

# HOUSE BILL 909

M3, C8

71r0878  
CF SB 674

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2007

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## CHAPTER \_\_\_\_\_

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 certain electric  
5 companies; authorizing the Commission to consider certain costs of certain  
6 electric companies as costs to be included in a certain life-cycle cost  
7 methodology for certain purposes; requiring the Maryland Energy  
8 Administration to adopt regulations by a certain date to establish certain  
9 minimum energy efficiency standards for certain new products sold in the State;  
10 prohibiting certain new products from being sold or offered for sale in the State  
11 on or after certain dates unless the products meet the minimum energy  
12 efficiency standards; authorizing the Administration to adopt regulations to  
13 exempt compliance with certain standards; requiring the Administration, in  
14 consultation with the Attorney General, to make certain determinations;

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 requiring the Administration to apply for certain waivers of federal preemption  
 2 under certain circumstances; authorizing the presiding officers of the General  
 3 Assembly to direct certain committees to hold a hearing on a certain application  
 4 by the Administration for a certain waiver of federal preemption; authorizing  
 5 the Administration to adopt certain test methods under certain circumstances;  
 6 prohibiting certain new products from being installed in the State on or after a  
 7 certain date unless the products meet or exceed the minimum energy efficiency  
 8 standards; authorizing the Administration to adopt regulations to establish  
 9 increased energy efficiency standards for certain new products sold in the State  
 10 under certain circumstances; ~~authorizing the Administration to adopt~~  
 11 ~~regulations to establish energy efficiency standards for certain other products~~  
 12 ~~under certain circumstances~~ requiring the Administration to consider and  
 13 propose to the General Assembly every 2 years certain new or revised standards  
 14 for certain products; defining certain terms; providing for the application of this  
 15 Act; and generally relating to energy efficiency standards for certain products.

16 BY repealing and reenacting, without amendments,  
 17 Article – Public Utility Companies  
 18 Section 1–101(a)  
 19 Annotated Code of Maryland  
 20 (1998 Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,  
 22 Article – Public Utility Companies  
 23 Section 1–101(p) through (pp)  
 24 Annotated Code of Maryland  
 25 (1998 Volume and 2006 Supplement)

26 BY adding to  
 27 Article – Public Utility Companies  
 28 Section 1–101(p) and (oo) and 7–212  
 29 Annotated Code of Maryland  
 30 (1998 Volume and 2006 Supplement)

31 BY repealing and reenacting, with amendments,  
 32 Article – State Government  
 33 Section 9–2006  
 34 Annotated Code of Maryland  
 35 (2004 Replacement Volume and 2006 Supplement)

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

1 **Article – Public Utility Companies**

2 1–101.

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

4 **(P) “LIQUID–IMMERSED DISTRIBUTION TRANSFORMER” MEANS A**  
5 **TRANSFORMER THAT:**

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

7 **(2) HAS AN OUTPUT VOLTAGE OF 600 VOLTS OR LESS;**

8 **(3) USES OIL OR OTHER LIQUID AS A COOLANT; AND**

9 **(4) IS RATED FOR OPERATION AT A FREQUENCY OF 60 HERTZ.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15                                 (i)     the amount of a charge; or

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

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

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

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

23                                 (1)     solar;

24                                 (2)     wind;

25                                 (3)     tidal;

26                                 (4)     geothermal;

- 1 (5) biomass, including waste-to-energy and landfill gas recovery;
- 2 (6) hydroelectric facilities;
- 3 (7) digester gas; and
- 4 (8) a manufacturing or commercial waste-to-energy system or facility.

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

7 (2) “Retail electric customer” excludes:

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

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

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

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

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

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

23 (1) serves only the consumers that exclusively own and control the  
24 company;

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

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

27 [(ff)] (GG) “State” means:

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

3 (2) the District of Columbia.

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

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

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

8 [(hh)] **(II)** (1) “Taxicab” means a motor vehicle for hire that:

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

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

13 (2) “Taxicab” does not include a motor vehicle operated on a regular  
14 schedule and between fixed points with the approval of the Commission as defined in  
15 Title 11 of the Transportation Article.

16 [(ii)] **(JJ)** “Telegraph company” means a public service company that:

17 (1) owns telegraph lines to receive, transmit, or communicate  
18 telegraphic communications; or

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

20 [(jj)] **(KK)** “Telegraph lines” means the material, equipment, and property  
21 owned by a telegraph company and used or to be used for or in connection with  
22 telegraph service.

23 [(kk)] **(LL)** (1) “Telephone company” means a public service company that:

24 (i) owns telephone lines to receive, transmit, or communicate  
25 telephone or teletype communications; or

1 (ii) leases, licenses, or sells telephone or teletype  
2 communications.

3 (2) "Telephone company" does not include a cellular telephone  
4 company.

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

8 [(mm)] (NN) "Toll bridge" means a bridge operated by a person authorized by  
9 the Commission to charge and collect toll from traffic using the bridge.

10 (OO) **"TRANSFORMER" MEANS A DEVICE CONSISTING OF TWO OR MORE**  
11 **COILS OF INSULATED WIRE THAT IS DESIGNED TO TRANSFER ALTERNATING**  
12 **CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER TO**  
13 **CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.**

14 [(nn)] (PP) (1) "Transportation of persons for hire" means the  
15 transportation of persons by:

16 (i) regularly scheduled operations;

17 (ii) charter or contract operations; or

18 (iii) tour or sightseeing operations.

19 (2) "Transportation of persons for hire" includes the transportation of  
20 persons, whether on the cooperative plan, carried by a corporation, group, or  
21 association engaged in the transportation of its stockholders, shareholders, or  
22 members.

23 [(oo)] (QQ) "Water company" means a public service company that owns a  
24 water plant and sells or distributes water for gain.

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

27 **7-212.**

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

4 (B) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,  
5 THE REGULATIONS SHALL BE CONSISTENT WITH THE REGULATIONS ADOPTED  
6 BY THE U.S. DEPARTMENT OF ENERGY.

7 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
8 REGULATIONS SHALL ENSURE THAT, SUBJECT TO AVAILABILITY, PURCHASES OF  
9 LIQUID-IMMERSED DISTRIBUTION TRANSFORMERS BY ELECTRIC COMPANIES  
10 OCCURRING ON OR AFTER JANUARY 1, 2009, ARE BASED ON THE LIFE-CYCLE  
11 COST METHODOLOGY CONTAINED IN SECTION 2 OF STANDARD TP-1-2002  
12 PUBLISHED BY THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION.

13 (2) THE REGULATIONS ADOPTED UNDER THIS SECTION MAY NOT  
14 APPLY TO AN ELECTRIC COOPERATIVE THAT SUPPLIES ELECTRICITY TO LESS  
15 THAN 60,000 ELECTRIC METERS IN THE STATE.

16 (D) FOR ELECTRIC COMPANIES THAT MAINTAIN INVENTORIES OF  
17 DISTRIBUTION TRANSFORMERS IN THE STATE FOR INSTALLATION IN ADJACENT  
18 SERVICE AREAS OUTSIDE OF THE STATE, THE COMMISSION MAY ALSO  
19 CONSIDER ADDITIONAL INVENTORY MANAGEMENT COSTS AS COSTS FOR  
20 INCLUSION WITHIN THE LIFE-CYCLE COST METHODOLOGY TO BE USED BY  
21 ELECTRIC COMPANIES FOR PURPOSES OF THIS SECTION.

22 Article - State Government

23 9-2006.

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

25 (2) "BALLAST" MEANS A DEVICE USED WITH AN ELECTRIC  
26 DISCHARGE LAMP TO OBTAIN NECESSARY CIRCUIT CONDITIONS, INCLUDING  
27 VOLTAGE, CURRENT, AND WAVEFORM, FOR STARTING AND OPERATING THE  
28 LAMP.



1           **(3) “BOTTLE-TYPE WATER DISPENSER” MEANS A WATER**  
2 **DISPENSER THAT USES A BOTTLE OR RESERVOIR AS THE SOURCE OF POTABLE**  
3 **WATER.**

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

6           **[(3)] (5) “Ceiling fan light kit”** means equipment designed to provide  
7 light from a ceiling fan, which can be:

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

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

13           **[(4)] (6) “Commercial clothes washer”** means a soft mount  
14 front-loading or soft mount top-loading clothes washer that is designed for use in:

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

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

20                           1. 3.5 cubic feet for horizontal-axis clothes washers; or

21                           2. 4.0 cubic feet for vertical-axis clothes washers.

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

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



1                    ~~(H) “COMPACT AUDIO PRODUCT” DOES NOT INCLUDE A~~  
2 ~~PRODUCT THAT:~~

3                    ~~1. CAN BE INDEPENDENTLY POWERED BY INTERNAL~~  
4 ~~BATTERIES;~~

5                    ~~2. HAS A POWERED EXTERNAL SATELLITE ANTENNA;~~  
6 ~~OR~~

7                    ~~3. CAN PROVIDE A VIDEO OUTPUT SIGNAL.~~

8                    ~~(10) “DIGITAL VERSATILE DISC” OR “DVD” MEANS A~~  
9 ~~LASER ENCODED PLASTIC MEDIUM CAPABLE OF STORING A LARGE AMOUNT OF~~  
10 ~~DIGITAL AUDIO, VIDEO, AND COMPUTER DATA.~~

11                    ~~(11) (I) “DIGITAL VERSATILE DISC PLAYER” AND “DIGITAL~~  
12 ~~VERSATILE DISC RECORDER” MEAN COMMERCIALY AVAILABLE ELECTRONIC~~  
13 ~~PRODUCTS ENCASED IN A SINGLE HOUSING THAT INCLUDE AN INTEGRAL~~  
14 ~~POWER SUPPLY AND FOR WHICH THE SOLE PURPOSE IS THE DECODING AND~~  
15 ~~PRODUCTION OR RECORDING OF DIGITIZED VIDEO SIGNAL ON A DVD.~~

16                    ~~(II) “DIGITAL VERSATILE DISC RECORDER” DOES NOT~~  
17 ~~INCLUDE A MODEL THAT HAS AN ELECTRONIC PROGRAMMING GUIDE FUNCTION~~  
18 ~~THAT PROVIDES AN INTERACTIVE, ON-SCREEN MENU OF TELEVISION LISTINGS,~~  
19 ~~AND THAT DOWNLOADS PROGRAM INFORMATION FROM THE VERTICAL~~  
20 ~~BLANKING INTERVAL OF A REGULAR TELEVISION SIGNAL.~~

21                    ~~(12) (9) (I) “ELECTRICITY RATIO” IS THE RATIO OF FURNACE~~  
22 ~~ELECTRICITY USE TO TOTAL FURNACE ENERGY USE.~~

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

24                    1. THE NUMERATOR OF WHICH IS 3.412 TIMES THE  
25 AVERAGE ANNUAL AUXILIARY ELECTRICAL CONSUMPTION AS DEFINED IN  
26 APPENDIX N TO SUBPART B OF PART 430 OF TITLE 10 OF THE CODE OF  
27 FEDERAL REGULATIONS; AND

28                    2. THE DENOMINATOR OF WHICH IS THE SUM OF:

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

5                   **B. THE AMOUNT CALCULATED FOR THE**  
 6 **NUMERATOR.**

7                   ~~(13)~~ **(10) “HIGH-INTENSITY DISCHARGE LAMP” MEANS A LAMP IN**  
 8 **WHICH:**

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

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

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

15                   **[(6)] ~~(14)~~ (11) “Illuminated exit sign” means an internally**  
 16 **illuminated sign that is designed to be permanently fixed in place to identify an exit**  
 17 **and the background of which is not transparent.**

18                   **[(7)] ~~(15)~~ (12) “Large packaged air-conditioning equipment” means**  
 19 **packaged air-conditioning equipment with at least 20 tons but not more than 80 tons**  
 20 **of cooling capacity.**

21                   **[(8)] ~~(16)~~ (13) (i) “Low-voltage dry-type distribution transformer”**  
 22 **means a distribution transformer that:**

- 23                   1. has an input voltage of 600 volts or less;
- 24                   2. is air-cooled; and
- 25                   3. does not use oil as a coolant.

26                   **(ii) “Low-voltage dry-type distribution transformer” does not**  
 27 **include any of the following transformers:**

- 1                   1.     an autotransformer in which the primary and  
2 secondary windings are not electronically isolated and at least a portion of the  
3 secondary voltage is derived from the primary winding;
- 4                   2.     a drive transformer designed only to provide power to  
5 operate an electronic variable speed motor drive;
- 6                   3.     a grounding transformer designed only to provide a  
7 system ground reference point;
- 8                   4.     a harmonic transformer designed to supply a load  
9 with a higher than normal harmonic current level and that has a k-rating of k-4 or  
10 greater;
- 11                  5.     an impedance transformer that has a specified  
12 impedance of less than 4% or greater than 8%;
- 13                  6.     a machine tool transformer designed only to provide  
14 power to machine tool equipment;
- 15                  7.     a rectifier transformer designed to provide power only  
16 to a rectifier circuit and that has a nameplate rating for both the fundamental  
17 frequency power rating and the RMS power rating;
- 18                  8.     a regulating transformer with automatic tap  
19 changers;
- 20                  9.     a sealed and nonventilating transformer designed to  
21 prevent airflow through the transformer;
- 22                  10.    a testing transformer designed only as part of, or to  
23 supply power to, electrical test equipment;
- 24                  11.    a UPS transformer designed only as an integral part  
25 of an uninterruptible power system; or
- 26                  12.    a welding transformer designed only to provide power  
27 to welding equipment.

28                   ~~(17)~~ (14)   **“METAL HALIDE LAMP” MEANS A HIGH INTENSITY**  
29 **DISCHARGE LAMP IN WHICH THE MAJOR PORTION OF THE LIGHT IS PRODUCED**

1 BY RADIATION OF METAL HALIDES AND THEIR PRODUCTS OF DISSOCIATION,  
2 AND POSSIBLY IN COMBINATION WITH METALLIC VAPORS.

3 ~~(18)~~ (15) “METAL HALIDE LAMP FIXTURE” MEANS A LIGHT  
4 FIXTURE DESIGNED TO BE OPERATED WITH A METAL HALIDE LAMP AND A  
5 BALLAST FOR A METAL HALIDE LAMP.

6 [(9)] ~~(19)~~ (16) “Packaged air-conditioning equipment” means  
7 air-conditioning equipment that is built as a package and shipped as a whole to  
8 end-user sites.

9 [(10)] ~~(20)~~ (17) “Pass-through cabinet” means a commercial  
10 refrigerator or commercial freezer with hinged or sliding doors on both the front and  
11 rear of the refrigerator or freezer.

12 ~~(21)~~ (18) “PROBE-START METAL HALIDE BALLAST” MEANS A  
13 BALLAST USED TO OPERATE METAL HALIDE LAMPS, THAT:

14 (I) DOES NOT CONTAIN AN IGNITER; AND

15 (II) STARTS LAMPS BY USING A THIRD STARTING  
16 ELECTRODE PROBE IN THE ARC TUBE.

17 [(11)] ~~(22)~~ (19) (i) “Reach-in cabinet” means a commercial refrigerator,  
18 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or  
19 lids.

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

22 ~~(23)~~ (20) “RESIDENTIAL FURNACE” MEANS A SELF-CONTAINED  
23 SPACE HEATER THAT:

24 (I) IS DESIGNED TO SUPPLY HEATED AIR THROUGH DUCTS  
25 OF MORE THAN 10 INCHES IN LENGTH;

26 (II) USES SINGLE-PHASE ELECTRIC CURRENT OR DC  
27 CURRENT IN CONJUNCTION WITH NATURAL GAS OR PROPANE; AND

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

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

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

6                   [(12)] ~~(24)~~ **(21)** “Retailer” means a person engaged in the business of  
7 making retail sales within the State.

8                   [(13)] ~~(25)~~ **(22)** “Roll-in cabinet” means a commercial refrigerator or  
9 commercial freezer with hinged or sliding doors that allow wheeled racks of product to  
10 be rolled into the refrigerator or freezer.

11                   [(14)] ~~(26)~~ **(23)** “Roll-through cabinet” means a commercial  
12 refrigerator or commercial freezer with hinged or sliding doors that allow wheeled  
13 racks of product to be rolled through the refrigerator or freezer.

14                   ~~(27)~~ **(24)** “SINGLE-VOLTAGE EXTERNAL AC TO DC POWER  
15 SUPPLY” MEANS A DEVICE THAT:

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

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

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

22                   **(IV) IS CONTAINED WITHIN A SEPARATE PHYSICAL**  
23 **ENCLOSURE FROM THE END-USE PRODUCT;**

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

27                   **(VI) DOES NOT HAVE A BATTERY OR BATTERY PACK,**  
28 **REMOVABLE OR OTHERWISE, THAT PHYSICALLY ATTACH DIRECTLY TO THE**  
29 **POWER SUPPLY UNIT;**

1 (VII) DOES NOT HAVE A BATTERY CHEMISTRY OR TYPE  
2 SELECTOR SWITCH AND INDICATOR LIGHT OR DOES NOT HAVE A BATTERY  
3 CHEMISTRY OR TYPE SELECTOR SWITCH AND A STATE-OF-CHARGE METER; AND

4 (VIII) HAS A NAMEPLATE OUTPUT POWER NOT EXCEEDING 250  
5 WATTS.

6 ~~(28)~~ (25) "STATE-REGULATED INCANDESCENT REFLECTOR  
7 LAMP" MEANS A LAMP, NOT COLORED OR DESIGNED FOR ROUGH OR VIBRATION  
8 SERVICE APPLICATIONS:

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

11 (II) WITH AN E26 MEDIUM SCREW BASE;

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

14 (IV) THAT IS:

15 1. A BLOWN PAR (BPAR);

16 2. A BULGED REFLECTOR (BR);

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

19 4. A REFLECTOR (R), PARABOLIC ALUMINIZED  
20 REFLECTOR (PAR), OR SIMILAR BULB SHAPE WITH A DIAMETER OF 2.25 TO 2.75  
21 INCHES, INCLUSIVE.

22 [(15)] ~~(29)~~ (26) "Torchiere lighting fixture" means a portable electric  
23 lighting fixture with a reflector bowl giving light directed upward so as to give indirect  
24 illumination.

25 [(16)] ~~(30)~~ (27) "Traffic signal" means a device consisting of a set of  
26 signal lights operating in sequence and placed at intersections to regulate traffic.



1           [(17)] ~~(31)~~ **(28)** “Traffic signal module” means a standard 8-inch  
2 (200mm) or 12-inch (300mm) round traffic signal indication that:

3                   (i) consists of a light source, lens, full-color ball, and all parts  
4 necessary for operation; and

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

7           [(18)] ~~(32)~~ **(29)** “Transformer” means a device consisting essentially of  
8 two or more coils of insulated wire that transfers alternating current by  
9 electromagnetic induction from one coil to another in order to change the original  
10 voltage or current value.

11           [(19)] ~~(33)~~ **(30)** (i) “Unit heater” means a self-contained fan-type heater  
12 that:

13                   1. is designed to be installed within the heated space;  
14 and

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

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

19           ~~(34)~~ **(31)** **(I)**           **“WALK-IN REFRIGERATOR AND FREEZER” MEANS**  
20 **A REFRIGERATED SPACE THAT:**

21                   **1. CAN BE WALKED INTO;**

22                   **2. HAS A TOTAL CHILLED AND FROZEN STORAGE**  
23 **AREA OF LESS THAN 3,000 SQUARE FEET;**

24                   **3. OPERATES AT CHILLED (ABOVE 32 DEGREES**  
25 **FAHRENHEIT) OR FROZEN (AT OR BELOW 32 DEGREES FAHRENHEIT)**  
26 **TEMPERATURE; AND**

27                   **4. IS CONNECTED TO A SELF-CONTAINED OR**  
28 **REMOTE CONDENSING UNIT.**



- 1                   (X)    BOTTLE-TYPE WATER DISPENSERS;
- 2                   (XI)   COMMERCIAL HOT FOOD HOLDING CABINETS;
- 3                   ~~(XII)   COMPACT AUDIO PRODUCTS;~~
- 4                   ~~(XIII)   DIGITAL VERSATILE DISC PLAYERS AND DIGITAL~~  
5 ~~VERSATILE DISC RECORDERS;~~
- 6                   ~~(XIV)~~ (XII)   METAL HALIDE LAMP FIXTURES;
- 7                   ~~(XV)~~ (XIII)   RESIDENTIAL FURNACES;
- 8                   ~~(XVI)~~ (XIV)   SINGLE-VOLTAGE EXTERNAL AC TO DC POWER  
9 SUPPLIES;
- 10                  ~~(XVII)~~ (XV)   STATE-REGULATED INCANDESCENT REFLECTOR  
11 LAMPS; AND
- 12                  ~~(XVIII)~~ (XVI)    WALK-IN REFRIGERATORS AND FREEZERS;  
13 AND
- 14                  ~~(XIX)   ANY OTHER PRODUCTS THAT THE ADMINISTRATION~~  
15 ~~MAY DESIGNATE IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.~~

(2) This section does not apply to:

- 17                  (i)    new products manufactured in the State and sold outside  
18 the State;
- 19                  (ii)   new products manufactured outside the State and sold at  
20 wholesale inside the State for final retail sale and installation outside the State;
- 21                  (iii)  products installed in mobile manufactured homes at the  
22 time of construction; ~~or~~
- 23                  (iv)   products designed expressly for installation and use in  
24 recreational vehicles; OR

1                                    **(V) RESIDENTIAL FURNACES THAT USE NATURAL GAS OR**  
2 **PROPANE AND THAT ARE INSTALLED AS A REPLACEMENT FOR A PREVIOUSLY**  
3 **INSTALLED FURNACE.**

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

7                            (2)    The regulations shall provide for the following minimum efficiency  
8 standards:

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

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

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

16                            (iv)   ceiling fan light kits:

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

21    2.    may contain light sources that are not compact  
22 fluorescent lamps but that have lumen-per-watt performance at least equivalent to  
23 comparably configured compact fluorescent lamps meeting “Energy Star Program  
24 Requirements for CFLS: Energy Efficiency Criteria – Version 3.0”;

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

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

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

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

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

	Equipment Type	Maximum Daily Energy Consumption (kilowatt hours)
11 12 13 14	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with solid doors	$0.125V + 2.76$
15 16 17 18	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with transparent doors	$0.172V + 4.77$
19 20 21 22	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers with solid doors	$0.398V + 2.28$
23 24 25 26	Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers with transparent doors	$0.940V + 5.10$

1           Reach-in cabinets that are 0.273AV + 1.65  
2           refrigerator-freezers with solid doors

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

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

12           **(D) (1) ON OR BEFORE JANUARY 1, 2008, THE ADMINISTRATION**  
13 **SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS**  
14 **FOR THE TYPES OF NEW PRODUCTS SET FORTH IN SUBSECTION (B)(1)(X)**  
15 **THROUGH ~~(XV)~~ (XVI) OF THIS SECTION.**

16                   **(2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING**  
17 **MINIMUM EFFICIENCY STANDARDS:**

18                   **(I) EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS**  
19 **SUBPARAGRAPH:**

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

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

29                   **(II) COMMERCIAL HOT FOOD HOLDING CABINETS SHALL**  
30 **HAVE A MAXIMUM IDLE ENERGY RATE NOT EXCEEDING 40 WATTS PER CUBIC**

1 FOOT OF INTERIOR VOLUME, AS DETERMINED BY THE “IDLE ENERGY RATE–DRY  
 2 TEST” IN ASTM F2140–01, “STANDARD TEST METHOD FOR PERFORMANCE OF  
 3 HOT FOOD HOLDING CABINETS” PUBLISHED BY ASTM INTERNATIONAL, AND  
 4 INTERIOR VOLUME SHALL BE MEASURED IN ACCORDANCE WITH THE METHOD  
 5 SHOWN IN THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S “ENERGY STAR  
 6 PROGRAM REQUIREMENTS FOR COMMERCIAL HOT FOOD HOLDING CABINETS”  
 7 EFFECTIVE AUGUST 15, 2003;

8 ~~(III)~~ ~~COMPACT AUDIO PRODUCTS:~~

9 ~~1. WITHOUT A PERMANENTLY ILLUMINATED CLOCK~~  
 10 ~~DISPLAY MAY NOT USE MORE THAN 2 WATTS IN STANDBY PASSIVE MODE;~~

11 ~~2. WITH A PERMANENTLY ILLUMINATED CLOCK~~  
 12 ~~DISPLAY MAY NOT USE MORE THAN 4 WATTS IN STANDBY PASSIVE MODE; AND~~

13 ~~3. SHALL BE MEASURED IN ACCORDANCE WITH~~  
 14 ~~INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) TEST METHOD~~  
 15 ~~62087:2002(E), “METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION~~  
 16 ~~OF AUDIO, VIDEO, AND RELATED EQUIPMENT”;~~

17 ~~(IV) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL~~  
 18 ~~VERSATILE DISC RECORDERS MAY NOT USE MORE THAN 3 WATTS IN~~  
 19 ~~STANDBY PASSIVE MODE, AS MEASURED IN ACCORDANCE WITH~~  
 20 ~~INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) TEST METHOD~~  
 21 ~~62087:2002(E), “METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION~~  
 22 ~~OF AUDIO, VIDEO, AND RELATED EQUIPMENT”;~~

23 ~~(V)~~ (III) METAL HALIDE LAMP FIXTURES DESIGNED TO BE  
 24 OPERATED WITH LAMPS RATED AT LEAST 150 WATTS BUT NOT EXCEEDING 500  
 25 WATTS MAY NOT CONTAIN A PROBE–START METAL HALIDE BALLAST;

26 ~~(VI)~~ (IV) RESIDENTIAL FURNACES THAT USE NATURAL GAS  
 27 OR PROPANE AND THAT ARE INSTALLED AS THE ORIGINAL FURNACE IN NEWLY  
 28 CONSTRUCTED RESIDENTIAL BUILDINGS SHALL:

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

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

5                   ~~(VII)~~ **(V) THE STANDARD FOR SINGLE-VOLTAGE EXTERNAL**  
 6 **AC TO DC POWER SUPPLIES:**

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

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

13                   **3. SHALL MEET THE ENERGY EFFICIENCY**  
 14 **REQUIREMENTS IN THE FOLLOWING TABLE:**

NAMEPLATE OUTPUT POWER	MINIMUM EFFICIENCY IN ACTIVE MODE
FROM 0 TO LESS THAN 1 WATT	0.49 TIMES THE NAMEPLATE OUTPUT
FROM 1 WATT TO NOT MORE THAN 49 WATTS	THE SUM 0.09 TIMES THE NATURAL LOGARITHM OF THE NAMEPLATE OUTPUT POWER (EXPRESSED IN WATTS) AND 0.49
GREATER THAN 49 WATTS	0.84



1	NAMEPLATE OUTPUT POWER	MAXIMUM	ENERGY
2		CONSUMPTION	IN NO-LOAD
3		MODE	
4	FROM 0 TO LESS THAN 10 WATTS	0.5 WATTS	
5	FROM 10 WATTS TO NOT MORE	0.75 WATTS	
6	THAN 250 WATTS		

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

13                                   ~~(VIII)~~ (VI) THE STANDARD FOR STATE-REGULATED  
14 INCANDESCENT REFLECTOR LAMPS:

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

18                                   2.     DOES NOT APPLY TO THE FOLLOWING TYPES OF  
19 INCANDESCENT REFLECTOR LAMPS:

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

22                                   B.     LAMPS RATED AT 65 WATTS OF THE FOLLOWING  
23 TYPES: BR30, BR40, AND ER40; AND

24                                   C.     R20 LAMPS OF 45 WATTS OR LESS; AND

25                                   ~~(IX)~~ (VII) WALK-IN REFRIGERATORS AND FREEZERS:

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

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

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

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

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

18                   **6. SHALL HAVE, FOR CONDENSER FAN MOTORS OF**  
19 **UNDER ONE HORSEPOWER EITHER ELECTRONICALLY COMMUTATED MOTORS,**  
20 **PERMANENT SPLIT CAPACITOR-TYPE MOTORS, OR POLYPHASE MOTORS OF AT**  
21 **LEAST ONE-HALF HORSEPOWER;**

22                   **7. SHALL HAVE LIGHT SOURCES WITH AN EFFICACY**  
23 **OF AT LEAST 40 LUMENS PER WATT, INCLUDING ANY BALLAST LOSSES, EXCEPT**  
24 **THAT LIGHT SOURCES WITH AN EFFICACY OF 40 LUMENS PER WATT OR LESS,**  
25 **INCLUDING ANY BALLAST LOSSES, MAY BE USED IN CONJUNCTION WITH A**  
26 **TIMER OR DEVICE THAT TURNS OFF THE LIGHTS WITHIN 15 MINUTES AFTER**  
27 **THE WALK-IN CEASES TO BE OCCUPIED; AND**

28                   **8. WITH TRANSPARENT REACH-IN DOORS AND**  
29 **WALK-IN DOOR WINDOWS SHALL MEET THE FOLLOWING ADDITIONAL**  
30 **REQUIREMENTS:**

1           **A. TRANSPARENT REACH-IN DOORS AND WINDOWS**  
2 **IN WALK-IN DOORS FOR WALK-IN FREEZERS SHALL BE OF TRIPLE-PANE GLASS**  
3 **WITH EITHER HEAT-REFLECTIVE TREATED GLASS OR GAS FILL;**

4           **B. TRANSPARENT REACH-IN DOORS AND WINDOWS**  
5 **IN WALK-IN DOORS FOR WALK-IN REFRIGERATORS SHALL BE EITHER**  
6 **DOUBLE-PANE GLASS WITH HEAT-REFLECTIVE TREATED GLASS AND GAS FILL,**  
7 **OR TRIPLE PANE GLASS WITH EITHER HEAT-REFLECTIVE TREATED GLASS OR**  
8 **GAS FILL;**

9           **C. FOR APPLIANCES WITH AN ANTI-SWEAT HEATER**  
10 **WITHOUT ANTI-SWEAT HEAT CONTROLS, THE APPLIANCE SHALL HAVE A TOTAL**  
11 **DOOR RAIL, GLASS, AND FRAME HEATER POWER DRAW NOT EXCEEDING 7.1**  
12 **WATTS PER SQUARE FOOT OF DOOR OPENING (FREEZERS) AND NOT EXCEEDING**  
13 **3.0 WATTS PER SQUARE FOOT OF DOOR OPENING (REFRIGERATORS); AND**

14           **D. FOR APPLIANCES WITH AN ANTI-SWEAT HEATER**  
15 **WITH ANTI-SWEAT HEAT CONTROLS, AND A TOTAL DOOR RAIL, GLASS, AND**  
16 **FRAME HEATER POWER DRAW EXCEEDING 7.1 WATTS PER SQUARE FOOT OF**  
17 **DOOR OPENING (FREEZERS) AND 3.0 WATTS PER SQUARE FOOT OF DOOR**  
18 **OPENING (REFRIGERATORS), THE ANTI-SWEAT HEAT CONTROLS SHALL REDUCE**  
19 **THE ENERGY USE OF THE ANTI-SWEAT HEATER IN AN AMOUNT CORRESPONDING**  
20 **TO THE RELATIVE HUMIDITY IN THE AIR OUTSIDE THE DOOR OR TO THE**  
21 **CONDENSATION ON THE INNER GLASS PANE.**

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

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

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

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

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

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

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

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

18           **(2) ON OR AFTER MARCH 1, 2009 2012, NO NEW ~~COMPACT AUDIO~~**  
19 **~~PRODUCT, DIGITAL VERSATILE DISC PLAYER OR DIGITAL VERSATILE DISC~~**  
20 **~~RECORDER, OR SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLY MAY BE~~**  
21 **SOLD OR OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE**  
22 **NEW PRODUCT MEETS OR EXCEEDS THE EFFICIENCY STANDARDS SET FORTH IN**  
23 **THE REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.**

24           **(3) (I) THE ADMINISTRATION MAY ADOPT REGULATIONS TO**  
25 **EXEMPT COMPLIANCE WITH THE RESIDENTIAL FURNACE AFUE STANDARDS**  
26 **UNDER SUBSECTION (D)(2)(~~VI~~) (IV) OF THIS SECTION AT ANY BUILDING, SITE,**  
27 **OR LOCATION WHERE COMPLYING WITH THE STANDARDS WOULD CONFLICT**  
28 **WITH ANY LOCAL ZONING ORDINANCE, BUILDING OR PLUMBING CODE, OR**  
29 **OTHER RULE REGARDING INSTALLATION AND VENTING OF RESIDENTIAL**  
30 **FURNACES OR RESIDENTIAL BOILERS.**

31           **(II) ON OR BEFORE JANUARY 1, 2008, THE**  
32 **ADMINISTRATION, IN CONSULTATION WITH THE ATTORNEY GENERAL, SHALL**  
33 **DETERMINE IF FEDERAL LAW PREEMPTS STATE IMPLEMENTATION OF THE**  
34 **RESIDENTIAL FURNACE STANDARDS.**

1                   (III) THE ADMINISTRATION SHALL MAKE SEPARATE  
2 DETERMINATIONS WITH RESPECT TO MINIMUM AFUE AND MAXIMUM  
3 ELECTRICITY RATIO STANDARDS.

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

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

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

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

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

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

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

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

12            (H)    (1)    **THE ADMINISTRATION MAY ADOPT REGULATIONS TO**  
13 **INCREASE THE EFFICIENCY STANDARDS FOR THE PRODUCTS LISTED IN**  
14 **SUBSECTION (B)(1)(X) THROUGH ~~(XVIII)~~ (XVI) OF THIS SECTION.**

15            (2)    ~~THE ADMINISTRATION MAY ALSO ADOPT REGULATIONS TO~~  
16 ~~ESTABLISH STANDARDS FOR PRODUCTS NOT SPECIFICALLY LISTED IN~~  
17 ~~SUBSECTION (B)(1)(I) THROUGH (XVIII) OF THIS SECTION~~ **EVERY 2 YEARS, THE**  
18 **ADMINISTRATION SHALL CONSIDER AND PROPOSE TO THE GENERAL**  
19 **ASSEMBLY:**

20            (I)    **NEW STANDARDS FOR PRODUCTS NOT SPECIFICALLY**  
21 **LISTED IN SUBSECTION (B)(1) OF THIS SECTION; AND**

22            (II) **REVISED, MORE STRINGENT STANDARDS FOR**  
23 **PRODUCTS LISTED IN SUBSECTION (B)(1) OF THIS SECTION.**

24            (3)    **IN CONSIDERING ~~THE~~ NEW OR AMENDED STANDARDS, THE**  
25 **ADMINISTRATION SHALL ~~ADOPT THE~~ PROPOSE NEW OR AMENDED EFFICIENCY**  
26 **STANDARDS IF IT DETERMINES THAT ANY NEW OR INCREASED EFFICIENCY**  
27 **STANDARDS WOULD:**

28            (I)    **SERVE TO PROMOTE ENERGY CONSERVATION IN THE**  
29 **STATE; ~~AND WOULD~~**

30            (II) **BE LIFE-CYCLE COST EFFECTIVE FOR CONSUMERS WHO**  
31 **PURCHASE AND USE THE NEW PRODUCTS; AND**

1                   **(III) BE TECHNOLOGICALLY FEASIBLE AND ECONOMICALLY**  
2 **JUSTIFIED.**

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

6                   **(5) ~~THE~~ SUBJECT TO PARAGRAPHS (6) AND (7) OF THIS**  
7 **SUBSECTION, THE ADMINISTRATION MAY APPLY FOR A WAIVER OF FEDERAL**  
8 **PREEMPTION IN ACCORDANCE WITH FEDERAL PROCEDURES**  
9 **(42 U.S.C. § 6297 (D)) FOR STATE EFFICIENCY STANDARDS FOR ANY PRODUCT**  
10 **REGULATED BY THE FEDERAL GOVERNMENT.**

11                   **(6) THE ADMINISTRATION MAY APPLY FOR A WAIVER UNDER**  
12 **PARAGRAPH (5) OF THIS SUBSECTION, IF:**

13                   **(I) AT LEAST 90 DAYS BEFORE THE DAY ON WHICH THE**  
14 **APPLICATION FOR THE WAIVER IS SUBMITTED TO THE FEDERAL GOVERNMENT,**  
15 **THE ADMINISTRATION ANNOUNCES ITS INTENTION TO SUBMIT THE**  
16 **APPLICATION BY PUBLICATION IN THE MARYLAND REGISTER AND WRITING TO**  
17 **THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND**

18                   **(II) AT LEAST 60 DAYS BEFORE THE DAY ON WHICH THE**  
19 **APPLICATION FOR THE WAIVER IS SUBMITTED TO THE FEDERAL GOVERNMENT,**  
20 **THE ADMINISTRATION, AFTER REASONABLE NOTICE OTHER THAN PUBLICATION**  
21 **IN THE MARYLAND REGISTER, SHALL HOLD A PUBLIC HEARING ON THE**  
22 **PROPOSED APPLICATION TO RECEIVE PUBLIC COMMENT.**

23                   **(7) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**  
24 **HOUSE OF DELEGATES MAY DIRECT THAT THE APPROPRIATE STANDING**  
25 **COMMITTEES OF THE GENERAL ASSEMBLY HOLD HEARINGS ON THE PROPOSED**  
26 **APPLICATION FOR THE WAIVER AND PROVIDE COMMENTS TO THE**  
27 **ADMINISTRATION.**

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

1           **(2) THE ADMINISTRATION MAY ADOPT UPDATED TEST METHODS**  
2 **BY REGULATION WHEN NEW VERSIONS OF TEST METHODS BECOME AVAILABLE**  
3 **OR WHEN AN ALTERNATIVE TEST METHOD HAS BEEN ADOPTED BY ANOTHER**  
4 **STATE OR THE FEDERAL GOVERNMENT.**

5           **[(2)] (3)** The Administration shall use appropriate nationally  
6 recognized test methods such as those approved by the United States Department of  
7 Energy.

8           **[(3)] (4)** The manufacturers of new products listed in subsection  
9 (b)(1) of this section shall cause samples of their products to be tested in accordance  
10 with the test procedures adopted under this subsection or those specified in the  
11 Maryland Building Performance Standards.

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

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

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

23                   1. the other state's standards or the Energy Star  
24 specifications are equivalent to or more stringent than the standards of the State of  
25 Maryland; and

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

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



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

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

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

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

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

15                   (i)    charge the manufacturer of the product for the cost of  
16 product purchase and testing; and

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

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

23                   (2)   The Administration shall coordinate with the Department of  
24 Housing and Community Development regarding inspections, prior to occupancy, of  
25 newly constructed buildings containing new products that are also covered by the  
26 Maryland Building Performance Standards.

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

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

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

4                   (4)    Repeat violators shall be subject to a civil penalty of not more than  
5 \$250.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.