

SENATE BILL 674

M3, C8

7lr0877
CF 7lr0878

By: **Senators Pinsky, Britt, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, Lenett, Pugh, and Zirkin**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

Maryland Energy Efficiency Standards Act of 2007

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

23 BY repealing and reenacting, without amendments,
24 Article – Public Utility Companies

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–101(a)
2 Annotated Code of Maryland
3 (1998 Volume and 2006 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Public Utility Companies
6 Section 1–101(p) through (pp)
7 Annotated Code of Maryland
8 (1998 Volume and 2006 Supplement)

9 BY adding to
10 Article – Public Utility Companies
11 Section 1–101(p) and (oo) and 7–212
12 Annotated Code of Maryland
13 (1998 Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 9–2006
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2006 Supplement)

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

21 **Article – Public Utility Companies**

22 1–101.

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

24 (P) **“LIQUID–IMMERSED DISTRIBUTION TRANSFORMER” MEANS A**
25 **TRANSFORMER THAT:**

26 (1) **HAS AN INPUT VOLTAGE OF 34,500 VOLTS OR LESS;**
27 (2) **HAS AN OUTPUT VOLTAGE OF 600 VOLTS OR LESS;**
28 (3) **USES OIL OR OTHER LIQUID AS A COOLANT; AND**
29 (4) **IS RATED FOR OPERATION AT A FREQUENCY OF 60 HERTZ.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Rate" includes a schedule, regulation, classification, or practice of a public service company that affects:

3 (i) the amount of a charge; or

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

5 [(z)] (AA) (1) "Record" means the original or a copy of any documentary
6 material.

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

11 (1) solar;

12 (2) wind;

13 (3) tidal;

14 (4) geothermal;

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

16 (6) hydroelectric facilities:

17 (7) digester gas; and

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

[19] [(b)(1)(C)(i)] “Retail electric customer” means

21 (2) "Retail electric customer" excludes:

22 (j) an occupant of a building is

23 lessee/operator manages the internal distribution system serving the building and
24 supplies electricity and electricity supply services solely to occupants of the building
25 for use by the occupants; and

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

3 [(cc)] (DD) (1) "Retail gas customer" means a purchaser of gas for end use
4 in the State.

9 [(dd)] (EE) "Sewage disposal company" means a privately-owned public
10 service company that owns or maintains facilities for the disposal of sewage.

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

12 (1) serves only the consumers that exclusively own and control the
13 company;

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

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

16 [(ff)] (GG) “State” means:

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

19 (2) the District of Columbia.

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

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

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

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

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

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

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

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

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

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

14 (i) owns telephone lines to receive, transmit, or communicate
15 telephone or teletype communications; or

16 (ii) leases, licenses, or sells telephone or teletype
17 communications.

18 (2) "Telephone company" does not include a cellular telephone
19 company.

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

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

25 (oo) "TRANSFORMER" MEANS A DEVICE CONSISTING OF TWO OR MORE
26 COILS OF INSULATED WIRE THAT IS DESIGNED TO TRANSFER ALTERNATING
27 CURRENT BY ELECTROMAGNETIC INDUCTION FROM ONE COIL TO ANOTHER TO
28 CHANGE THE ORIGINAL VOLTAGE OR CURRENT VALUE.

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

3 (i) regularly scheduled operations;

4 (ii) charter or contract operations; or

5 (iii) tour or sightseeing operations.

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

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

14 7-212.

18 (B) THE REGULATIONS SHALL ENSURE THAT, SUBJECT TO
19 AVAILABILITY, PURCHASES OF LIQUID-IMMERSED DISTRIBUTION
20 TRANSFORMERS BY ELECTRIC COMPANIES OCCURRING ON OR AFTER JANUARY
21 1, 2009, ARE BASED ON THE LIFE-CYCLE COST METHODOLOGY CONTAINED IN
22 SECTION 2 OF STANDARD TP-1-2002 PUBLISHED BY THE NATIONAL
23 ELECTRICAL MANUFACTURERS ASSOCIATION.

Article – State Government

25 9-2006.

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

1 **VOLTAGE, CURRENT, AND WAVEFORM, FOR STARTING AND OPERATING THE**
2 **LAMP.**

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

6 **[(2)] (4) “Ceiling fan” means a nonportable device that is suspended**
7 from a ceiling for the purpose of circulating air via the rotation of fan blades.

8 **[(3)] (5) “Ceiling fan light kit” means equipment designed to provide**
9 light from a ceiling fan, which can be:

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

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

15 **[(4)] (6) “Commercial clothes washer” means a soft mount**
16 front-loading or soft mount top-loading clothes washer that is designed for use in:

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

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

22 1. 3.5 cubic feet for horizontal-axis clothes washers; or

23 2. 4.0 cubic feet for vertical-axis clothes washers.

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

1. reach-in cabinet;
2. pass-through cabinet;
3. roll-in cabinet; or
4. roll-through cabinet.

13 (ii) "Commercial refrigeration cabinet" does not include:

1 **3. DIGITAL VERSATILE DISC (DVD); OR**

2 **4. FLASH MEMORY.**

3 **(II) "COMPACT AUDIO PRODUCT" DOES NOT INCLUDE A**
4 **PRODUCT THAT:**

5 **1. CAN BE INDEPENDENTLY POWERED BY INTERNAL**
6 **BATTERIES;**

7 **2. HAS A POWERED EXTERNAL SATELLITE ANTENNA;**
8 **OR**

9 **3. CAN PROVIDE A VIDEO OUTPUT SIGNAL.**

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

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

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

23 **(12) (I) "ELECTRICITY RATIO" IS THE RATIO OF FURNACE**
24 **ELECTRICITY USE TO TOTAL FURNACE ENERGY USE.**

25 **(II) "ELECTRICITY RATIO" IS EQUAL TO A FRACTION:**

26 **1. THE NUMERATOR OF WHICH IS 3.412 TIMES THE**
27 **AVERAGE ANNUAL AUXILIARY ELECTRICAL CONSUMPTION AS DEFINED IN**

1 **APPENDIX N TO SUBPART B OF PART 430 OF TITLE 10 OF THE CODE OF**
2 **FEDERAL REGULATIONS; AND**

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

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

8 **B. THE AMOUNT CALCULATED FOR THE**
9 **NUMERATOR.**

10 **(13) "HIGH-INTENSITY DISCHARGE LAMP" MEANS A LAMP IN**
11 **WHICH:**

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

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

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

18 **[(6)] (14) "Illuminated exit sign" means an internally illuminated sign**
19 **that is designed to be permanently fixed in place to identify an exit and the**
20 **background of which is not transparent.**

21 **[(7)] (15) "Large packaged air-conditioning equipment" means**
22 **packaged air-conditioning equipment with at least 20 tons but not more than 80 tons**
23 **of cooling capacity.**

24 **[(8)] (16) (i) "Low-voltage dry-type distribution transformer"**
25 **means a distribution transformer that:**

26 1. has an input voltage of 600 volts or less;
27 2. is air-cooled; and

3. does not use oil as a coolant.

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

[9] (19) "Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites.

11 [(10)] (20) "Pass-through cabinet" means a commercial refrigerator or
12 commercial freezer with hinged or sliding doors on both the front and rear of the
13 refrigerator or freezer.

(I) DOES NOT CONTAIN AN IGNITER; AND

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

19 [(11)] (22) (i) "Reach-in cabinet" means a commercial refrigerator,
20 commercial freezer, or commercial refrigerator-freezer with hinged or sliding doors or
21 lids.

(ii) "Reach-in cabinet" does not include a roll-in or roll-through cabinet or a pass-through cabinet.

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

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

10 [(12)] (24) "Retailer" means a person engaged in the business of
11 making retail sales within the State.

12 [(13)] (25) "Roll-in cabinet" means a commercial refrigerator or
13 commercial freezer with hinged or sliding doors that allow wheeled racks of product to
14 be rolled into the refrigerator or freezer.

15 [(14)] (26) "Roll-through cabinet" means a commercial refrigerator or
16 commercial freezer with hinged or sliding doors that allow wheeled racks of product to
17 be rolled through the refrigerator or freezer.

18 (27) "SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLY"
19 MEANS A DEVICE THAT:

20 (I) IS DESIGNED TO CONVERT LINE VOLTAGE AC INPUT
21 INTO LOWER VOLTAGE DC OUTPUT;

22 (II) IS ABLE TO CONVERT TO ONLY ONE DC OUTPUT
23 VOLTAGE AT A TIME;

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

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

4 (VI) DOES NOT HAVE A BATTERY OR BATTERY PACK,
5 REMOVABLE OR OTHERWISE, THAT PHYSICALLY ATTACH DIRECTLY TO THE
6 POWER SUPPLY UNIT;

7 (VII) DOES NOT HAVE A BATTERY CHEMISTRY OR TYPE
8 SELECTOR SWITCH AND INDICATOR LIGHT OR DOES NOT HAVE A BATTERY
9 CHEMISTRY OR TYPE SELECTOR SWITCH AND A STATE-OF-CHARGE METER; AND

10 (VIII) HAS A NAMEPLATE OUTPUT POWER NOT EXCEEDING 250
11 WATTS.

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

17 (II) WITH AN E26 MEDIUM SCREW BASE;

20 (IV) THAT IS:

1. A BLOWN PAR (BPAR);

2. A BULGED REFLECTOR (BR);

25 4. A REFLECTOR (R), PARABOLIC ALUMINIZED
26 REFLECTOR (PAR), OR SIMILAR BULB SHAPE WITH A DIAMETER OF 2.25 TO 2.75
27 INCHES, INCLUSIVE.

1 **[(15)] (29)** “Torchiere lighting fixture” means a portable electric
2 lighting fixture with a reflector bowl giving light directed upward so as to give indirect
3 illumination.

4 **[(16)] (30)** “Traffic signal” means a device consisting of a set of signal
5 lights operating in sequence and placed at intersections to regulate traffic.

6 **[(17)] (31)** “Traffic signal module” means a standard 8-inch (200mm) or
7 12-inch (300mm) round traffic signal indication that:

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

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

12 **[(18)] (32)** “Transformer” means a device consisting essentially of two
13 or more coils of insulated wire that transfers alternating current by electromagnetic
14 induction from one coil to another in order to change the original voltage or current
15 value.

16 **[(19)] (33)** (i) “Unit heater” means a self-contained fan-type heater
17 that:

18 1. is designed to be installed within the heated space;
19 and

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

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

24 **(34) (I) “WALK-IN REFRIGERATOR AND FREEZER” MEANS A**
25 **REFRIGERATED SPACE THAT:**

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

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

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

6 (II) "WALK-IN REFRIGERATOR AND FREEZER" DOES NOT
7 INCLUDE:

2. A REFRIGERATED WAREHOUSE.

13 (I) MECHANICALLY COOLS AND HEATS POTABLE WATER;
14 AND

15 (II) DISPENSES THE COOLED OR HEATED WATER BY
16 INTEGRAL OR REMOTE MEANS.

17 [(20)] (36) “Widely available in Maryland” means a conforming product
18 available in the State from three or more manufacturers.

19 (b) (1) This section applies to the testing, certification, and enforcement of
20 efficiency standards for the following types of new products sold, offered for sale, or
21 installed in the State:

22 (i) torchiere lighting fixtures;

23 (ii) unit heaters;

24 (iii) low-voltage dry-type distribution transformers;

25 (iv) ceiling fan light kits;

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

20 (2) This section does not apply to:

21 (i) new products manufactured in the State and sold outside

22 the State;

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

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

5 (iv) products designed expressly for installation and use in
6 recreational vehicles.

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

10 (2) The regulations shall provide for the following minimum efficiency
11 standards:

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

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

19 (iv) ceiling fan light kits:

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

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

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

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

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

| 13 | Equipment Type | Maximum Daily |
|----|--|--------------------|
| 14 | | Energy Consumption |
| 15 | | (kilowatt hours) |
| 16 | Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with solid doors | 0.125V + 2.76 |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators with transparent doors | 0.172V + 4.77 |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers with solid doors | 0.398V + 2.28 |
| 25 | | |
| 26 | | |
| 27 | | |

1 Reach-in cabinets, pass-through 0.940V + 5.10
2 cabinets, and roll-in or roll-through
3 cabinets that are freezers with
4 transparent doors

5 Reach-in cabinets that are 0.273AV + 1.65
6 refrigerator-freezers with solid doors

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

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

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

20 **(2) THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING**
21 **MINIMUM EFFICIENCY STANDARDS:**

22 **(I) EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS**
23 **SUBPARAGRAPH:**

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

1 **2. BOTTLE-TYPE WATER DISPENSER UNITS WITH AN**
2 **INTEGRAL, AUTOMATIC TIMER MAY NOT BE TESTED USING SECTION D, "TIMER**
3 **USAGE" OF THE TEST CRITERIA;**

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

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

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

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

18 **3. SHALL BE MEASURED IN ACCORDANCE WITH**
19 **INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) TEST METHOD**
20 **62087:2002(E), "METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION**
21 **OF AUDIO, VIDEO, AND RELATED EQUIPMENT";**

22 **(IV) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL**
23 **VERSATILE DISC RECORDERS MAY NOT USE MORE THAN 3 WATTS IN**
24 **STANDBY-PASSIVE MODE, AS 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 **(V) METAL HALIDE LAMP FIXTURES DESIGNED TO BE**
29 **OPERATED WITH LAMPS RATED AT LEAST 150 WATTS BUT NOT EXCEEDING 500**
30 **WATTS MAY NOT CONTAIN A PROBE-START METAL HALIDE BALLAST;**

1 (VI) RESIDENTIAL FURNACES THAT USE NATURAL GAS OR
2 PROPANE SHALL:

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

| | NAMEPLATE OUTPUT POWER | MINIMUM EFFICIENCY IN ACTIVE MODE |
|----|--|--|
| 19 | | |
| 20 | | |
| 21 | FROM 0 TO LESS THAN 1 WATT | 0.49 TIMES THE NAMEPLATE OUTPUT |
| 22 | | |
| 23 | FROM 1 WATT TO NOT MORE THAN 49 WATTS | THE SUM 0.09 TIMES THE NATURAL LOGARITHM OF THE NAMEPLATE |
| 24 | | |
| 25 | | OUTPUT POWER (EXPRESSED IN WATTS) AND 0.49 |
| 26 | GREATER THAN 49 WATTS | 0.84 |

| NAMEPLATE OUTPUT POWER | MAXIMUM ENERGY |
|------------------------------|------------------------|
| FROM 0 TO LESS THAN 10 WATTS | CONSUMPTION IN NO-LOAD |
| FROM 10 WATTS TO NOT MORE | MODE |
| THAN 250 WATTS | 0.5 WATTS |
| THAN 250 WATTS | 0.75 WATTS |

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

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

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

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

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

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

C. R20 LAMPS OF 45 WATTS OR LESS; AND

(IX) 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:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (3) **IN CONSIDERING THE NEW OR AMENDED STANDARDS, THE**
19 **ADMINISTRATION SHALL ADOPT THE NEW OR AMENDED EFFICIENCY**
20 **STANDARDS IF IT DETERMINES THAT NEW OR INCREASED EFFICIENCY**
21 **STANDARDS WOULD SERVE TO PROMOTE ENERGY CONSERVATION IN THE STATE**
22 **AND WOULD BE LIFE-CYCLE COST EFFECTIVE FOR CONSUMERS WHO PURCHASE**
23 **AND USE THE NEW PRODUCTS.**

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

27 (5) **THE ADMINISTRATION MAY APPLY FOR A WAIVER OF**
28 **FEDERAL PREEMPTION IN ACCORDANCE WITH FEDERAL PROCEDURES**
29 **(42 U.S.C. § 6297 (D)) FOR STATE EFFICIENCY STANDARDS FOR ANY PRODUCT**
30 **REGULATED BY THE FEDERAL GOVERNMENT.**

31 [(f)] (I) (1) After public notice and comment, the Administration shall
32 adopt procedures by rule for testing the energy efficiency of the new products listed in

1 subsection (b)(1) of this section if testing procedures are not provided for in the
2 Maryland Building Performance Standards.

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.

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

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.

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.

(3) A manufacturer, distributor, or retailer of new products listed in subsection (b)(1) of this section that violates any provision of this section shall be 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) Penalties assessed under this subsection are in addition to costs 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.