

CHAPTER 568

(Senate Bill 674)

AN ACT concerning

Maryland Energy Efficiency Standards Act of 2007

FOR the purpose of requiring the Public Service Commission to adopt certain regulations concerning the purchase of certain equipment by certain electric companies; authorizing the Commission to consider certain costs of certain electric companies as costs to be included in a certain life-cycle cost methodology for certain purposes; requiring the Maryland Energy Administration to adopt regulations by a certain date to establish certain minimum energy efficiency standards for certain new products sold in the State; prohibiting certain new products from being sold or offered for sale in the State on or after certain dates unless the products meet the minimum energy efficiency standards; authorizing the Administration to adopt regulations to exempt compliance with certain standards; requiring the Administration, in consultation with the Attorney General, to make certain determinations; requiring the Administration to apply for certain waivers of federal preemption under certain circumstances; authorizing the presiding officers of the General Assembly to direct certain committees to hold a hearing on a certain application by the Administration for a certain waiver of federal preemption; authorizing the Administration to adopt certain test methods under certain circumstances; prohibiting certain new products from being installed in the State on or after a certain date unless the products meet or exceed the minimum energy efficiency standards; authorizing the Administration to adopt regulations to establish increased energy efficiency standards for certain new products sold in the State under certain circumstances; ~~authorizing the Administration to adopt regulations to establish energy efficiency standards for certain other products under certain circumstances~~ requiring the Administration to consider and propose to the General Assembly every 2 years certain new or revised standards for certain products; defining certain terms; providing for the application of this Act; and generally relating to energy efficiency standards for certain products.

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

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

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

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

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

Article – Public Utility Companies

1–101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(y)] (Z) (1) “Rate” means a toll, fare, tariff, fee, price, or other charge, or 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:

- (i) the amount of a charge; or
- (ii) the nature and value of the service rendered for the charge.

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

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

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

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

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

(2) “Retail electric customer” excludes:

(i) an occupant of a building in which the owner/operator or lessee/operator manages the internal distribution system serving the building and supplies electricity and electricity supply services solely to occupants of the building 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.

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

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

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

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

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

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

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

[(ff)] **(GG)** “State” means:

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

(2) the District of Columbia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) “Telephone company” does not include a cellular telephone company.

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

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

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

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

- (i) regularly scheduled operations;
- (ii) charter or contract operations; or
- (iii) tour or sightseeing operations.

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

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

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

7-212.

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

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

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

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

~~(D)~~ (D) FOR ELECTRIC COMPANIES THAT MAINTAIN INVENTORIES OF DISTRIBUTION TRANSFORMERS IN THE STATE FOR INSTALLATION IN ADJACENT

SERVICE AREAS OUTSIDE OF THE STATE, THE COMMISSION MAY ALSO CONSIDER ADDITIONAL INVENTORY MANAGEMENT COSTS AS COSTS FOR INCLUSION WITHIN THE LIFE-CYCLE COST METHODOLOGY TO BE USED BY ELECTRIC COMPANIES FOR PURPOSES OF THIS SECTION.

Article – State Government

9–2006.

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

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

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

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

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

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

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

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

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

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

1. 3.5 cubic feet for horizontal-axis clothes washers; or
2. 4.0 cubic feet for vertical-axis clothes washers.

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

(II) "COMMERCIAL HOT FOOD HOLDING CABINET" DOES NOT INCLUDE A HEATED GLASS MERCHANDIZING CABINET, DRAWER WARMER, OR COOK-AND-HOLD APPLIANCE.

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

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

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

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

~~(9) (i) "COMPACT AUDIO PRODUCT", ALSO KNOWN AS A MINI, MID, MICRO, OR SHELF AUDIO SYSTEM, MEANS AN INTEGRATED AUDIO SYSTEM ENCASED IN A SINGLE HOUSING THAT INCLUDES AN AMPLIFIER AND RADIO TUNER AND ATTACHED OR SEPARABLE SPEAKERS, THAT CAN REPRODUCE AUDIO FROM ONE OR MORE OF THE FOLLOWING MEDIA:~~

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

~~(ii) "COMPACT AUDIO PRODUCT" DOES NOT INCLUDE A PRODUCT THAT:~~

- ~~1. CAN BE INDEPENDENTLY POWERED BY INTERNAL BATTERIES;~~
 - ~~2. HAS A POWERED EXTERNAL SATELLITE ANTENNA;~~
- ~~OR~~
- ~~3. CAN PROVIDE A VIDEO OUTPUT SIGNAL.~~

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

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

~~(ii) "DIGITAL VERSATILE DISC RECORDER" DOES NOT INCLUDE A MODEL THAT HAS AN ELECTRONIC PROGRAMMING GUIDE FUNCTION THAT PROVIDES AN INTERACTIVE, ON-SCREEN MENU OF TELEVISION LISTINGS,~~

~~AND THAT DOWNLOADS PROGRAM INFORMATION FROM THE VERTICAL BLANKING INTERVAL OF A REGULAR TELEVISION SIGNAL.~~

~~(12)~~ (9) (I) "ELECTRICITY RATIO" IS THE RATIO OF FURNACE ELECTRICITY USE TO TOTAL FURNACE ENERGY USE.

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

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

2. THE DENOMINATOR OF WHICH IS THE SUM OF:

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

B. THE AMOUNT CALCULATED FOR THE NUMERATOR.

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

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

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

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

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

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

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

1. has an input voltage of 600 volts or less;
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:

1. an autotransformer in which the primary and secondary windings are not electronically isolated and at least a portion of the secondary voltage is derived from the primary winding;
2. a drive transformer designed only to provide power to operate an electronic variable speed motor drive;
3. a grounding transformer designed only to provide a system ground reference point;
4. a harmonic transformer designed to supply a load with a higher than normal harmonic current level and that has a k-rating of k-4 or greater;
5. an impedance transformer that has a specified impedance of less than 4% or greater than 8%;
6. a machine tool transformer designed only to provide power to machine tool equipment;
7. a rectifier transformer designed to provide power only to a rectifier circuit and that has a nameplate rating for both the fundamental frequency power rating and the RMS power rating;
8. a regulating transformer with automatic tap changers;

9. a sealed and nonventilating transformer designed to prevent airflow through the transformer;
10. a testing transformer designed only as part of, or to supply power to, electrical test equipment;
11. a UPS transformer designed only as an integral part of an uninterruptible power system; or
12. a welding transformer designed only to provide power to welding equipment.

~~(17)~~ (14) **“METAL HALIDE LAMP” MEANS A HIGH INTENSITY DISCHARGE LAMP IN WHICH THE MAJOR PORTION OF THE LIGHT IS PRODUCED BY RADIATION OF METAL HALIDES AND THEIR PRODUCTS OF DISSOCIATION, AND POSSIBLY IN COMBINATION WITH METALLIC VAPORS.**

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

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

[(10)] ~~(20)~~ (17) **“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.**

~~(21)~~ (18) **“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.

[(11)] ~~(22)~~ (19) (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.

~~(23)~~ **(20)** “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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) WITH AN E26 MEDIUM SCREW BASE;

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

(IV) THAT IS:

1. A BLOWN PAR (BPAR);

2. A BULGED REFLECTOR (BR);

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

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

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

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

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

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

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

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

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

~~(34)~~ **(31)** (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.

~~(35)~~ **(32)** **“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.**

[(20)] ~~(36)~~ **(33)** **“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; [and]
- (ix) commercial clothes washers;

(X) BOTTLE-TYPE WATER DISPENSERS;

(XI) COMMERCIAL HOT FOOD HOLDING CABINETS;

~~**(XII) COMPACT AUDIO PRODUCTS;**~~

~~**(XIII) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL VERSATILE DISC RECORDERS;**~~

~~**(XIV) (XII) METAL HALIDE LAMP FIXTURES;**~~

~~**(XV) (XIII) RESIDENTIAL FURNACES;**~~

~~**(XVI) (XIV) SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLIES;**~~

~~**(XVII) (XV) STATE-REGULATED INCANDESCENT REFLECTOR LAMPS; AND**~~

~~**(XVIII) (XVI) WALK-IN REFRIGERATORS AND FREEZERS; AND**~~

~~**(XIX) ANY OTHER PRODUCTS THAT THE ADMINISTRATION MAY DESIGNATE IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.**~~

(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; ~~or~~
- (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.

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

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

- (i) torchiere fixtures may not consume more than 190 watts and may not be capable of operating with lamps that total more than 190 watts;
- (ii) unit heaters shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper;
- (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;
- (iv) ceiling fan light kits:
 1. shall meet the Tier 1 lighting criteria of version 1.1 of the product specification contained in the "Energy Star Program Requirements for Residential Ceiling Fans", developed by the U.S. Environmental Protection Agency that took effect on January 1, 2002; and

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

(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:

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

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

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

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

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

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

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

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

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

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

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

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

~~(III) COMPACT AUDIO PRODUCTS:~~

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

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

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

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

~~62087:2002(E), "METHODS OF MEASUREMENT FOR THE POWER CONSUMPTION OF AUDIO, VIDEO, AND RELATED EQUIPMENT";~~

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

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

- 1. HAVE A MINIMUM ANNUAL FUEL UTILIZATION EFFICIENCY (AFUE) OF 90% AND A MAXIMUM ELECTRICITY RATIO OF 2%; AND
- 2. BE MEASURED IN ACCORDANCE WITH THE FEDERAL TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF FURNACES AND BOILERS CONTAINED IN 10 C.F.R. PART 430 (APPENDIX N TO SUBPART B);

~~(vii)~~ (V) THE STANDARD FOR SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLIES:

- 1. SHALL APPLY TO SINGLE VOLTAGE AC TO DC POWER SUPPLIES THAT ARE SOLD INDIVIDUALLY AND TO THOSE THAT ARE SOLD AS A COMPONENT OF OR IN CONJUNCTION WITH ANOTHER PRODUCT;
- 2. DOES NOT APPLY TO SINGLE VOLTAGE EXTERNAL AC TO DC POWER SUPPLIES THAT REQUIRE U.S. FOOD AND DRUG ADMINISTRATION LISTING AND APPROVAL AS A MEDICAL DEVICE;
- 3. SHALL MEET THE ENERGY EFFICIENCY 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
NAMEPLATE OUTPUT POWER	MAXIMUM ENERGY CONSUMPTION IN NO-LOAD MODE
FROM 0 TO LESS THAN 10 WATTS	0.5 WATTS
FROM 10 WATTS TO NOT MORE 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;

~~(VII)~~ (VI) 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)~~ (VII) WALK-IN REFRIGERATORS AND FREEZERS:

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

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

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

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

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

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

7. SHALL HAVE LIGHT SOURCES WITH AN EFFICACY OF AT LEAST 40 LUMENS PER WATT, INCLUDING ANY BALLAST LOSSES, EXCEPT THAT LIGHT SOURCES WITH AN EFFICACY OF 40 LUMENS PER WATT OR LESS,

INCLUDING ANY BALLAST LOSSES, MAY BE USED IN CONJUNCTION WITH A TIMER OR DEVICE THAT TURNS OFF THE LIGHTS WITHIN 15 MINUTES AFTER THE WALK-IN CEASES TO BE OCCUPIED; AND

8. WITH TRANSPARENT REACH-IN DOORS AND WALK-IN DOOR WINDOWS SHALL MEET THE FOLLOWING ADDITIONAL 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.

(ii) Except as provided in subparagraphs (iii) and (iv) of this paragraph, on or after January 1, 2006, a new product of a type set forth in subsection (b)(1)(I) THROUGH (IX) of this section may not be installed 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.

(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.

(F) (1) ON OR AFTER JANUARY 1, ~~2009~~ 2012 2009, NO NEW BOTTLE-TYPE WATER DISPENSER, COMMERCIAL HOT FOOD HOLDING CABINET, METAL HALIDE LAMP FIXTURE, STATE-REGULATED INCANDESCENT REFLECTOR LAMP, OR WALK-IN REFRIGERATOR OR WALK-IN FREEZER MAY 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 (D) OF THIS SECTION.

(2) ON OR AFTER MARCH 1, ~~2009~~ 2012, NO NEW ~~COMPACT AUDIO PRODUCT, DIGITAL VERSATILE DISC PLAYER OR DIGITAL VERSATILE DISC RECORDER,~~ OR SINGLE-VOLTAGE EXTERNAL AC TO DC POWER SUPPLY MAY 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 (D) OF THIS SECTION.

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

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

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

(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.

[(e)] (G) (1) By regulation, the Administration may clarify but not expand the scope of the devices defined under [subsection (a)] 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 [subsection (d)(1)] SUBSECTIONS (E)(1) AND (F)(1), (2), AND (3) 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) (1) THE ADMINISTRATION MAY ADOPT REGULATIONS TO INCREASE THE EFFICIENCY STANDARDS FOR THE PRODUCTS LISTED IN SUBSECTION (B)(1)(X) THROUGH ~~(XVIII)~~ (XVI) OF THIS SECTION.

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

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

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

(3) IN CONSIDERING ~~THE~~ NEW OR AMENDED STANDARDS, THE ADMINISTRATION SHALL ~~ADOPT THE~~ PROPOSE NEW OR AMENDED EFFICIENCY

STANDARDS IF IT DETERMINES THAT ANY NEW OR INCREASED EFFICIENCY STANDARDS WOULD:

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

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

(III) BE TECHNOLOGICALLY FEASIBLE AND ECONOMICALLY JUSTIFIED.

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

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

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

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

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

(7) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES MAY DIRECT THAT THE APPROPRIATE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HOLD HEARINGS ON THE PROPOSED

APPLICATION FOR THE WAIVER AND PROVIDE COMMENTS TO THE ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Attorney General may institute proceedings to enforce the 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) Repeat violators shall be subject to a civil penalty of not more than \$250.

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

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

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

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

Approved by the Governor, May 17, 2007.