

SENATE BILL 455

M3, P3

0lr1277
CF HB 349

By: **Senators Pinsky, Frosh, Harrington, Lenett, Madaleno, and Raskin**

Introduced and read first time: February 1, 2010

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Efficiency Standards Act – Televisions**

3 FOR the purpose of adding televisions to the list of products regulated under the
4 Maryland Efficiency Standards Act; requiring the Maryland Energy
5 Administration to adopt certain regulations establishing minimum efficiency
6 standards and compliance test methods for televisions; prohibiting, on or after a
7 certain date, the sale or offer for sale in the State of a certain television unless
8 the efficiency of the television meets or exceeds certain minimum efficiency
9 standards; defining certain terms; providing for the application of this Act; and
10 generally relating to the Maryland Efficiency Standards Act.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 9–2006(a)(1)
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 9–2006(a)(16) through (33), (b), and (e) through (n)
19 Annotated Code of Maryland
20 (2009 Replacement Volume)

21 BY adding to
22 Article – State Government
23 Section 9–2006(a)(16), (26) through (28), and (30), (e), and (h)
24 Annotated Code of Maryland
25 (2009 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Government

9–2006.

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

(16) “ON MODE” MEANS THE MODE OF OPERATION OF A TELEVISION IN WHICH THE TELEVISION IS CONNECTED TO A POWER SOURCE AND PRODUCES SOUND AND A PICTURE.

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

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

[(18)] (19) “Probe-start metal halide ballast” means a ballast used to operate metal halide lamps, that:

(i) does not contain an igniter; and

(ii) starts lamps by using a third starting electrode probe in the arc tube.

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

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

[(20)] (21) “Residential furnace” means a self-contained space heater that:

(i) is designed to supply heated air through ducts of more than 10 inches in length;

(ii) uses single-phase electric current or DC current in conjunction with natural gas or propane; and

(iii) 1. is designed to be the principal heating source for the living space of one or more residences;

1 2. is not contained within the same cabinet with a
2 central air conditioner whose rated cooling capacity is above 65,000 B.T.U. per hour;
3 and

4 3. has a heat input rate of less than 225,000 B.T.U. per
5 hour.

6 [(21)] **(22)** “Retailer” means a person engaged in the business of
7 making retail sales within the State.

8 [(22)] **(23)** “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 [(23)] **(24)** “Roll-through cabinet” means a commercial refrigerator or
12 commercial freezer with hinged or sliding doors that allow wheeled racks of product to
13 be rolled through the refrigerator or freezer.

14 [(24)] **(25)** “Single-voltage external AC to DC power supply” means a
15 device that:

16 (i) is designed to convert line voltage AC input into lower
17 voltage DC output;

18 (ii) is able to convert to only one DC output voltage at a time;

19 (iii) is sold with, or intended to be used with, a separate end-use
20 product that constitutes the primary power load;

21 (iv) is contained within a separate physical enclosure from the
22 end-use product;

23 (v) is connected to the end-use product through a removable or
24 hard-wired male/female electrical connection, cable, cord, or other wiring;

25 (vi) does not have a battery or battery pack, removable or
26 otherwise, that physically attaches directly to the power supply unit;

27 (vii) does not have a battery chemistry or type selector switch
28 and indicator light or does not have a battery chemistry or type selector switch and a
29 state-of-charge meter; and

30 (viii) has a nameplate output power not exceeding 250 watts.

1 **(26) “SCREEN AREA” MEANS THE VIEWABLE SCREEN AREA OF A**
2 **TELEVISION AS MEASURED IN SQUARE INCHES OR BY THE DIAGONAL LENGTH IN**
3 **INCHES.**

4 **(27) “STANDBY ACTIVE MODE” MEANS THE MODE OF OPERATION**
5 **OF A TELEVISION IN WHICH THE TELEVISION IS:**

6 **(I) CONNECTED TO A POWER SOURCE;**

7 **(II) NOT CAPABLE OF PRODUCING A SOUND OR PICTURE;**
8 **AND**

9 **(III) CAPABLE OF COMMUNICATING WITH AN EXTERNAL**
10 **SOURCE.**

11 **(28) “STANDBY PASSIVE MODE” MEANS THE MODE OF OPERATION**
12 **OF A TELEVISION IN WHICH THE TELEVISION:**

13 **(I) IS CONNECTED TO A POWER SOURCE;**

14 **(II) MAY BE SWITCHED TO ON MODE BY REMOTE CONTROL**
15 **OR AN INTEGRATED BUTTON OR SWITCH; AND**

16 **(III) IS NOT CAPABLE OF COMMUNICATING WITH AN**
17 **EXTERNAL SOURCE OR PRODUCING A SOUND OR PICTURE.**

18 **[(25)] (29) “State-regulated incandescent reflector lamp” means a**
19 **lamp, not colored or designed for rough or vibration service applications:**

20 **(i) with an inner reflective coating on the outer bulb to direct**
21 **the light;**

22 **(ii) with an E26 medium screw base;**

23 **(iii) with a rated voltage or voltage range that lies at least**
24 **partially within 115 to 130 volts; and**

25 **(iv) that is:**

26 1. a blown PAR (BPAR);

27 2. a bulged reflector (BR);

28 3. an elliptical reflector (ER) or similar bulb shape with
29 **a diameter equal to or greater than 2.25 inches; or**

1 4. a reflector (R), parabolic aluminized reflector (PAR),
2 or similar bulb shape with a diameter of 2.25 to 2.75 inches, inclusive.

3 **(30) (I) “TELEVISION” INCLUDES:**

4 1. A DEVICE THAT COMBINES INTO A SINGLE UNIT A
5 TELEVISION AND AN ADDITIONAL AUDIOVISUAL DEVICE, INCLUDING A DIGITAL
6 VIDEO DISC OR VIDEO CASSETTE RECORDER;

7 2. A TELEVISION COMPOSED OF TWO OR MORE
8 SEPARATE COMPONENTS MARKETING AND SOLD AS A TELEVISION UNDER ONE
9 MODEL OR SYSTEM DESIGNATION; AND

10 3. ANY OTHER ELECTRICAL DEVICE THAT IS
11 MARKETING TO THE CONSUMER AS A TELEVISION.

12 **(II) “TELEVISION” DOES NOT INCLUDE A COMPUTER**
13 **MONITOR THAT IS NOT MARKETING TO THE CONSUMER AS A TELEVISION.**

14 **[(26)] (31)** “Torchiere lighting fixture” means a portable electric
15 lighting fixture with a reflector bowl giving light directed upward so as to give indirect
16 illumination.

17 **[(27)] (32)** “Traffic signal” means a device consisting of a set of signal
18 lights operating in sequence and placed at intersections to regulate traffic.

19 **[(28)] (33)** “Traffic signal module” means a standard 8–inch (200mm) or
20 12–inch (300mm) round traffic signal indication that:

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

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

25 **[(29)] (34)** “Transformer” means a device consisting essentially of two
26 or more coils of insulated wire that transfers alternating current by electromagnetic
27 induction from one coil to another in order to change the original voltage or current
28 value.

29 **[(30)] (35)** (i) “Unit heater” means a self–contained fan–type heater
30 that:

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

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

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

[(31)] (36) (i) “Walk-in refrigerator and freezer” means a refrigerated space that:

1. can be walked into;

2. has a total chilled and frozen storage area of less than 3,000 square feet;

3. operates at chilled (above 32 degrees Fahrenheit) or frozen (at or below 32 degrees Fahrenheit) temperature; and

4. is connected to a self-contained or remote condensing unit.

(ii) “Walk-in refrigerator and freezer” does not include:

1. a product designed and marketed exclusively for medical, scientific, or research purposes; and

2. a refrigerated warehouse.

[(32)] (37) “Water dispenser” means a factory-made assembly that:

(i) mechanically cools and heats potable water; and

(ii) dispenses the cooled or heated water by integral or remote means.

[(33)] (38) “Widely available in Maryland” means a conforming product available in the State from three or more manufacturers.

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

(i) torchiere lighting fixtures;

(ii) unit heaters;

- (iii) low-voltage dry-type distribution transformers;
- (iv) ceiling fan light kits;
- (v) red and green traffic signal modules;
- (vi) illuminated exit signs;
- (vii) commercial refrigeration cabinets;
- (viii) large packaged air-conditioning equipment;
- (ix) commercial clothes washers;
- (x) bottle-type water dispensers;
- (xi) commercial hot food holding cabinets;
- (xii) metal halide lamp fixtures;
- (xiii) residential furnaces;
- (xiv) single-voltage external AC to DC power supplies;
- (xv) state-regulated incandescent reflector lamps; [and]
- (xvi) walk-in refrigerators and freezers; AND

(XVII) TELEVISIONS.

(2) This section does not apply to:

- (i) new products manufactured in the State and sold outside 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;
- (iii) products installed in mobile manufactured homes at the time of construction;
- (iv) products designed expressly for installation and use in recreational vehicles; or
- (v) residential furnaces that use natural gas or propane and that are installed as a replacement for a previously installed furnace.

1 **(E) (1) ON OR BEFORE JUNE 1, 2011, THE ADMINISTRATION SHALL**
2 **ADOPT REGULATIONS ESTABLISHING MINIMUM EFFICIENCY STANDARDS AND**
3 **COMPLIANCE TEST METHODS FOR THE TYPE OF NEW PRODUCT SET FORTH IN**
4 **SUBSECTION (B)(1)(XVII) OF THIS SECTION.**

5 **(2) THE MINIMUM EFFICIENCY STANDARDS UNDER PARAGRAPH**
6 **(1) OF THIS SUBSECTION SHALL REQUIRE TELEVISIONS WITH A SCREEN AREA**
7 **OF LESS THAN OR EQUAL TO 1,400 SQUARE INCHES OR 58 DIAGONAL INCHES TO:**

8 **(I) USE A MAXIMUM OF 1 WATT IN STANDBY PASSIVE MODE;**

9 **(II) USE A MAXIMUM OF 0.12 TIMES THE SQUARE INCHES OF**
10 **THE SCREEN AREA PLUS 25 WATTS IN ON MODE;**

11 **(III) HAVE A MINIMUM POWER FACTOR OF 0.90;**

12 **(IV) HAVE A PEAK LUMINANCE IN THE PRESET MODE**
13 **DESIGNED FOR TYPICAL HOME USE AND IN THE DEFAULT MODE AS SHIPPED**
14 **THAT IS NO LESS THAN 65% OF THE PEAK LUMINANCE AT THE BRIGHTEST**
15 **AVAILABLE SETTING; AND**

16 **(V) AUTOMATICALLY ENTER:**

17 **1. STANDBY PASSIVE MODE OR STANDBY ACTIVE**
18 **MODE AFTER A MAXIMUM OF 15 MINUTES WITHOUT VIDEO OR AUDIO SIGNAL**
19 **INPUT; AND**

20 **2. STANDBY PASSIVE MODE AFTER BEING TURNED**
21 **OFF BY REMOTE OR AN INTEGRATED BUTTON OR SWITCH.**

22 **[(e)] (F) (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 the
25 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.

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

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

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

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

13 **[(f)] (G)** (1) On or after January 1, 2009, no new bottle-type water
14 dispenser, commercial hot food holding cabinet, metal halide lamp fixture,
15 State-regulated incandescent reflector lamp, or walk-in refrigerator or walk-in
16 freezer may be sold or offered for sale in the State unless the efficiency of the new
17 product meets or exceeds the efficiency standards set forth in the regulations adopted
18 under subsection (d) of this section.

19 (2) On or after March 1, 2012, no new single-voltage external AC to
20 DC power supply may be sold or offered for sale in the State unless the efficiency of
21 the new product meets or exceeds the efficiency standards set forth in the regulations
22 adopted under subsection (d) of this section.

23 (3) (i) The Administration may adopt regulations to exempt
24 compliance with the residential furnace AFUE standards under subsection (d)(2)(iv) of
25 this section at any building, site, or location where complying with the standards
26 would conflict with any local zoning ordinance, building or plumbing code, or other
27 rule regarding installation and venting of residential furnaces or residential boilers.

28 (ii) On or before January 1, 2008, the Administration, in
29 consultation with the Attorney General, shall determine if federal law preempts State
30 implementation of the residential furnace standards.

31 (iii) The Administration shall make separate determinations
32 with respect to minimum AFUE and maximum electricity ratio standards.

33 (iv) If the Administration determines that a waiver from federal
34 preemption is not needed, then on the later of January 1, 2009, or 1 year after the date
35 of that determination, a new residential furnace may not be sold or offered for sale in
36 the State unless the efficiency of the new product meets or exceeds the applicable
37 nonpreempted efficiency standards set forth in the regulations adopted under
38 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)(vii) 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.

(H) ON OR AFTER MARCH 1, 2013, A NEW TELEVISION MAY NOT BE SOLD OR OFFERED FOR SALE IN THE STATE UNLESS THE EFFICIENCY OF THE NEW TELEVISION MEETS OR EXCEEDS THE MINIMUM EFFICIENCY STANDARDS SET FORTH IN THE REGULATIONS ADOPTED UNDER SUBSECTION (E) OF THIS SECTION.

[(g)] (I) (1) By regulation, the Administration may clarify but not expand the scope of the devices defined under subsections (a) and (b) of this section.

(2) On request of a Maryland business or consumer and after public notice and comment, the Administration may delay the effective date of any standard under this section by not more than 1 year if the Administration determines that products conforming to the standard will not be widely available in Maryland by the applicable date stated in subsections **[(e)(1) and] (f)(1), (G)(1), (2), and (3), AND (H)** of this section.

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

[(h)] (J) (1) The Administration may adopt regulations to increase the efficiency standards for the products listed in subsection (b)(1)(x) through **[(xvi)] (XVII)** of this section.

1 (2) Every 2 years, the Administration shall consider and propose to
2 the General Assembly:

3 (i) new standards for products not specifically listed in
4 subsection (b)(1) of this section; and

5 (ii) revised, more stringent standards for products listed in
6 subsection (b)(1) of this section.

7 (3) In considering new or amended standards, the Administration
8 shall propose new or amended efficiency standards if it determines that any new or
9 increased efficiency standards would:

10 (i) serve to promote energy conservation in the State;

11 (ii) be life-cycle cost effective for consumers who purchase and
12 use the new products; and

13 (iii) be technologically feasible and economically justified.

14 (4) A new or increased efficiency standard may not become effective
15 less than 1 year after the adoption of that standard.

16 (5) Subject to paragraphs (6) and (7) of this subsection, the
17 Administration may apply for a waiver of federal preemption in accordance with
18 federal procedures (42 U.S.C. § 6297 (d)) for State efficiency standards for any product
19 regulated by the federal government.

20 (6) The Administration may apply for a waiver under paragraph (5) of
21 this subsection, if:

22 (i) at least 90 days before the day on which the application for
23 the waiver is submitted to the federal government, the Administration announces its
24 intention to submit the application by publication in the Maryland Register and
25 writing to the presiding officers of the General Assembly; and

26 (ii) at least 60 days before the day on which the application for
27 the waiver is submitted to the federal government, the Administration, after
28 reasonable notice other than publication in the Maryland Register, shall hold a public
29 hearing on the proposed application to receive public comment.

30 (7) The President of the Senate and the Speaker of the House of
31 Delegates may direct that the appropriate standing committees of the General
32 Assembly hold hearings on the proposed application for the waiver and provide
33 comments to the Administration.

1 **[(i)] (K)** (1) After public notice and comment, the Administration shall
2 adopt procedures by rule for testing the energy efficiency of the new products listed in
3 subsection (b)(1) of this section if testing procedures are not provided for in the
4 Maryland Building Performance Standards.

5 (2) The Administration may adopt updated test methods by regulation
6 when new versions of test methods become available or when an alternative test
7 method has been adopted by another state or the federal government.

8 (3) The Administration shall use appropriate nationally recognized
9 test methods such as those approved by the United States Department of Energy.

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

14 **[(j)] (L)** (1) Except for those products listed in subsection (b)(1)(xiv) and
15 (xvi) of this section, manufacturers of new products listed in subsection (b)(1) of this
16 section shall certify to the Administration that the products are in compliance with the
17 provisions of this section.

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

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

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

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

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

35 (2) (i) The Administration shall adopt regulations governing the
36 identification of such products or packaging which shall be coordinated to the greatest

1 practical extent with the labeling programs and requirements of other states and
2 federal agencies with equivalent efficiency standards.

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

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

8 **[(l)] (N)** (1) The Administration may test products listed in subsection
9 (b)(1) of this section using an accredited testing facility.

10 (2) If products tested are found not to be in compliance with the
11 minimum efficiency standards established under subsections (c) **[and]**, (d), **AND (E)** of
12 this section, the Administration shall:

13 (i) charge the manufacturer of the product for the cost of
14 product purchase and testing; and

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

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

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

25 **[(n)] (P)** (1) The Administration may investigate complaints received
26 concerning violations of this section and shall report the results of an investigation to
27 the Attorney General.

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

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

33 (4) Repeat violators shall be subject to a civil penalty of not more than
34 \$250.

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

3 (6) Penalties assessed under this subsection are in addition to costs
4 assessed under subsection **[(1)(2)(i)] (N)(2)(I)** of this section.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.