

SENATE BILL 394

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M3

2003 Regular Session
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CF 3r1123

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

Introduced and read first time: January 31, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 minimum energy efficiency standards for certain new
5 products sold in the State; prohibiting certain new products from being sold or
6 offered for sale in the State on or after certain dates unless the products meet
7 the minimum energy efficiency standards; prohibiting certain new products
8 from being installed in the State on or after a certain date unless the products
9 meet the minimum energy efficiency standards; authorizing the Administration
10 to delay the effective date of certain standards for up to a certain period in
11 certain circumstances; requiring the Administration to adopt certain testing
12 procedures and labeling requirements; providing for the certification of new
13 products; authorizing the Administration to test certain products and make
14 certain inspections to determine compliance; requiring the Administration to
15 work with the Department of Housing and Community Development regarding
16 certain inspections; authorizing the Administration to investigate certain
17 complaints; authorizing the Attorney General to institute certain enforcement
18 proceedings; providing for certain penalties; defining certain terms; and
19 generally relating to energy efficiency standards for certain products.

20 BY adding to

21 Article - State Government
22 Section 9-2006
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2002 Supplement)

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

1

Article - State Government

2 9-2006.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) (I) "CEILING FAN" MEANS A NONPORTABLE DEVICE THAT IS
6 SUSPENDED FROM A CEILING FOR THE PURPOSE OF CIRCULATING AIR VIA THE
7 ROTATION OF FAN BLADES.

8 (II) "CEILING FAN LIGHT KIT" MEANS THE EQUIPMENT DESIGNED
9 TO PROVIDE LIGHT FROM A CEILING FAN. THIS EQUIPMENT CAN BE:

10 1. INTEGRAL, SUCH THAT THE CEILING FAN LIGHT KIT IS
11 HARDWIRED TO THE CEILING FAN; OR

12 2. ATTACHABLE, SUCH THAT AT THE TIME OF SALE THE
13 CEILING FAN LIGHT KIT IS NOT PHYSICALLY ATTACHED TO THE FAN, BUT MAY BE
14 INCLUDED INSIDE THE CEILING FAN PACKAGE AT THE TIME OF SALE OR SOLD
15 SEPARATELY FOR SUBSEQUENT ATTACHMENT TO THE FAN.

16 (3) "COMMERCIAL CLOTHES WASHER" MEANS A SOFT MOUNT
17 FRONT-LOADING OR SOFT MOUNT TOP-LOADING CLOTHES WASHER THAT IS
18 DESIGNED FOR USE IN:

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

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

24 1. 3.5 CUBIC FEET FOR HORIZONTAL-AXIS CLOTHES
25 WASHERS; OR

26 2. 4.0 CUBIC FEET FOR VERTICAL-AXIS CLOTHES WASHERS.

27 (4) (I) "COMMERCIAL REFRIGERATION CABINET" MEANS A
28 REFRIGERATOR, FREEZER, OR REFRIGERATOR-FREEZER DESIGNED FOR USE BY
29 COMMERCIAL OR INSTITUTIONAL FACILITIES FOR THE PURPOSE OF STORING FOOD
30 PRODUCTS, ICE, OR OTHER PERISHABLE ITEMS AT SPECIFIED TEMPERATURES AND
31 THAT MAY BE CONFIGURED WITH EITHER SOLID OR TRANSPARENT DOORS AS A:

32 1. REACH-IN CABINET;

33 2. PASS-THROUGH CABINET;

34 3. ROLL-IN CABINET; OR

35 4. ROLL-THROUGH CABINET.

- 1 (II) "COMMERCIAL REFRIGERATION CABINET" DOES NOT INCLUDE:
2
3 VOLUME;
4
5 1. PRODUCTS WITH 85 CUBIC FEET OR MORE OF INTERNAL
6 NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1987 (PUBLIC LAW 100-12).
7
8 2. WALK-IN REFRIGERATORS OR WALK-IN FREEZERS; OR
9
10 3. CONSUMER PRODUCTS REGULATED UNDER THE
11
12 (5) "DIGITAL CABLE TELEVISION BOX" MEANS A DEVICE THAT ACTS AS A
13 TUNER FOR CABLE TELEVISION PROGRAMMING AND CONVERTS DIGITAL SIGNALS
14 RECEIVED FROM A CABLE SERVICE PROVIDER TO A SIGNAL USABLE BY A
15 TELEVISION SET.
16
17 (6) "DIGITAL TELEVISION CONVERTER BOX" MEANS A DEVICE THAT
18 RECEIVES AND DECODES DIGITAL SIGNALS FOR DISPLAY BY AN ANALOG TELEVISION
19 SET.
20
21 (7) "ILLUMINATED EXIT SIGN" MEANS AN INTERNALLY ILLUMINATED
22 SIGN THAT IS DESIGNED TO BE PERMANENTLY FIXED IN PLACE TO IDENTIFY AN
23 EXIT AND THE BACKGROUND OF WHICH IS NOT TRANSPARENT.
24
25 (8) "LARGE PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
26 PACKAGED AIR-CONDITIONING EQUIPMENT WITH OVER 20 TONS OF COOLING
27 CAPACITY.
28
29 (9) "LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMER" MEANS A
30 DISTRIBUTION TRANSFORMER THAT:
31
32 (I) HAS AN INPUT VOLTAGE OF 600 VOLTS OR LESS;
33
34 (II) IS AIR-COOLED; AND
35
36 (III) DOES NOT USE OIL AS A COOLANT.
37
38 (10) "PACKAGED AIR-CONDITIONING EQUIPMENT" MEANS
39 AIR-CONDITIONING EQUIPMENT THAT IS BUILT AS A PACKAGE AND SHIPPED AS A
40 WHOLE TO END-USER SITES.
41
42 (11) "PASS-THROUGH CABINET" MEANS A COMMERCIAL REFRIGERATOR
43 OR COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS ON BOTH THE FRONT
44 AND REAR OF THE REFRIGERATOR OR FREEZER.
45
46 (12) "REACH-IN CABINET" MEANS A COMMERCIAL REFRIGERATOR OR
47 COMMERCIAL FREEZER, OR COMMERCIAL REFRIGERATOR-FREEZER WITH HINGED
48 OR SLIDING DOORS OR LIDS, BUT EXCLUDES ROLL-IN OR ROLL-THROUGH CABINETS
49 AND PASS-THROUGH CABINETS.

1 (13) "ROLL-IN CABINET" MEANS A COMMERCIAL REFRIGERATOR OR
2 COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS THAT ALLOWS WHEELED
3 RACKS OF PRODUCT TO BE ROLLED INTO THE REFRIGERATOR OR FREEZER.

4 (14) "ROLL-THROUGH CABINET" MEANS A COMMERCIAL REFRIGERATOR
5 OR COMMERCIAL FREEZER WITH HINGED OR SLIDING DOORS THAT ALLOWS
6 WHEELED RACKS OF PRODUCT TO BE ROLLED THROUGH THE REFRIGERATOR OR
7 FREEZER.

8 (15) "SET-TOP BOX" MEANS A DIGITAL CABLE TELEVISION BOX,
9 WIRELESS TELEVISION RECEIVER, OR DIGITAL TELEVISION CONVERTER BOX.

10 (16) "TORCHIERE LIGHTING FIXTURE" MEANS A PORTABLE ELECTRIC
11 LIGHTING FIXTURE WITH A REFLECTOR BOWL GIVING LIGHT DIRECTED UPWARD SO
12 AS TO GIVE INDIRECT ILLUMINATION.

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

16 (18) "TRAFFIC SIGNAL MODULE" MEANS A STANDARD 8-INCH (200MM) OR
17 12-INCH (300MM) ROUND TRAFFIC SIGNAL INDICATION THAT:

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

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

22 (19) "TRANSFORMER" MEANS A DEVICE CONSISTING ESSENTIALLY OF
23 TWO OR MORE COILS OF INSULATED WIRE THAT TRANSFERS ALTERNATING
24 CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER IN
25 ORDER TO CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.

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

28 1. IS DESIGNED TO BE INSTALLED WITHIN THE HEATED
29 SPACE; AND

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

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

35 (21) "WIRELESS TELEVISION RECEIVER" MEANS A DEVICE USED IN
36 CONJUNCTION WITH A DISH ANTENNA TO RECEIVE SATELLITE OR OTHER WIRELESS

1 TELEVISION PROGRAMMING, AND THAT CONVERTS SIGNALS FROM A DISH ANTENNA
2 FOR USE BY A TELEVISION SET.

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

6 (I) TORCHIERE LIGHTING FIXTURES;

7 (II) UNIT HEATERS;

8 (III) LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS;

9 (IV) CEILING FANS AND CEILING FAN LIGHT KITS;

10 (V) TRAFFIC SIGNAL MODULES;

11 (VI) ILLUMINATED EXIT SIGNS;

12 (VII) COMMERCIAL REFRIGERATION CABINETS;

13 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT;

14 (IX) SET-TOP BOXES; AND

15 (X) COMMERCIAL CLOTHES WASHERS.

16 (2) THIS SECTION DOES NOT APPLY TO:

17 (I) NEW PRODUCTS MANUFACTURED IN THE STATE AND SOLD
18 OUTSIDE THE STATE;

19 (II) NEW PRODUCTS MANUFACTURED OUTSIDE THE STATE AND
20 SOLD AT WHOLESALE INSIDE THE STATE FOR FINAL RETAIL SALE AND
21 INSTALLATION OUTSIDE THE STATE;

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

24 (IV) PRODUCTS DESIGNED EXPRESSLY FOR INSTALLATION AND USE
25 IN RECREATIONAL VEHICLES.

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

29 (2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING MINIMUM
30 EFFICIENCY STANDARDS:

1 (I) TORCHIERE FIXTURES MAY NOT CONSUME MORE THAN 190
 2 WATTS AND MAY NOT BE CAPABLE OF OPERATING WITH LAMPS THAT TOTAL MORE
 3 THAN 190 WATTS;

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

6 (III) THE EFFICIENCY OF ALL LOW-VOLTAGE DRY-TYPE
 7 DISTRIBUTION TRANSFORMERS SHALL BE NOT LESS THAN THE VALUES SHOWN IN
 8 TABLE 4-2 OF NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION STANDARD
 9 TP-1-2002;

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

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

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

23 (VII) COMMERCIAL REFRIGERATION CABINETS SHALL MEET THE
 24 REQUIREMENTS SHOWN IN THE FOLLOWING TABLE IN WHICH "V" MEANS TOTAL
 25 VOLUME IN CUBIC FEET AND "AV" MEANS ADJUSTED VOLUME, WHICH IS THE SUM OF
 26 THE VOLUME OF REFRIGERATED SPACE AND 1.63 TIMES THE VOLUME OF FREEZER
 27 SPACE:

28 EQUIPMENT TYPE	MAXIMUM DAILY 29 ENERGY CONSUMPTION 30 (KILOWATT HOURS)
31 REACH-IN CABINETS, PASS-THROUGH 32 CABINETS, AND ROLL-IN OR 33 ROLL-THROUGH CABINETS THAT ARE 34 REFRIGERATORS WITH SOLID DOORS	0.125V + 2.76
35 REACH-IN CABINETS, PASS-THROUGH 36 CABINETS, AND ROLL-IN OR 37 ROLL-THROUGH CABINETS THAT ARE 38 REFRIGERATORS WITH TRANSPARENT 39 DOORS	0.172V + 4.77
40 REACH-IN CABINETS, PASS-THROUGH 41 CABINETS, AND ROLL-IN OR 42 ROLL-THROUGH CABINETS THAT ARE 43 FREEZERS WITH SOLID DOORS	0.398V + 2.28

1 REACH-IN CABINETS, PASS-THROUGH 0.940V + 5.10
2 CABINETS, AND ROLL-IN OR
3 ROLL-THROUGH CABINETS THAT ARE
4 FREEZERS WITH TRANSPARENT DOORS

5 REACH-IN CABINETS THAT 0.273AV + 1.65
6 ARE REFRIGERATOR-FREEZERS WITH
7 SOLID DOORS

8 (VIII) LARGE PACKAGED AIR-CONDITIONING EQUIPMENT SHALL
9 MEET THE TIER II REQUIREMENTS OF THE "MINIMUM EQUIPMENT EFFICIENCIES
10 FOR UNITARY COMMERCIAL AIR CONDITIONERS" OR "MINIMUM EQUIPMENT
11 EFFICIENCIES FOR HEAT PUMPS", AS APPROPRIATE, DEVELOPED BY THE
12 CONSORTIUM FOR ENERGY EFFICIENCY, BOSTON, MASSACHUSETTS, AS IN EFFECT
13 ON JANUARY 1, 2002;

14 (IX) SET-TOP BOXES SHALL MEET THE TIER 2 CRITERIA OF THE
15 "ENERGY STAR PROGRAM REQUIREMENTS FOR SET-TOP BOXES" DEVELOPED BY THE
16 U.S. ENVIRONMENTAL PROTECTION AGENCY AND THAT TOOK EFFECT ON JANUARY
17 1, 2001; AND

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

23 (D) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
24 PARAGRAPH, ON OR AFTER JANUARY 1, 2005, A NEW PRODUCT OF ANY TYPE SET
25 FORTH IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE SOLD OR OFFERED FOR
26 SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR
27 EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS ADOPTED
28 UNDER SUBSECTION (C) OF THIS SECTION.

29 (II) WITH RESPECT TO COMMERCIAL CLOTHES WASHERS, WATER
30 EFFICIENCY STANDARDS MAY NOT TAKE EFFECT UNTIL JANUARY 1, 2007.

31 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, ON OR AFTER JANUARY 1, 2006, A NEW PRODUCT OF A TYPE SET FORTH
33 IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT BE INSTALLED IN THE STATE
34 UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE
35 EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS ADOPTED UNDER
36 SUBSECTION (C) OF THIS SECTION.

37 (II) COMMERCIAL CLOTHES WASHERS THAT DO NOT MEET THE
38 WATER EFFICIENCY STANDARDS UNDER SUBSECTION (C)(2)(X) OF THIS SECTION MAY
39 BE INSTALLED IN THE STATE UNTIL JANUARY 1, 2008.

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

4 (4) ON REQUEST OF A MARYLAND BUSINESS OR CONSUMER AND AFTER
5 PUBLIC NOTICE AND COMMENT, THE ADMINISTRATION MAY DELAY THE EFFECTIVE
6 DATE OF ANY STANDARD UNDER THIS SECTION BY NOT MORE THAN 1 YEAR IF THE
7 ADMINISTRATION DETERMINES THAT PRODUCTS CONFORMING TO THE STANDARD
8 WILL NOT BE WIDELY AVAILABLE IN MARYLAND BY THE APPLICABLE DATE STATED
9 IN PARAGRAPH (1) OF THIS SUBSECTION.

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

12 (F) (1) THE ADMINISTRATION SHALL ADOPT PROCEDURES FOR TESTING
13 THE ENERGY EFFICIENCY OF THE NEW PRODUCTS LISTED IN SUBSECTION (B)(1) OF
14 THIS SECTION IF TESTING PROCEDURES ARE NOT PROVIDED FOR IN THE MARYLAND
15 BUILDING PERFORMANCE STANDARDS.

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

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

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

26 (2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
27 THE CERTIFICATION OF NEW PRODUCTS AND MAY COORDINATE WITH THE
28 CERTIFICATION PROGRAMS OF OTHER STATES WITH SIMILAR STANDARDS.

29 (H) (1) MANUFACTURERS OF NEW PRODUCTS LISTED IN SUBSECTION (B)(1)
30 OF THIS SECTION SHALL IDENTIFY EACH PRODUCT OFFERED FOR SALE OR
31 INSTALLATION IN THE STATE AS IN COMPLIANCE WITH THE MINIMUM EFFICIENCY
32 STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION BY MEANS OF A
33 MARK, LABEL, OR TAG ON THE PRODUCT AND PACKAGING AT THE TIME OF SALE OR
34 INSTALLATION.

35 (2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING
36 THE IDENTIFICATION OF SUCH PRODUCTS AND PACKAGING WHICH SHALL BE
37 COORDINATED TO THE GREATEST PRACTICAL EXTENT WITH THE LABELING
38 PROGRAMS AND REQUIREMENTS OF OTHER STATES AND FEDERAL AGENCIES WITH
39 EQUIVALENT EFFICIENCY STANDARDS.

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

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

6 (I) CHARGE THE MANUFACTURER OF THE PRODUCT FOR THE
7 COST OF PRODUCT PURCHASE AND TESTING; AND

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

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

14 (2) THE ADMINISTRATION SHALL COORDINATE WITH THE DEPARTMENT
15 OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING INSPECTIONS OF
16 BUILDING SITES CONTAINING NEW PRODUCTS THAT ARE ALSO COVERED BY THE
17 MARYLAND BUILDING PERFORMANCE STANDARDS.

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

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

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

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

29 (5) EACH VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE
30 OFFENSE AND EACH DAY THAT A VIOLATION CONTINUES SHALL CONSTITUTE A
31 SEPARATE OFFENSE.

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

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

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 July 1, 2003.

