

HOUSE BILL 909

M3, C8

71r0878
CF SB 674

By: **Delegates Bronrott, Ali, Barkley, Barnes, Barve, Beidle, Bobo, Burns, Cane, Cardin, V. Clagett, Dumais, Elmore, Feldman, Frush, Gaines, George, Gilchrist, Glenn, Goldwater, Gutierrez, Guzzone, Harrison, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Kaiser, N. King, Kirk, Kramer, Krysiak, Lafferty, Lawton, Lee, Love, Manno, Mizeur, Montgomery, Morhaim, Niemann, Pena-Melnyk, Pendergrass, Riley, Rosenberg, Shewell, Stein, Taylor, F. Turner, Vaughn, and Waldstreicher**

Introduced and read first time: February 9, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Energy Efficiency Standards Act of 2007**

3 FOR the purpose of requiring the Public Service Commission to adopt certain
4 regulations concerning the purchase of certain equipment by electric companies;
5 requiring the Maryland Energy Administration to adopt regulations by a
6 certain date to establish certain minimum energy efficiency standards for
7 certain new products sold in the State; prohibiting certain new products from
8 being sold or offered for sale in the State on or after certain dates unless the
9 products meet the minimum energy efficiency standards; authorizing the
10 Administration to adopt regulations to exempt compliance with certain
11 standards; requiring the Administration, in consultation with the Attorney
12 General, to make certain determinations; requiring the Administration to apply
13 for certain waivers of federal preemption under certain circumstances;
14 prohibiting certain new products from being installed in the State on or after a
15 certain date unless the products meet or exceed the minimum energy efficiency
16 standards; authorizing the Administration to adopt regulations to establish
17 increased energy efficiency standards for certain new products sold in the State
18 under certain circumstances; authorizing the Administration to adopt
19 regulations to establish energy efficiency standards for certain other products

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under certain circumstances; defining certain terms; providing for the
2 application of this Act; and generally relating to energy efficiency standards for
3 certain products.

4 BY repealing and reenacting, without amendments,
5 Article – Public Utility Companies
6 Section 1–101(a)
7 Annotated Code of Maryland
8 (1998 Volume and 2006 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Public Utility Companies
11 Section 1–101(p) through (pp)
12 Annotated Code of Maryland
13 (1998 Volume and 2006 Supplement)

14 BY adding to
15 Article – Public Utility Companies
16 Section 1–101(p) and (oo) and 7–212
17 Annotated Code of Maryland
18 (1998 Volume and 2006 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 9–2006
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2006 Supplement)

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

26 **Article – Public Utility Companies**

27 1–101.

28 (a) In this article the following words have the meanings indicated.

29 (P) **“LIQUID–IMMERSED DISTRIBUTION TRANSFORMER” MEANS A**
30 **TRANSFORMER THAT:**

31 (1) **HAS AN INPUT VOLTAGE OF 34,500 VOLTS OR LESS;**

- 1 **(2) HAS AN OUTPUT VOLTAGE OF 600 VOLTS OR LESS;**
2 **(3) USES OIL OR OTHER LIQUID AS A COOLANT; AND**
3 **(4) IS RATED FOR OPERATION AT A FREQUENCY OF 60 HERTZ.**

4 **[(p)] (Q)** “Marketer” means a person who purchases and takes title to
5 electricity or gas as an intermediary for sale to a customer.

6 **[(q)] (R)** “Municipal electric utility” means a municipal corporation, or a
7 division of a municipal corporation, that is in the business of transmitting or
8 distributing electricity for purposes other than end use by the municipal corporation.

9 **[(r)] (S)** “On-site generated electricity” means electricity that:

10 (1) is not transmitted or distributed over an electric company’s
11 transmission or distribution system; or

12 (2) is generated at a facility owned or operated by an electric customer
13 or operated by a designee of the owner who, with the other tenants of the facility,
14 consumes at least 80% of the power generated by the facility each year.

15 **[(s)] (T)** “Own” includes own, operate, lease to or from, manage, or control.

16 **[(t)] (U)** “Person” means an individual, receiver, trustee, guardian, personal
17 representative, fiduciary, or representative of any kind and any partnership, firm,
18 association, corporation, or other entity.

19 **[(u)] (V)** “Plant” includes all material, equipment, and property owned by a
20 public service company and used or to be used for or in connection with a public utility
21 service.

22 **[(v)] (W)** “Proceeding” includes an action, complaint, hearing, investigation,
23 trial, appeal, order, or similar matter pending before, made, or conducted by an official
24 body.

25 **[(w)] (X)** “Public service company” means a common carrier company,
26 electric company, gas company, sewage disposal company, telegraph company,
27 telephone company, water company, or any combination of public service companies.

1 [(x)] (Y) (1) “Railroad” means a common carrier by rail powered in any
2 manner.

3 (2) “Railroad” includes material, equipment, and property used on or
4 in connection with a railroad.

5 [(y)] (Z) (1) “Rate” means a toll, fare, tariff, fee, price, or other charge, or
6 a combination of these items, by a public service company for public utility service.

7 (2) “Rate” includes a schedule, regulation, classification, or practice of
8 a public service company that affects:

9 (i) the amount of a charge; or

10 (ii) the nature and value of the service rendered for the charge.

11 [(z)] (AA) (1) “Record” means the original or a copy of any documentary
12 material.

13 (2) “Record” includes an account, book, chart, contract, document, file,
14 map, paper, profile, report, or schedule.

15 [(aa)] (BB) “Renewable energy resource” means one or more of the following
16 sources of energy, energy technology, or related credit:

17 (1) solar;

18 (2) wind;

19 (3) tidal;

20 (4) geothermal;

21 (5) biomass, including waste-to-energy and landfill gas recovery;

22 (6) hydroelectric facilities;

23 (7) digester gas; and

24 (8) a manufacturing or commercial waste-to-energy system or facility.

1 [(bb)] (CC) (1) “Retail electric customer” means a purchaser of electricity
2 for end use in the State.

3 (2) “Retail electric customer” excludes:

4 (i) an occupant of a building in which the owner/operator or
5 lessee/operator manages the internal distribution system serving the building and
6 supplies electricity and electricity supply services solely to occupants of the building
7 for use by the occupants; and

8 (ii) a person who generates on-site generated electricity, to the
9 extent the on-site generated electricity is consumed by that person or its tenants.

10 [(cc)] (DD) (1) “Retail gas customer” means a purchaser of gas for end use
11 in the State.

12 (2) “Retail gas customer” excludes an occupant of a building in which
13 the owner/operator or lessee/operator manages the internal distribution system
14 serving the building and supplies gas and gas supply services solely to occupants of
15 the building for use by the occupants.

16 [(dd)] (EE) “Sewage disposal company” means a privately-owned public
17 service company that owns or maintains facilities for the disposal of sewage.

18 [(ee)] (FF) “Small rural electric cooperative” means an electric company that:

19 (1) serves only the consumers that exclusively own and control the
20 company;

21 (2) conducts its business on a not-for-profit basis; and

22 (3) supplies electricity to less than 1,000 electric meters in the State.

23 [(ff)] (GG) “State” means:

24 (1) a state, possession, territory, or commonwealth of the United
25 States; or

26 (2) the District of Columbia.

27 [(gg)] (HH) “Street railroad” means a railroad:

1 (1) that is not part of a trunk line railway system; and

2 (2) whose routes are mainly within Baltimore City or a municipal
3 corporation with a population of at least 2,000.

4 [(hh)] (II) (1) "Taxicab" means a motor vehicle for hire that:

5 (i) is designed to carry seven or fewer individuals, including the
6 driver; and

7 (ii) is used to accept or solicit passengers for transportation
8 between points along public streets as the passengers request.

9 (2) "Taxicab" does not include a motor vehicle operated on a regular
10 schedule and between fixed points with the approval of the Commission as defined in
11 Title 11 of the Transportation Article.

12 [(ii)] (JJ) "Telegraph company" means a public service company that:

13 (1) owns telegraph lines to receive, transmit, or communicate
14 telegraphic communications; or

15 (2) leases, licenses, or sells telegraphic communications.

16 [(jj)] (KK) "Telegraph lines" means the material, equipment, and property
17 owned by a telegraph company and used or to be used for or in connection with
18 telegraph service.

19 [(kk)] (LL) (1) "Telephone company" means a public service company that:

20 (i) owns telephone lines to receive, transmit, or communicate
21 telephone or teletype communications; or

22 (ii) leases, licenses, or sells telephone or teletype
23 communications.

24 (2) "Telephone company" does not include a cellular telephone
25 company.

26 [(ll)] (MM) "Telephone lines" means the material, equipment, and property
27 owned by a telephone company and used or to be used for or in connection with
28 telephone service.

1 [(mm)] (NN) “Toll bridge” means a bridge operated by a person authorized by
2 the Commission to charge and collect toll from traffic using the bridge.

3 (OO) “TRANSFORMER” MEANS A DEVICE CONSISTING OF TWO OR MORE
4 COILS OF INSULATED WIRE THAT IS DESIGNED TO TRANSFER ALTERNATING
5 CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER TO
6 CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.

7 [(nn)] (PP) (1) “Transportation of persons for hire” means the
8 transportation of persons by:

9 (i) regularly scheduled operations;

10 (ii) charter or contract operations; or

11 (iii) tour or sightseeing operations.

12 (2) “Transportation of persons for hire” includes the transportation of
13 persons, whether on the cooperative plan, carried by a corporation, group, or
14 association engaged in the transportation of its stockholders, shareholders, or
15 members.

16 [(oo)] (QQ) “Water company” means a public service company that owns a
17 water plant and sells or distributes water for gain.

18 [(pp)] (RR) “Water plant” means the material, equipment, and property owned
19 by a water company and used or to be used for or in connection with water service.

20 **7-212.**

21 (A) ON OR BEFORE JULY 1, 2008, THE COMMISSION SHALL ADOPT
22 REGULATIONS GOVERNING THE PURCHASE OF LIQUID-IMMERSED
23 DISTRIBUTION TRANSFORMERS BY ELECTRIC COMPANIES.

24 (B) THE REGULATIONS SHALL ENSURE THAT, SUBJECT TO
25 AVAILABILITY, PURCHASES OF LIQUID-IMMERSED DISTRIBUTION
26 TRANSFORMERS BY ELECTRIC COMPANIES OCCURRING ON OR AFTER JANUARY
27 1, 2009, ARE BASED ON THE LIFE-CYCLE COST METHODOLOGY CONTAINED IN
28 SECTION 2 OF STANDARD TP-1-2002 PUBLISHED BY THE NATIONAL
29 ELECTRICAL MANUFACTURERS ASSOCIATION.

1 **Article – State Government**

2 9–2006.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) **“BALLAST” MEANS A DEVICE USED WITH AN ELECTRIC**
5 **DISCHARGE LAMP TO OBTAIN NECESSARY CIRCUIT CONDITIONS, INCLUDING**
6 **VOLTAGE, CURRENT, AND WAVEFORM, FOR STARTING AND OPERATING THE**
7 **LAMP.**

8 (3) **“BOTTLE–TYPE WATER DISPENSER” MEANS A WATER**
9 **DISPENSER THAT USES A BOTTLE OR RESERVOIR AS THE SOURCE OF POTABLE**
10 **WATER.**

11 ~~[(2)]~~ (4) “Ceiling fan” means a nonportable device that is suspended
12 from a ceiling for the purpose of circulating air via the rotation of fan blades.

13 ~~[(3)]~~ (5) “Ceiling fan light kit” means equipment designed to provide
14 light from a ceiling fan, which can be:

15 (i) integral, such that the equipment is hardwired to the ceiling
16 fan; or

17 (ii) attachable, such that at the time of sale the equipment is
18 not physically attached to the ceiling fan but may be included inside the ceiling fan
19 package at the time of sale or sold separately for subsequent attachment to the fan.

20 ~~[(4)]~~ (6) “Commercial clothes washer” means a soft mount
21 front–loading or soft mount top–loading clothes washer that is designed for use in:

22 (i) applications where the occupants of more than one
23 household will be using it, including multifamily housing common areas and coin
24 laundries; or

25 (ii) other commercial applications, if the clothes container
26 compartment is not greater than:

27 1. 3.5 cubic feet for horizontal–axis clothes washers; or

28 2. 4.0 cubic feet for vertical–axis clothes washers.

1 **(7) (I) “COMMERCIAL HOT FOOD HOLDING CABINET” MEANS A**
2 **HEATED, FULLY ENCLOSED COMPARTMENT WITH ONE OR MORE SOLID OR**
3 **GLASS DOORS THAT IS DESIGNED TO MAINTAIN THE TEMPERATURE OF HOT**
4 **FOOD THAT HAS BEEN COOKED IN A SEPARATE APPLIANCE.**

5 **(II) “COMMERCIAL HOT FOOD HOLDING CABINET” DOES**
6 **NOT INCLUDE A HEATED GLASS MERCHANDIZING CABINET, DRAWER WARMER,**
7 **OR COOK-AND-HOLD APPLIANCE.**

8 **[(5)] (8) (i) “Commercial refrigeration cabinet” means a**
9 **refrigerator, freezer, or refrigerator-freezer designed for use by commercial or**
10 **institutional facilities for the purpose of storing food products, ice, or other perishable**
11 **items at specified temperatures and that may be configured with either solid or**
12 **transparent doors as a:**

- 13 1. reach-in cabinet;
- 14 2. pass-through cabinet;
- 15 3. roll-in cabinet; or
- 16 4. roll-through cabinet.

17 (ii) “Commercial refrigeration cabinet” does not include:

- 18 1. a product with 85 cubic feet or more of internal
19 volume;
- 20 2. a walk-in refrigerator or walk-in freezer;
- 21 3. a consumer product regulated under the National
22 Appliance Energy Conservation Act of 1987 (Public Law 100-12); or
- 23 4. any refrigerator, freezer, or refrigerator-freezer
24 designed and marketed exclusively for medical, scientific, or research purposes.

25 **(9) (I) “COMPACT AUDIO PRODUCT”, ALSO KNOWN AS A MINI,**
26 **MID, MICRO, OR SHELF AUDIO SYSTEM, MEANS AN INTEGRATED AUDIO SYSTEM**
27 **ENCASED IN A SINGLE HOUSING THAT INCLUDES AN AMPLIFIER AND RADIO**

1 TUNER AND ATTACHED OR SEPARABLE SPEAKERS, THAT CAN REPRODUCE
2 AUDIO FROM ONE OR MORE OF THE FOLLOWING MEDIA:

- 3 1. MAGNETIC TAPE;
- 4 2. COMPACT DISC (CD);
- 5 3. DIGITAL VERSATILE DISC (DVD); OR
- 6 4. FLASH MEMORY.

7 (II) "COMPACT AUDIO PRODUCT" DOES NOT INCLUDE A
8 PRODUCT THAT:

- 9 1. CAN BE INDEPENDENTLY POWERED BY INTERNAL
10 BATTERIES;
- 11 2. HAS A POWERED EXTERNAL SATELLITE ANTENNA;
- 12 OR
- 13 3. CAN PROVIDE A VIDEO OUTPUT SIGNAL.

14 (10) "DIGITAL VERSATILE DISC" OR "DVD" MEANS A
15 LASER-ENCODED PLASTIC MEDIUM CAPABLE OF STORING A LARGE AMOUNT OF
16 DIGITAL AUDIO, VIDEO, AND COMPUTER DATA.

17 (11) (I) "DIGITAL VERSATILE DISC PLAYER" AND "DIGITAL
18 VERSATILE DISC RECORDER" MEAN COMMERCIALY AVAILABLE ELECTRONIC
19 PRODUCTS ENCASED IN A SINGLE HOUSING THAT INCLUDE AN INTEGRAL
20 POWER SUPPLY AND FOR WHICH THE SOLE PURPOSE IS THE DECODING AND
21 PRODUCTION OR RECORDING OF DIGITIZED VIDEO SIGNAL ON A DVD.

22 (II) "DIGITAL VERSATILE DISC RECORDER" DOES NOT
23 INCLUDE A MODEL THAT HAS AN ELECTRONIC PROGRAMMING GUIDE FUNCTION
24 THAT PROVIDES AN INTERACTIVE, ON-SCREEN MENU OF TELEVISION LISTINGS,
25 AND THAT DOWNLOADS PROGRAM INFORMATION FROM THE VERTICAL
26 BLANKING INTERVAL OF A REGULAR TELEVISION SIGNAL.

1 **(12) (I) “ELECTRICITY RATIO” IS THE RATIO OF FURNACE**
2 **ELECTRICITY USE TO TOTAL FURNACE ENERGY USE.**

3 **(II) “ELECTRICITY RATIO” IS EQUAL TO A FRACTION:**

4 **1. THE NUMERATOR OF WHICH IS 3.412 TIMES THE**
5 **AVERAGE ANNUAL AUXILIARY ELECTRICAL CONSUMPTION AS DEFINED IN**
6 **APPENDIX N TO SUBPART B OF PART 430 OF TITLE 10 OF THE CODE OF**
7 **FEDERAL REGULATIONS; AND**

8 **2. THE DENOMINATOR OF WHICH IS THE SUM OF:**

9 **A. 1,000 TIMES THE AVERAGE ANNUAL FUEL ENERGY**
10 **CONSUMPTION AS DEFINED IN APPENDIX N TO SUBPART B OF PART 430 OF**
11 **TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, EXPRESSED IN MILLIONS**
12 **OF B.T.U. PER YEAR; AND**

13 **B. THE AMOUNT CALCULATED FOR THE**
14 **NUMERATOR.**

15 **(13) “HIGH-INTENSITY DISCHARGE LAMP” MEANS A LAMP IN**
16 **WHICH:**

17 **(I) LIGHT IS PRODUCED BY THE PASSAGE OF AN ELECTRIC**
18 **CURRENT THROUGH A VAPOR OR GAS;**

19 **(II) THE LIGHT-PRODUCING ARC IS STABILIZED BY BULB**
20 **WALL TEMPERATURE; AND**

21 **(III) THE ARC TUBE HAS A BULB WALL LOADING IN EXCESS**
22 **OF 3 WATTS PER SQUARE CENTIMETER.**

23 **[(6)] (14) “Illuminated exit sign” means an internally illuminated sign**
24 **that is designed to be permanently fixed in place to identify an exit and the**
25 **background of which is not transparent.**

26 **[(7)] (15) “Large packaged air-conditioning equipment” means**
27 **packaged air-conditioning equipment with at least 20 tons but not more than 80 tons**
28 **of cooling capacity.**

1 **[(8)] (16)** (i) “Low-voltage dry-type distribution transformer”
2 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” does not
7 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 portion of the
10 secondary voltage is derived from the primary winding;
- 11 2. a drive transformer designed only to provide power to
12 operate an electronic variable speed motor drive;
- 13 3. a grounding transformer designed only to provide a
14 system ground reference point;
- 15 4. a harmonic transformer designed to supply a load
16 with a higher than normal harmonic current level and that has a k-rating of k-4 or
17 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 provide
21 power to machine tool equipment;
- 22 7. a rectifier transformer designed to provide power only
23 to a rectifier circuit and that has a nameplate rating for both the fundamental
24 frequency power rating and the RMS power rating;
- 25 8. a regulating transformer with automatic tap
26 changers;
- 27 9. a sealed and nonventilating transformer designed to
28 prevent airflow through the transformer;

1 10. a testing transformer designed only as part of, or to
2 supply power to, electrical test equipment;

3 11. a UPS transformer designed only as an integral part
4 of an uninterruptible power system; or

5 12. a welding transformer designed only to provide power
6 to welding equipment.

7 **(17) “METAL HALIDE LAMP” MEANS A HIGH INTENSITY**
8 **DISCHARGE LAMP IN WHICH THE MAJOR PORTION OF THE LIGHT IS PRODUCED**
9 **BY RADIATION OF METAL HALIDES AND THEIR PRODUCTS OF DISSOCIATION,**
10 **AND POSSIBLY IN COMBINATION WITH METALLIC VAPORS.**

11 **(18) “METAL HALIDE LAMP FIXTURE” MEANS A LIGHT FIXTURE**
12 **DESIGNED TO BE OPERATED WITH A METAL HALIDE LAMP AND A BALLAST FOR A**
13 **METAL HALIDE LAMP.**

14 [(9)] **(19)** “Packaged air-conditioning equipment” means
15 air-conditioning equipment that is built as a package and shipped as a whole to
16 end-user sites.

17 [(10)] **(20)** “Pass-through cabinet” means a commercial refrigerator or
18 commercial freezer with hinged or sliding doors on both the front and rear of the
19 refrigerator or freezer.

20 **(21) “PROBE-START METAL HALIDE BALLAST” MEANS A BALLAST**
21 **USED TO OPERATE METAL HALIDE LAMPS, THAT:**

22 **(I) DOES NOT CONTAIN AN IGNITER; AND**

23 **(II) STARTS LAMPS BY USING A THIRD STARTING**
24 **ELECTRODE PROBE IN THE ARC TUBE.**

25 [(11)] **(22)** (i) “Reach-in cabinet” means a commercial refrigerator,
26 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or
27 lids.

28 (ii) “Reach-in cabinet” does not include a roll-in or roll-through
29 cabinet or a pass-through cabinet.

1 **(23) “RESIDENTIAL FURNACE” MEANS A SELF-CONTAINED SPACE**
2 **HEATER THAT:**

3 **(I) IS DESIGNED TO SUPPLY HEATED AIR THROUGH DUCTS**
4 **OF MORE THAN 10 INCHES IN LENGTH;**

5 **(II) USES SINGLE-PHASE ELECTRIC CURRENT OR DC**
6 **CURRENT IN CONJUNCTION WITH NATURAL GAS OR PROPANE; AND**

7 **(III) 1. IS DESIGNED TO BE THE PRINCIPAL HEATING**
8 **SOURCE FOR THE LIVING SPACE OF ONE OR MORE RESIDENCES;**

9 **2. IS NOT CONTAINED WITHIN THE SAME CABINET**
10 **WITH A CENTRAL AIR CONDITIONER WHOSE RATED COOLING CAPACITY IS**
11 **ABOVE 65,000 B.T.U. PER HOUR; AND**

12 **3. HAS A HEAT INPUT RATE OF LESS THAN 225,000**
13 **B.T.U. PER HOUR.**

14 [(12)] **(24) “Retailer” means a person engaged in the business of**
15 **making retail sales within the State.**

16 [(13)] **(25) “Roll-in cabinet” means a commercial refrigerator or**
17 **commercial freezer with hinged or sliding doors that allow wheeled racks of product to**
18 **be rolled into the refrigerator or freezer.**

19 [(14)] **(26) “Roll-through cabinet” means a commercial refrigerator or**
20 **commercial freezer with hinged or sliding doors that allow wheeled racks of product to**
21 **be rolled through the refrigerator or freezer.**

22 **(27) “SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLY”**
23 **MEANS A DEVICE THAT:**

24 **(I) IS DESIGNED TO CONVERT LINE VOLTAGE AC INPUT**
25 **INTO LOWER VOLTAGE DC OUTPUT;**

26 **(II) IS ABLE TO CONVERT TO ONLY ONE DC OUTPUT**
27 **VOLTAGE AT A TIME;**

1 (III) IS SOLD WITH, OR INTENDED TO BE USED WITH, A
2 SEPARATE END-USE PRODUCT THAT CONSTITUTES THE PRIMARY POWER LOAD;

3 (IV) IS CONTAINED WITHIN A SEPARATE PHYSICAL
4 ENCLOSURE FROM THE END-USE PRODUCT;

5 (V) IS CONNECTED TO THE END-USE PRODUCT THROUGH A
6 REMOVABLE OR HARD-WIRED MALE/FEMALE ELECTRICAL CONNECTION, CABLE,
7 CORD, OR OTHER WIRING;

8 (VI) DOES NOT HAVE A BATTERY OR BATTERY PACK,
9 REMOVABLE OR OTHERWISE, THAT PHYSICALLY ATTACH DIRECTLY TO THE
10 POWER SUPPLY UNIT;

11 (VII) DOES NOT HAVE A BATTERY CHEMISTRY OR TYPE
12 SELECTOR SWITCH AND INDICATOR LIGHT OR DOES NOT HAVE A BATTERY
13 CHEMISTRY OR TYPE SELECTOR SWITCH AND A STATE-OF-CHARGE METER; AND

14 (VIII) HAS A NAMEPLATE OUTPUT POWER NOT EXCEEDING 250
15 WATTS.

16 (28) "STATE-REGULATED INCANDESCENT REFLECTOR LAMP"
17 MEANS A LAMP, NOT COLORED OR DESIGNED FOR ROUGH OR VIBRATION
18 SERVICE APPLICATIONS:

19 (I) WITH AN INNER REFLECTIVE COATING ON THE OUTER
20 BULB TO DIRECT THE LIGHT;

21 (II) WITH AN E26 MEDIUM SCREW BASE;

22 (III) WITH A RATED VOLTAGE OR VOLTAGE RANGE THAT LIES
23 AT LEAST PARTIALLY WITHIN 115 TO 130 VOLTS; AND

24 (IV) THAT IS:

25 1. A BLOWN PAR (BPAR);

26 2. A BULGED REFLECTOR (BR);

1 **3. AN ELLIPTICAL REFLECTOR (ER) OR SIMILAR**
2 **BULB SHAPE WITH A DIAMETER EQUAL TO OR GREATER THAN 2.25 INCHES; OR**

3 **4. A REFLECTOR (R), PARABOLIC ALUMINIZED**
4 **REFLECTOR (PAR), OR SIMILAR BULB SHAPE WITH A DIAMETER OF 2.25 TO 2.75**
5 **INCHES, INCLUSIVE.**

6 [(15)] **(29)** “Torchiere lighting fixture” means a portable electric
7 lighting fixture with a reflector bowl giving light directed upward so as to give indirect
8 illumination.

9 [(16)] **(30)** “Traffic signal” means a device consisting of a set of signal
10 lights operating in sequence and placed at intersections to regulate traffic.

11 [(17)] **(31)** “Traffic signal module” means a standard 8–inch (200mm) or
12 12–inch (300mm) round traffic signal indication that:

13 (i) consists of a light source, lens, full–color ball, and all parts
14 necessary for operation; and

15 (ii) communicates movement messages to drivers through red,
16 amber, and green colors.

17 [(18)] **(32)** “Transformer” means a device consisting essentially of two
18 or more coils of insulated wire that transfers alternating current by electromagnetic
19 induction from one coil to another in order to change the original voltage or current
20 value.

21 [(19)] **(33)** (i) “Unit heater” means a self–contained fan–type heater
22 that:

23 1. is designed to be installed within the heated space;
24 and

25 2. includes an apparatus or appliance to supply heat and
26 a fan for circulating air over a heat exchange surface, all enclosed in a common casing.

27 (ii) “Unit heater” does not include a “warm air furnace” as
28 defined under the federal Energy Policy Act of 1992.

- 1 (ii) unit heaters;
- 2 (iii) low-voltage dry-type distribution transformers;
- 3 (iv) ceiling fan light kits;
- 4 (v) red and green traffic signal modules;
- 5 (vi) illuminated exit signs;
- 6 (vii) commercial refrigeration cabinets;
- 7 (viii) large packaged air-conditioning equipment; [and]
- 8 (ix) commercial clothes washers;
- 9 **(X) BOTTLE-TYPE WATER DISPENSERS;**
- 10 **(XI) COMMERCIAL HOT FOOD HOLDING CABINETS;**
- 11 **(XII) COMPACT AUDIO PRODUCTS;**
- 12 **(XIII) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL**
13 **VERSATILE DISC RECORDERS;**
- 14 **(XIV) METAL HALIDE LAMP FIXTURES;**
- 15 **(XV) RESIDENTIAL FURNACES;**
- 16 **(XVI) SINGLE-VOLTAGE EXTERNAL AC TO DC POWER**
17 **SUPPLIES;**
- 18 **(XVII) STATE-REGULATED INCANDESCENT REFLECTOR**
19 **LAMPS;**
- 20 **(XVIII) WALK-IN REFRIGERATORS AND FREEZERS; AND**
- 21 **(XIX) ANY OTHER PRODUCTS THAT THE ADMINISTRATION**
22 **MAY DESIGNATE IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.**

1 (2) This section does not apply to:

2 (i) new products manufactured in the State and sold outside
3 the State;

4 (ii) new products manufactured outside the State and sold at
5 wholesale inside the State for final retail sale and installation outside the State;

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

8 (iv) products designed expressly for installation and use in
9 recreational vehicles.

10 (c) (1) On or before January 1, 2004, the Administration shall adopt
11 regulations establishing minimum efficiency standards for the types of new products
12 set forth in subsection (b)(1)(I) **THROUGH (IX)** of this section.

13 (2) The regulations shall provide for the following minimum efficiency
14 standards:

15 (i) torchiere fixtures may not consume more than 190 watts
16 and may not be capable of operating with lamps that total more than 190 watts;

17 (ii) unit heaters shall be equipped with an intermittent ignition
18 device and shall have either power venting or an automatic flue damper;

19 (iii) the efficiency of all low-voltage dry-type distribution
20 transformers may not be less than the values shown in Table 4-2 of National
21 Electrical Manufacturers Association Standard TP-1-2002;

22 (iv) ceiling fan light kits:

23 1. shall meet the Tier 1 lighting criteria of version 1.1 of
24 the product specification contained in the “Energy Star Program Requirements for
25 Residential Ceiling Fans”, developed by the U.S. Environmental Protection Agency
26 that took effect on January 1, 2002; and

27 2. may contain light sources that are not compact
28 fluorescent lamps but that have lumen-per-watt performance at least equivalent to

1 comparably configured compact fluorescent lamps meeting “Energy Star Program
2 Requirements for CFLS: Energy Efficiency Criteria – Version 3.0”;

3 (v) red and green traffic signal modules shall:

4 1. meet the requirements of the “Energy Star Program
5 Requirements for Traffic Signals” developed by the U.S. Environmental Protection
6 Agency that took effect in February 2001; and

7 2. be installed with compatible, electrically-connected
8 signal control interface devices and conflict monitoring systems;

9 (vi) illuminated exit signs shall meet the requirements of the
10 “Energy Star Program Requirements for Exit Signs – Version 2.0” developed by the
11 U.S. Environmental Protection Agency that took effect on January 1, 1999;

12 (vii) commercial refrigeration cabinets shall meet the
13 requirements shown in the following Table in which “V” means total volume in cubic
14 feet and “AV” means adjusted volume which is the sum of the volume of refrigerated
15 space and 1.63 times the volume of freezer space:

Equipment Type	Maximum Daily Energy Consumption (kilowatt hours)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with solid doors	0.125V + 2.76
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with transparent doors	0.172V + 4.77

1 Reach-in cabinets, pass-through 0.398V + 2.28
 2 cabinets, and roll-in or roll-through
 3 cabinets that are freezers with solid
 4 doors

5 Reach-in cabinets, pass-through 0.940V + 5.10
 6 cabinets, and roll-in or roll-through
 7 cabinets that are freezers with
 8 transparent doors

9 Reach-in cabinets that are 0.273AV + 1.65
 10 refrigerator-freezers with solid doors

11 (viii) large packaged air-conditioning equipment shall meet the
 12 Tier II requirements of the “Minimum Equipment Efficiencies for Unitary Commercial
 13 Air Conditioners” or “Minimum Equipment Efficiencies for Heat Pumps”, as
 14 appropriate, developed by the Consortium for Energy Efficiency, Boston,
 15 Massachusetts, as in effect on January 1, 2002; and

16 (ix) commercial clothes washers shall have a minimum modified
 17 energy factor of 1.26 and a maximum water consumption factor of 9.5, as measured in
 18 accordance with the federal test method for clothes washers as defined in 10 C.F.R.
 19 Section 430.23(j) (Appendix J1 to Subpart B of Part 430) (2001).

20 **(D) (1) ON OR BEFORE JANUARY 1, 2008, THE ADMINISTRATION**
 21 **SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS**
 22 **FOR THE TYPES OF NEW PRODUCTS SET FORTH IN SUBSECTION (B)(1)(X)**
 23 **THROUGH (XVIII) OF THIS SECTION.**

24 **(2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING**
 25 **MINIMUM EFFICIENCY STANDARDS:**

26 **(I) EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS**
 27 **SUBPARAGRAPH:**

1 **1. BOTTLE-TYPE WATER DISPENSERS DESIGNED**
2 **FOR DISPENSING BOTH HOT AND COLD WATER MAY NOT HAVE STANDBY ENERGY**
3 **CONSUMPTION GREATER THAN 1.2 KILOWATT-HOURS PER DAY, AS MEASURED**
4 **IN ACCORDANCE WITH THE TEST CRITERIA CONTAINED IN VERSION 1.1 OF THE**
5 **U.S. ENVIRONMENTAL PROTECTION AGENCY’S “ENERGY STAR PROGRAM**
6 **REQUIREMENTS FOR BOTTLED WATER COOLERS”;** AND

7 **2. BOTTLE-TYPE WATER DISPENSER UNITS WITH AN**
8 **INTEGRAL, AUTOMATIC TIMER MAY NOT BE TESTED USING SECTION D, “TIMER**
9 **USAGE” OF THE TEST CRITERIA;**

10 **(II) COMMERCIAL HOT FOOD HOLDING CABINETS SHALL**
11 **HAVE A MAXIMUM IDLE ENERGY RATE NOT EXCEEDING 40 WATTS PER CUBIC**
12 **FOOT OF INTERIOR VOLUME, AS DETERMINED BY THE “IDLE ENERGY RATE-DRY**
13 **TEST” IN ASTM F2140-01, “STANDARD TEST METHOD FOR PERFORMANCE OF**
14 **HOT FOOD HOLDING CABINETS” PUBLISHED BY ASTM INTERNATIONAL, AND**
15 **INTERIOR VOLUME SHALL BE MEASURED IN ACCORDANCE WITH THE METHOD**
16 **SHOWN IN THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S “ENERGY STAR**
17 **PROGRAM REQUIREMENTS FOR COMMERCIAL HOT FOOD HOLDING CABINETS”**
18 **EFFECTIVE AUGUST 15, 2003;**

19 **(III) COMPACT AUDIO PRODUCTS:**

20 **1. WITHOUT A PERMANENTLY ILLUMINATED CLOCK**
21 **DISPLAY MAY NOT USE MORE THAN 2 WATTS IN STANDBY-PASSIVE MODE ;**

22 **2. WITH A PERMANENTLY ILLUMINATED CLOCK**
23 **DISPLAY MAY NOT USE MORE THAN 4 WATTS IN STANDBY-PASSIVE MODE; AND**

24 **3. SHALL BE MEASURED IN ACCORDANCE WITH**
25 **INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) TEST METHOD**
26 **62087:2002(E), “METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION**
27 **OF AUDIO, VIDEO, AND RELATED EQUIPMENT”;**

28 **(IV) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL**
29 **VERSATILE DISC RECORDERS MAY NOT USE MORE THAN 3 WATTS IN**
30 **STANDBY-PASSIVE MODE, AS MEASURED IN ACCORDANCE WITH**
31 **INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) TEST METHOD**

1 **62087:2002(E), “METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION**
2 **OF AUDIO, VIDEO, AND RELATED EQUIPMENT”;**

3 (V) METAL HALIDE LAMP FIXTURES DESIGNED TO BE
4 OPERATED WITH LAMPS RATED AT LEAST 150 WATTS BUT NOT EXCEEDING 500
5 WATTS MAY NOT CONTAIN A PROBE-START METAL HALIDE BALLAST;

6 (VI) RESIDENTIAL FURNACES THAT USE NATURAL GAS OR
7 PROPANE SHALL:

8 1. HAVE A MINIMUM ANNUAL FUEL UTILIZATION
9 EFFICIENCY (AFUE) OF 90% AND A MAXIMUM ELECTRICITY RATIO OF 2%; AND

10 2. BE MEASURED IN ACCORDANCE WITH THE
11 FEDERAL TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF
12 FURNACES AND BOILERS CONTAINED IN 10 C.F.R. PART 430 (APPENDIX N TO
13 SUBPART B);

14 (VII) THE STANDARD FOR SINGLE-VOLTAGE EXTERNAL AC
15 TO DC POWER SUPPLIES:

16 1. SHALL APPLY TO SINGLE VOLTAGE AC TO DC
17 POWER SUPPLIES THAT ARE SOLD INDIVIDUALLY AND TO THOSE THAT ARE
18 SOLD AS A COMPONENT OF OR IN CONJUNCTION WITH ANOTHER PRODUCT;

19 2. DOES NOT APPLY TO SINGLE VOLTAGE EXTERNAL
20 AC TO DC POWER SUPPLIES THAT REQUIRE U.S. FOOD AND DRUG
21 ADMINISTRATION LISTING AND APPROVAL AS A MEDICAL DEVICE;

22 3. SHALL MEET THE ENERGY EFFICIENCY
23 REQUIREMENTS IN THE FOLLOWING TABLE:

24	NAMEPLATE OUTPUT POWER	MINIMUM EFFICIENCY IN ACTIVE
25		MODE
26	FROM 0 TO LESS THAN 1 WATT	0.49 TIMES THE NAMEPLATE OUTPUT

1	FROM 1 WATT TO NOT MORE	THE SUM 0.09 TIMES THE NATURAL
2	THAN 49 WATTS	LOGARITHM OF THE NAMEPLATE
3		OUTPUT POWER (EXPRESSED IN
4		WATTS) AND 0.49
	GREATER THAN 49 WATTS	0.84
5	NAMEPLATE OUTPUT POWER	MAXIMUM ENERGY
6		CONSUMPTION IN NO-LOAD
7		MODE
8	FROM 0 TO LESS THAN 10 WATTS	0.5 WATTS
9	FROM 10 WATTS TO NOT MORE	0.75 WATTS
10	THAN 250 WATTS	

11 **4. SHALL BE MEASURED IN ACCORDANCE WITH THE**
12 **TEST METHODOLOGY SPECIFIED BY THE U.S. ENVIRONMENTAL PROTECTION**
13 **AGENCY’S ENERGY STAR PROGRAM, “TEST METHOD FOR CALCULATING THE**
14 **ENERGY EFFICIENCY OF SINGLE-VOLTAGE EXTERNAL AC-DC AND AC-AC**
15 **POWER SUPPLIES (AUGUST 11, 2004)”, EXCEPT THAT TESTS SHALL BE**
16 **CONDUCTED AT 115 VOLTS ONLY;**

17 **(VIII) THE STANDARD FOR STATE-REGULATED**
18 **INCANDESCENT REFLECTOR LAMPS:**

19 **1. SHALL MEET THE MINIMUM AVERAGE LAMP**
20 **EFFICACY REQUIREMENTS FOR FEDERALLY REGULATED INCANDESCENT**
21 **REFLECTOR LAMPS CONTAINED IN 42 U.S.C. § 6295 (I)(1)(A); AND**

22 **2. DOES NOT APPLY TO THE FOLLOWING TYPES OF**
23 **INCANDESCENT REFLECTOR LAMPS:**

1 **A. LAMPS RATED AT 50 WATTS OR LESS OF THE**
2 **FOLLOWING TYPES: BR30, ER30, BR40, AND ER40;**

3 **B. LAMPS RATED AT 65 WATTS OF THE FOLLOWING**
4 **TYPES: BR30, BR40, AND ER40; AND**

5 **C. R20 LAMPS OF 45 WATTS OR LESS; AND**

6 **(IX) WALK-IN REFRIGERATORS AND FREEZERS:**

7 **1. SHALL HAVE AUTOMATIC DOOR CLOSERS THAT**
8 **FIRMLY CLOSE ALL REACH-IN DOORS AND THAT FIRMLY CLOSE WALK-IN DOORS**
9 **NO WIDER THAN 3 FEET 9 INCHES AND NO HIGHER THAN 6 FEET 11 INCHES**
10 **THAT HAVE BEEN CLOSED TO WITHIN 1 INCH OF FULL CLOSURE;**

11 **2. SHALL HAVE WALL, CEILING, AND DOOR**
12 **INSULATION OF AT LEAST R-28 FOR REFRIGERATORS (DOOR INSULATION**
13 **REQUIREMENTS DO NOT APPLY TO GLAZED PORTIONS OF DOORS, NOR TO**
14 **STRUCTURAL MEMBERS);**

15 **3. SHALL HAVE WALL, CEILING, AND DOOR**
16 **INSULATION OF AT LEAST R-32 FOR FREEZERS (DOOR INSULATION**
17 **REQUIREMENTS DO NOT APPLY TO GLAZED PORTIONS OF DOORS, OR TO**
18 **STRUCTURAL MEMBERS);**

19 **4. SHALL HAVE FLOOR INSULATION OF AT LEAST**
20 **R-28 FOR FREEZERS;**

21 **5. SHALL HAVE, FOR SINGLE-PHASE EVAPORATOR**
22 **FAN MOTORS OF UNDER ONE HORSEPOWER AND LESS THAN 460 VOLTS,**
23 **ELECTRONICALLY COMMUTATED MOTORS;**

24 **6. SHALL HAVE, FOR CONDENSER FAN MOTORS OF**
25 **UNDER ONE HORSEPOWER EITHER ELECTRONICALLY COMMUTATED MOTORS,**
26 **PERMANENT SPLIT CAPACITOR-TYPE MOTORS, OR POLYPHASE MOTORS OF AT**
27 **LEAST ONE-HALF HORSEPOWER;**

28 **7. SHALL HAVE LIGHT SOURCES WITH AN EFFICACY**
29 **OF AT LEAST 40 LUMENS PER WATT, INCLUDING ANY BALLAST LOSSES, EXCEPT**

1 THAT LIGHT SOURCES WITH AN EFFICACY OF 40 LUMENS PER WATT OR LESS,
2 INCLUDING ANY BALLAST LOSSES, MAY BE USED IN CONJUNCTION WITH A
3 TIMER OR DEVICE THAT TURNS OFF THE LIGHTS WITHIN 15 MINUTES AFTER
4 THE WALK-IN CEASES TO BE OCCUPIED; AND

5 8. WITH TRANSPARENT REACH-IN DOORS AND
6 WALK-IN DOOR WINDOWS SHALL MEET THE FOLLOWING ADDITIONAL
7 REQUIREMENTS:

8 A. TRANSPARENT REACH-IN DOORS AND WINDOWS
9 IN WALK-IN DOORS FOR WALK-IN FREEZERS SHALL BE OF TRIPLE-PANE GLASS
10 WITH EITHER HEAT-REFLECTIVE TREATED GLASS OR GAS FILL;

11 B. TRANSPARENT REACH-IN DOORS AND WINDOWS
12 IN WALK-IN DOORS FOR WALK-IN REFRIGERATORS SHALL BE EITHER
13 DOUBLE-PANE GLASS WITH HEAT-REFLECTIVE TREATED GLASS AND GAS FILL,
14 OR TRIPLE PANE GLASS WITH EITHER HEAT-REFLECTIVE TREATED GLASS OR
15 GAS FILL;

16 C. FOR APPLIANCES WITH AN ANTI-SWEAT HEATER
17 WITHOUT ANTI-SWEAT HEAT CONTROLS, THE APPLIANCE SHALL HAVE A TOTAL
18 DOOR RAIL, GLASS, AND FRAME HEATER POWER DRAW NOT EXCEEDING 7.1
19 WATTS PER SQUARE FOOT OF DOOR OPENING (FREEZERS) AND NOT EXCEEDING
20 3.0 WATTS PER SQUARE FOOT OF DOOR OPENING (REFRIGERATORS); AND

21 D. FOR APPLIANCES WITH AN ANTI-SWEAT HEATER
22 WITH ANTI-SWEAT HEAT CONTROLS, AND A TOTAL DOOR RAIL, GLASS, AND
23 FRAME HEATER POWER DRAW EXCEEDING 7.1 WATTS PER SQUARE FOOT OF
24 DOOR OPENING (FREEZERS) AND 3.0 WATTS PER SQUARE FOOT OF DOOR
25 OPENING (REFRIGERATORS), THE ANTI-SWEAT HEAT CONTROLS SHALL REDUCE
26 THE ENERGY USE OF THE ANTI-SWEAT HEATER IN AN AMOUNT CORRESPONDING
27 TO THE RELATIVE HUMIDITY IN THE AIR OUTSIDE THE DOOR OR TO THE
28 CONDENSATION ON THE INNER GLASS PANE.

29 [(d)] (E) (1) (i) Except as provided in subparagraphs (ii) and (iii) of
30 this paragraph, on or after March 1, 2005, a new product of any type set forth in
31 subsection (b)(1)(I) THROUGH (IX) of this section may not be sold or offered for sale in
32 the State unless the efficiency of the new product meets or exceeds the efficiency
33 standards set forth in the regulations adopted under subsection (c) of this section.

1 (ii) With respect to ceiling fan light kits, energy efficiency
2 standards may not take effect until March 1, 2007.

3 (iii) With respect to commercial clothes washers, efficiency
4 standards may not take effect until March 1, 2007.

5 (2) (i) This paragraph does not apply to a product that is sold
6 before the applicable date under paragraph (1) of this subsection.

7 (ii) Except as provided in subparagraphs (iii) and (iv) of this
8 paragraph, on or after January 1, 2006, a new product of a type set forth in subsection
9 (b)(1)(I) **THROUGH (IX)** of this section may not be installed in the State unless the
10 efficiency of the new product meets or exceeds the efficiency standards set forth in the
11 regulations adopted under subsection (c) of this section.

12 (iii) Ceiling fan light kits that do not meet the energy efficiency
13 standards may be installed in the State until January 1, 2008.

14 (iv) Commercial clothes washers that do not meet the efficiency
15 standards under subsection (c)(2)(ix) of this section may be installed in the State until
16 January 1, 2008.

17 **(F) (1) ON OR AFTER JANUARY 1, 2009, NO NEW BOTTLE-TYPE**
18 **WATER DISPENSER, COMMERCIAL HOT FOOD HOLDING CABINET, METAL HALIDE**
19 **LAMP FIXTURE, STATE-REGULATED INCANDESCENT REFLECTOR LAMP, OR**
20 **WALK-IN REFRIGERATOR OR WALK-IN FREEZER MAY BE SOLD OR OFFERED FOR**
21 **SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR**
22 **EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS**
23 **ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.**

24 **(2) ON OR AFTER MARCH 1, 2009, NO NEW COMPACT AUDIO**
25 **PRODUCT, DIGITAL VERSATILE DISC PLAYER OR DIGITAL VERSATILE DISC**
26 **RECORDER, OR SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLY MAY BE**
27 **SOLD OR OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE**
28 **NEW PRODUCT MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN**
29 **THE REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.**

30 **(3) (I) THE ADMINISTRATION MAY ADOPT REGULATIONS TO**
31 **EXEMPT COMPLIANCE WITH THE RESIDENTIAL FURNACE AFUE STANDARDS**
32 **UNDER SUBSECTION (D)(2)(VI) OF THIS SECTION AT ANY BUILDING, SITE, OR**
33 **LOCATION WHERE COMPLYING WITH THE STANDARDS WOULD CONFLICT WITH**

1 ANY LOCAL ZONING ORDINANCE, BUILDING OR PLUMBING CODE, OR OTHER
2 RULE REGARDING INSTALLATION AND VENTING OF RESIDENTIAL FURNACES OR
3 RESIDENTIAL BOILERS.

4 (II) ON OR BEFORE JANUARY 1, 2008, THE
5 ADMINISTRATION, IN CONSULTATION WITH THE ATTORNEY GENERAL, SHALL
6 DETERMINE IF FEDERAL LAW PREEMPTS STATE IMPLEMENTATION OF THE
7 RESIDENTIAL FURNACE STANDARDS.

8 (III) THE ADMINISTRATION SHALL MAKE SEPARATE
9 DETERMINATIONS WITH RESPECT TO MINIMUM AFUE AND MAXIMUM
10 ELECTRICITY RATIO STANDARDS.

11 (IV) IF THE ADMINISTRATION DETERMINES THAT A WAIVER
12 FROM FEDERAL PREEMPTION IS NOT NEEDED, THEN ON THE LATER OF
13 JANUARY 1, 2009, OR 1 YEAR AFTER THE DATE OF THAT DETERMINATION, A
14 NEW RESIDENTIAL FURNACE MAY NOT BE SOLD OR OFFERED FOR SALE IN THE
15 STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS
16 THE APPLICABLE NONPREEMPTED EFFICIENCY STANDARDS SET FORTH IN THE
17 REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.

18 (V) IF THE ADMINISTRATION DETERMINES THAT A WAIVER
19 FROM FEDERAL PREEMPTION IS REQUIRED, THEN THE ADMINISTRATION SHALL
20 APPLY FOR THE WAIVER WITHIN 1 YEAR AFTER THAT DETERMINATION. ON
21 APPROVAL OF THE WAIVER APPLICATION, THE APPLICABLE STATE STANDARDS
22 SHALL TAKE EFFECT AT THE EARLIEST DATE ALLOWED BY FEDERAL LAW.

23 (4) SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLIES
24 MADE AVAILABLE BY A MANUFACTURER DIRECTLY TO A CONSUMER OR TO A
25 SERVICE OR REPAIR FACILITY AFTER AND SEPARATE FROM THE ORIGINAL SALE
26 OF THE PRODUCT REQUIRING THE POWER SUPPLY AS A SERVICE PART OR
27 SPARE PART MAY NOT BE REQUIRED TO MEET THE STANDARDS OF THIS
28 SECTION BEFORE JANUARY 1, 2013.

29 (5) THE ADMINISTRATION MAY DELAY IMPLEMENTATION OF
30 SUBSECTION (D)(2)(IX)5 OF THIS SECTION ON A DETERMINATION THAT THE
31 MOTORS ARE ONLY AVAILABLE FROM ONE MANUFACTURER OR IN INSUFFICIENT
32 QUANTITIES TO SERVE THE NEEDS OF THE WALK-IN INDUSTRY FOR
33 EVAPORATOR-FAN APPLICATIONS.

1 **(6) ONE YEAR AFTER THE SALE OR OFFERING FOR SALE OF A**
2 **PRODUCT BECOMES SUBJECT TO THE REQUIREMENTS OF PARAGRAPHS (1), (2),**
3 **AND (3) OF THIS SUBSECTION, THE PRODUCT MAY NOT BE INSTALLED FOR**
4 **COMPENSATION IN THE STATE UNLESS THE EFFICIENCY OF THE NEW PRODUCT**
5 **MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN THE**
6 **REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.**

7 **[(e)] (G) (1) By regulation, the Administration may clarify but not**
8 **expand the scope of the devices defined under [subsection (a)] SUBSECTIONS (A) AND**
9 **(B) of this section.**

10 **(2) On request of a Maryland business or consumer and after public**
11 **notice and comment, the Administration may delay the effective date of any standard**
12 **under this section by not more than 1 year if the Administration determines that**
13 **products conforming to the standard will not be widely available in Maryland by the**
14 **applicable date stated in [subsection (d)(1)] SUBSECTIONS (E)(1) AND (F)(1), (2),**
15 **AND (3) of this section.**

16 **(3) The Administration may limit a delay under paragraph (2) of this**
17 **subsection to identifiable subcategories of any category of covered products.**

18 **(H) (1) THE ADMINISTRATION MAY ADOPT REGULATIONS TO**
19 **INCREASE THE EFFICIENCY STANDARDS FOR THE PRODUCTS LISTED IN**
20 **SUBSECTION (B)(1)(X) THROUGH (XVIII) OF THIS SECTION.**

21 **(2) THE ADMINISTRATION MAY ALSO ADOPT REGULATIONS TO**
22 **ESTABLISH STANDARDS FOR PRODUCTS NOT SPECIFICALLY LISTED IN**
23 **SUBSECTION (B)(1)(I) THROUGH (XVIII) OF THIS SECTION.**

24 **(3) IN CONSIDERING THE NEW OR AMENDED STANDARDS, THE**
25 **ADMINISTRATION SHALL ADOPT THE NEW OR AMENDED EFFICIENCY**
26 **STANDARDS IF IT DETERMINES THAT NEW OR INCREASED EFFICIENCY**
27 **STANDARDS WOULD SERVE TO PROMOTE ENERGY CONSERVATION IN THE STATE**
28 **AND WOULD BE LIFE-CYCLE COST EFFECTIVE FOR CONSUMERS WHO PURCHASE**
29 **AND USE THE NEW PRODUCTS.**

30 **(4) A NEW OR INCREASED EFFICIENCY STANDARD MAY NOT**
31 **BECOME EFFECTIVE LESS THAN 1 YEAR AFTER THE ADOPTION OF THAT**
32 **STANDARD.**

1 **(5) THE ADMINISTRATION MAY APPLY FOR A WAIVER OF**
2 **FEDERAL PREEMPTION IN ACCORDANCE WITH FEDERAL PROCEDURES**
3 **(42 U.S.C. § 6297 (D)) FOR STATE EFFICIENCY STANDARDS FOR ANY PRODUCT**
4 **REGULATED BY THE FEDERAL GOVERNMENT.**

5 **[(f)] (I)** (1) After public notice and comment, the Administration shall
6 adopt procedures by rule for testing the energy efficiency of the new products listed in
7 subsection (b)(1) of this section if testing procedures are not provided for in the
8 Maryland Building Performance Standards.

9 **(2) THE ADMINISTRATION MAY ADOPT UPDATED TEST METHODS**
10 **BY REGULATION WHEN NEW VERSIONS OF TEST METHODS BECOME AVAILABLE.**

11 **[(2)] (3)** The Administration shall use appropriate nationally
12 recognized test methods such as those approved by the United States Department of
13 Energy.

14 **[(3)] (4)** The manufacturers of new products listed in subsection
15 (b)(1) of this section shall cause samples of their products to be tested in accordance
16 with the test procedures adopted under this subsection or those specified in the
17 Maryland Building Performance Standards.

18 **[(g)] (J)** (1) **[Manufacturers] EXCEPT FOR THOSE PRODUCTS LISTED**
19 **IN SUBSECTION (B)(1)(XVI) AND (XVIII) OF THIS SECTION, MANUFACTURERS** of
20 new products listed in subsection (b)(1) of this section shall certify to the
21 Administration that the products are in compliance with the provisions of this section.

22 (2) (i) The Administration shall adopt regulations governing the
23 certification of new products and may coordinate with the certification programs of
24 other states with similar standards.

25 (ii) Any manufacturer that has certified a product to another
26 state or to the Federal Energy Star Program may provide the Administration with a
27 copy of the certification that the manufacturer made to the other state or agency in
28 place of a separate certification to the State of Maryland, provided that:

29 1. the other state's standards or the Energy Star
30 specifications are equivalent to or more stringent than the standards of the State of
31 Maryland; and

1 2. all information required by the regulations adopted
2 under subparagraph (i) of this paragraph is included in the certification.

3 [(h)] (K) (1) Manufacturers of new products listed in subsection (b)(1) of
4 this section shall identify each product offered through retailers for sale or installation
5 in the State as in compliance with the minimum efficiency standards established
6 under subsection (c) of this section by means of a mark, label, or tag on the product or
7 packaging at the time of sale or installation.

8 (2) (i) The Administration shall adopt regulations governing the
9 identification of such products or packaging which shall be coordinated to the greatest
10 practical extent with the labeling programs and requirements of other states and
11 federal agencies with equivalent efficiency standards.

12 (ii) If a national efficiency standard is established by federal law
13 or regulation for a product listed in subsection (b) of this section, the labeling
14 requirements set forth in COMAR 14.26.03.10 do not apply to that product.

15 (iii) In accordance with COMAR 14.26.03.10, all display models
16 of products shall be displayed with a mark, label, or tag on the product.

17 [(i)] (L) (1) The Administration may test products listed in subsection
18 (b)(1) of this section using an accredited testing facility.

19 (2) If products tested are found not to be in compliance with the
20 minimum efficiency standards established under [subsection (c)] **SUBSECTIONS (C)**
21 **AND (D)** of this section, the Administration shall:

22 (i) charge the manufacturer of the product for the cost of
23 product purchase and testing; and

24 (ii) make information available to the public on products found
25 not to be in compliance with the standards.

26 [(j)] (M) (1) With prior notice and at reasonable and convenient hours,
27 the Administration may make periodic inspections of distributors or retailers of new
28 products listed in subsection (b)(1) of this section in order to determine compliance
29 with the provisions of this section.

30 (2) The Administration shall coordinate with the Department of
31 Housing and Community Development regarding inspections, prior to occupancy, of

1 newly constructed buildings containing new products that are also covered by the
2 Maryland Building Performance Standards.

3 [(k)] (N) (1) The Administration may investigate complaints received
4 concerning violations of this section and shall report the results of an investigation to
5 the Attorney General.

6 (2) The Attorney General may institute proceedings to enforce the
7 provisions of this section.

8 (3) A manufacturer, distributor, or retailer of new products listed in
9 subsection (b)(1) of this section that violates any provision of this section shall be
10 issued a warning by the Administration for a first violation.

11 (4) Repeat violators shall be subject to a civil penalty of not more than
12 \$250.

13 (5) Each violation of this section shall constitute a separate offense
14 and each day that a violation continues shall constitute a separate offense.

15 (6) Penalties assessed under this subsection are in addition to costs
16 assessed under subsection [(i)(2)(i)] (L)(2)(I) of this section.

17 (7) Penalties assessed under this subsection shall be paid into the
18 General Fund of the State.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2007.