCH 1,
5 2007.

6 (2) (I) THIS PARAGRAPH DOES NOT APPLY TO A PRODUCT THAT IS
7 SOLD BEFORE THE APPLICABLE DATE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

8 (II) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPH (H)~~ SUBPARAGRAPHS
9 (III) AND (IV) OF THIS PARAGRAPH, ON OR AFTER JANUARY 1, 2006, A NEW PRODUCT
10 OF A TYPE SET FORTH IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE
11 INSTALLED IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS
12 OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS
13 ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

14 (III) CEILING FAN LIGHT KITS THAT DO NOT MEET THE ENERGY
15 EFFICIENCY STANDARDS MAY BE INSTALLED IN THE STATE UNTIL JANUARY 1, 2008.

16 ~~(H)~~ (IV) COMMERCIAL CLOTHES WASHERS THAT DO NOT MEET
17 THE ~~WATER~~ EFFICIENCY STANDARDS UNDER SUBSECTION (C)(2)~~(X)~~(IX) OF THIS
18 SECTION MAY BE INSTALLED IN THE STATE UNTIL JANUARY 1, 2008.

19 ~~(3)~~ PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO A
20 PRODUCT THAT IS SOLD BEFORE THE APPLICABLE DATE STATED IN PARAGRAPH (1)
21 OF THIS SUBSECTION.

22 (E) (1) BY REGULATION, THE ADMINISTRATION MAY CLARIFY BUT NOT
23 EXPAND THE SCOPE OF THE DEVICES DEFINED UNDER SUBSECTION (A) OF THIS
24 SECTION.

25 ~~(4)~~ (2) ON REQUEST OF A MARYLAND BUSINESS OR CONSUMER AND
26 AFTER PUBLIC NOTICE AND COMMENT, THE ADMINISTRATION MAY DELAY THE
27 EFFECTIVE DATE OF ANY STANDARD UNDER THIS SECTION BY NOT MORE THAN 1
28 YEAR IF THE ADMINISTRATION DETERMINES THAT PRODUCTS CONFORMING TO THE
29 STANDARD WILL NOT BE WIDELY AVAILABLE IN MARYLAND BY THE APPLICABLE
30 DATE STATED IN ~~PARAGRAPH (1) OF THIS SUBSECTION~~ SUBSECTION (D)(1) OF THIS
31 SECTION.

32 ~~(E)~~ BY REGULATION, THE ADMINISTRATION MAY CLARIFY BUT NOT EXPAND
33 THE SCOPE OF THE DEVICES DEFINED IN SUBSECTION (A) OF THIS SECTION.

34 (F) (1) THE ADMINISTRATION SHALL ADOPT PROCEDURES FOR TESTING
35 THE ENERGY EFFICIENCY OF THE NEW PRODUCTS LISTED IN SUBSECTION (B)(1) OF
36 THIS SECTION IF TESTING PROCEDURES ARE NOT PROVIDED FOR IN THE MARYLAND
37 BUILDING PERFORMANCE STANDARDS.

1 (2) THE ADMINISTRATION SHALL USE APPROPRIATE NATIONALLY
2 RECOGNIZED TEST METHODS SUCH AS THOSE APPROVED BY THE UNITED STATES
3 DEPARTMENT OF ENERGY.

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

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

11 (2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
12 THE CERTIFICATION OF NEW PRODUCTS AND MAY COORDINATE WITH THE
13 CERTIFICATION PROGRAMS OF OTHER STATES WITH SIMILAR STANDARDS.

14 (H) (1) MANUFACTURERS OF NEW PRODUCTS LISTED IN SUBSECTION (B)(1)
15 OF THIS SECTION SHALL IDENTIFY EACH PRODUCT OFFERED FOR SALE OR
16 INSTALLATION IN THE STATE AS IN COMPLIANCE WITH THE MINIMUM EFFICIENCY
17 STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION BY MEANS OF A
18 MARK, LABEL, OR TAG ON THE PRODUCT AND PACKAGING AT THE TIME OF SALE OR
19 INSTALLATION.

20 (2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
21 THE IDENTIFICATION OF SUCH PRODUCTS AND PACKAGING WHICH SHALL BE
22 COORDINATED TO THE GREATEST PRACTICAL EXTENT WITH THE LABELING
23 PROGRAMS AND REQUIREMENTS OF OTHER STATES AND FEDERAL AGENCIES WITH
24 EQUIVALENT EFFICIENCY STANDARDS.

25 (I) (1) THE ADMINISTRATION MAY TEST PRODUCTS LISTED IN SUBSECTION
26 (B)(1) OF THIS SECTION USING AN ACCREDITED TESTING FACILITY.

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

30 (I) CHARGE THE MANUFACTURER OF THE PRODUCT FOR THE
31 COST OF PRODUCT PURCHASE AND TESTING; AND

32 (II) MAKE INFORMATION AVAILABLE TO THE PUBLIC ON
33 PRODUCTS FOUND NOT TO BE IN COMPLIANCE WITH THE STANDARDS.

34 (J) (1) WITH PRIOR NOTICE AND AT REASONABLE AND CONVENIENT
35 HOURS, THE ADMINISTRATION MAY MAKE PERIODIC INSPECTIONS OF DISTRIBUTORS
36 OR RETAILERS OF NEW PRODUCTS LISTED IN SUBSECTION (B)(1) OF THIS SECTION IN
37 ORDER TO DETERMINE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

38 (2) THE ADMINISTRATION SHALL COORDINATE WITH THE DEPARTMENT
39 OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING INSPECTIONS, PRIOR TO

1 OCCUPANCY, OF BUILDING SITES NEWLY CONSTRUCTED BUILDINGS CONTAINING
 2 NEW PRODUCTS THAT ARE ALSO COVERED BY THE MARYLAND BUILDING
 3 PERFORMANCE STANDARDS.

4 (K) (1) THE ADMINISTRATION MAY INVESTIGATE COMPLAINTS RECEIVED
 5 CONCERNING VIOLATIONS OF THIS SECTION AND SHALL REPORT THE RESULTS OF
 6 AN INVESTIGATION TO THE ATTORNEY GENERAL.

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

9 (3) A MANUFACTURER, DISTRIBUTOR, OR RETAILER OF NEW PRODUCTS
 10 LISTED IN SUBSECTION (B)(1) OF THIS SECTION THAT VIOLATES ANY PROVISION OF
 11 THIS SECTION SHALL BE ISSUED A WARNING BY THE ADMINISTRATION FOR A FIRST
 12 VIOLATION.

13 (4) REPEAT VIOLATORS SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT
 14 MORE THAN \$250.

15 (5) EACH VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE
 16 OFFENSE AND EACH DAY THAT A VIOLATION CONTINUES SHALL CONSTITUTE A
 17 SEPARATE OFFENSE.

18 (6) PENALTIES ASSESSED UNDER THIS SUBSECTION ARE IN ADDITION
 19 TO COSTS ASSESSED UNDER SUBSECTION ~~(H)~~ (1)(2)(1) OF THIS SECTION.

20 (7) PENALTIES ASSESSED UNDER THIS SUBSECTION SHALL BE PAID
 21 INTO THE GENERAL FUND OF THE STATE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (1) (i) In this section the following terms have the meanings indicated.

24 (ii) "Digital cable television box" means a device that acts as a
 25 tuner for cable television programming and converts digital signals received from a
 26 cable service provider to a signal usable by a television set.

27 (iii) "Digital television converter box" means a device that:

28 1. receives and decodes digital broadcast signals for display
 29 by an analog television set; and

30 2. is not a digital cable television box.

31 (iv) "Set-top box" means a digital cable television box, wireless
 32 television receiver, or digital television converter box.

33 (v) "Wireless television receiver" means a device that:

34 1. is used in conjunction with a dish antenna to receive
 35 satellite or other wireless television programming; and

