



1 natural gas.

2 **39-26-3. Definitions.** – As used in this chapter:

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

5 (b) “Ceiling fan light kit” means the equipment used to provide light from a ceiling fan.  
6 This equipment can be: (1) integral such that the ceiling fan light kit is hardwired to the ceiling  
7 fan; or (2) attachable such that the ceiling fan light kit is not, at the time of sale, physically  
8 attached to the fan. Attachable ceiling fan light kits might be included inside the ceiling fan  
9 package at the time of sale or sold separately for subsequent attachment to the fan.

10 (c) “Commercial clothes washer” means a soft mount front-loading or soft mount top-  
11 loading clothes washer that is designed for use in: (1) applications where the occupants of more  
12 than one household will be using it, such as in multi-family housing common areas and coin  
13 laundries; or (2) other commercial applications, if the clothes container compartment is no greater  
14 than three and one-half (3.5) cubic feet for horizontal-axis clothes washers, or no greater than  
15 four (4.0) cubic feet for vertical-axis clothes washers.

16 (d) “Commercial refrigerators and freezers” means reach-in cabinets, pass-through  
17 cabinets, roll-in cabinets and roll-through cabinets that have less than eighty-five (85) cubic feet  
18 of capacity and that are not walk-in models or consumer products regulated under the Federal  
19 National Appliance Energy Conservation Act of 1987.

20 (e) “Commission” means the public utilities commission.

21 (f) “Digital cable television box” means a device that acts as a tuner for cable television  
22 programming and that converts digital signals received from a cable service provider to a signal  
23 usable by a television set.

24 (g) “Digital television converter box” means a device that receives and decodes digital  
25 broadcast signals for display by an analog television set, and is not a digital cable television box.

26 (h) “Multifunction device” means a physically integrated device that has the core function  
27 of a satellite television set-top box, digital cable television box, wireless television receiver or  
28 digital television converter box plus one or more major additional functionalities, such as Internet  
29 access or video game console.

30 (i) “Illuminated exit sign” means an internally-illuminated sign that is designed to be  
31 permanently fixed in place and used to identify an exit; a light source illuminates the sign or  
32 letters from within, and the background of the exit sign is not transparent.

33 (j) “Large packaged air-conditioning equipment” means packaged air-conditioning  
34 equipment having two hundred forty thousand (240,000) Btu/hour or more of cooling capacity.

1           (k) “Low voltage dry-type distribution transformer” means a distribution transformer  
2 that: (1) has an input voltage of six hundred (600) volts or less; (2) is between fourteen (14) kVa  
3 and two thousand five hundred one (2,501) kVa in size; (3) is air-cooled; and (4) does not use oil  
4 as a coolant. "Low voltage dry type distribution transformers" does not include those types of  
5 transformers specifically excluded from the low voltage dry-type distribution transformer  
6 definition published in the California Code of Regulations, Title 20: Division 2, Chapter 4,  
7 Article 4: Appliance Efficiency Regulations As Amended in November 2002.

8           (l) “Packaged air-conditioning equipment” means air-conditioning equipment that is built  
9 as a package and shipped as a whole to end-user sites.

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

12           (n) “Reach-in cabinet” means a commercial refrigerator, commercial refrigerator-freezer,  
13 or commercial freezer with hinged or sliding doors or lids, but excluding roll-in or roll-through  
14 cabinets and pass- through cabinets.

15           (o) “Roll-in or roll-through cabinet” means a commercial refrigerator or commercial  
16 freezer with hinged or sliding doors that allows wheeled racks of products to be rolled into or  
17 through the refrigerator or freezer.

18           (p) “Set-top box” means a digital cable television box, wireless television receiver, or  
19 digital television converter box.

20           (q) “Torchiere lighting fixture” means a portable electric lighting fixture with a reflector  
21 bowl giving light directed upward so as to give indirect illumination.

22           (r) “Traffic signal module” means a standard eight (8) inch two hundred (200mm) or  
23 twelve (12) inch (300mm) round traffic signal indication. It consists of a light source, lens and all  
24 parts necessary for operation and communicates movement messages to drivers through red,  
25 amber and green colors. Arrow modules in the same colors are used to indicate turning  
26 movements.

27           (s) “Transformer” means a device consisting essentially of two (2) or more coils of  
28 insulated wire that transfers alternating currents by electromagnetic induction from one coil to  
29 another in order to change the original voltage or current value.

30           (t) “Unit heater” means a self-contained vented fan-type commercial space heater that  
31 uses natural gas or propane that is designed to be installed without ducts within a heated space.  
32 "Unit heater" does not include a product regulated by federal standards pursuant to 42 USC 6291,  
33 as amended from time to time, a product that is a direct vent, forced flue heater with a sealed-  
34 combustion burner, or any oil fired heating system.

1 (u) “Wireless television receiver” means a device used in conjunction with a dish antenna  
2 to receive satellite or other wireless television programming and that converts signals from a dish  
3 antenna for use by a television set.

4 **39-26-4. Scope.** – (a) The provisions of this chapter apply to the testing, certification and  
5 enforcement of efficiency standards for the following types of new products sold, offered for sale  
6 or installed in the state: (1) ceiling fans and ceiling fan light kits; (2) commercial clothes washers;  
7 (3) commercial refrigerators and freezers; (4) illuminated exit signs; (5) large packaged air-  
8 conditioning equipment; (6) low voltage dry-type distribution transformers; (7) set-top boxes; (8)  
9 torchiere lighting fixtures; (9) traffic signal modules; (10) unit heaters; and (11) such other  
10 products as may be designated by the commission in accordance with section 39-26-7.

11 (b) The provisions of this chapter do not apply to: (1) new products manufactured in the  
12 state and sold outside the state; (2) new products manufactured outside the state and sold at  
13 wholesale inside the state for final retail sale and installation outside the state; (3) products  
14 installed in mobile manufactured homes at the time of construction; or (4) products designed  
15 expressly for installation and use in recreational vehicles.

16 **39-26-5. Efficiency standards.** – Not later than January 1, 2005, the commission shall  
17 promulgate rules and regulations establishing minimum efficiency standards for the types of new  
18 products set forth in section 39-26-4. The rules and regulations shall provide for the following  
19 minimum efficiency standards:

20 (a) Ceiling fans and ceiling fan light kits shall meet the Tier 1 criteria of the product  
21 specification (Version 1.1) of the “Energy Star Program Requirements for Residential Ceiling  
22 Fans” developed by the U.S. Environmental Protection Agency.

23 (b) Commercial clothes washers shall meet the requirements shown in Table P3 of  
24 section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4:  
25 Appliance Efficiency Regulations that took effect on November 27, 2002.

26 (c) Commercial refrigerators and freezers shall meet the August 1, 2004 requirements  
27 shown in Table A-6 of section 1605.3 of the California Code of Regulations, Title 20: Division 2,  
28 Chapter 4, Article 4: Appliance Efficiency Regulations that took effect on November 27, 2002.

29 (d) Illuminated exit signs shall meet the product specification (Version 2.0) of the  
30 “Energy Star Program Requirements for Exit Signs” developed by the U.S. Environmental  
31 Protection Agency.

32 (e) Large packaged air-conditioning equipment shall meet the Tier 2 efficiency levels of  
33 the “Minimum Equipment Efficiencies for Unitary Commercial Air Conditioners” and  
34 “Minimum Equipment Efficiencies for Heat Pumps” developed by the Consortium for Energy

1 Efficiency, Boston, Massachusetts that took effect on July 1, 2002.

2 (f) Low voltage dry-type distribution transformers shall meet or exceed the energy  
3 efficiency values shown in Table 4.2 of National Electrical Manufacturers Association Standard  
4 TP-1-2002.

5 (g) Set-top boxes, other than multifunctional devices, shall meet the Tier 1 criteria of the  
6 product specification of the U.S. Environmental Protection Agency's "Energy Star Program  
7 Requirements for Set-top Boxes" that took effect on January 1, 2001.

8 (h) Torchiere lighting fixtures shall not consume more than one hundred ninety (190)  
9 watts and shall not be capable of operating with lamps that total more than one hundred ninety  
10 (190) watts.

11 (i) Traffic signal modules shall meet the product specification of the "Energy Star  
12 Program Requirements for Traffic Signals" developed by the U.S. Environmental Protection  
13 Agency that took effect in February 2001 and be installed with compatible electrically-connected  
14 signal control interface devices and conflict monitoring systems.

15 (j) Unit heaters shall not have pilot lights and shall have either power venting or an  
16 automatic flue damper.

17 **39-26-6. Implementation.** – On or after January 1, 2006, no new product of a type set  
18 forth in section 39-26-4 may be sold or offered for sale in the state unless the efficiency of the  
19 new product meets or exceeds the efficiency standards set forth in the regulations adopted  
20 pursuant to section 39-26-5. On or after January 1, 2007, no new product of a type set forth in  
21 section 39-26-4 may be installed in the state unless the efficiency of the new products meets or  
22 exceeds the efficiency standards set forth in the regulations adopted pursuant to section 39-26-5.

23 **39-26-7. New and revised standards.** – The commission may establish increased  
24 efficiency standards on the products listed in section 39-26-4. The commissioner may also  
25 establish standards for products not specifically listed in section 39-26-4. In considering such new  
26 or amended standards, the commission shall set efficiency standards upon a determination that  
27 increased efficiency standards would serve to promote energy conservation in the state and would  
28 be cost-effective for consumers who purchase and use such new products, provided no new or  
29 increased efficiency standards shall become effective within one (1) year following the adoption  
30 of any amended regulations providing for such increased efficiency standards. The commission  
31 may apply for a waiver of federal preemption in accordance with federal procedures (42 U.S.  
32 Code 6297 (d)) for those products regulated by the federal government.

33 **39-26-8. Testing, certification, labeling and enforcement.** – (a) The commission shall  
34 adopt procedures for testing the energy efficiency of the new products covered by section 39-26-4

1 if such procedures are not provided for in the state building code. The commission shall use U.S.  
2 Department of Energy approved test methods, or in the absence of such test methods, other  
3 appropriate nationally recognized test methods. The manufacturers of such products shall cause  
4 samples of such appliances to be tested in accordance with the test procedures adopted pursuant  
5 to this chapter or those specified in the state building code.

6 (b) Manufacturers of new products covered by section 39-26-4 of this chapter shall  
7 certify to the commission that such products are in compliance with the provisions of this chapter.  
8 The commission shall adopt regulations governing the certification of such products and may  
9 work in coordination with the certification program of other states with like standards.

10 (c) Manufacturers of new products covered by section 39-26-4 of this chapter shall  
11 identify each product offered for sale or installed in the state as in compliance with the provisions  
12 of this chapter by means of a mark, label, or tag on the product and packaging at the time of sale  
13 or installation. The commission shall adopt regulations governing the identification of such  
14 products and packaging and may work in coordination with the labeling programs of other states  
15 with like standards.

16 (d) The commission may test products covered by section 39-26-4 using an accredited  
17 testing facility. If products so tested are found not to be in compliance with the minimum  
18 efficiency standards established under section 39-26-5, the commission shall: (1) charge the  
19 manufacturer of such product for the cost of product purchase and testing; and (2) provide  
20 information to the public on products found not to be in compliance with the standards.

21 (e) The commission may cause periodic inspections to be made of distributors or retailers  
22 of new products covered by section 39-26-4 in order to determine compliance with the provisions  
23 of this chapter. The commission shall also work with the state building commissioner to  
24 coordinate on inspections for new products that are also covered by the state building code.

25 (f) The commission shall cause investigations to be made of complaints received  
26 concerning violations of this chapter and shall report the results of such investigations to the  
27 attorney general. The attorney general may institute proceedings to enforce the provisions of this  
28 chapter. Any manufacturer, distributor or retailer who violates any provision of chapter shall be  
29 issued a warning by the commission for any first violation. Repeat violations shall be subject to a  
30 civil penalty of not more than two hundred fifty dollars (\$250). Each violation shall constitute a  
31 separate offense, and each day that such violation continues shall constitute a separate offense.  
32 Penalties assessed under this paragraph are in addition to costs assessed under subsection (d) of  
33 this section.

34 (g) The commission is hereby granted the authority to adopt such further regulations as

1 necessary to insure the proper implementation and enforcement of the provisions of this chapter.  
2 **39-26-9. Severability.** – The provisions of this chapter shall be severable and if the  
3 application of any clause, sentence, paragraph, subdivision, section or part of this chapter shall be  
4 adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,  
5 impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section  
6 or part of this chapter.

7 SECTION 2. This act shall take effect upon passage.

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LC01157  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC UTILITIES AND CARRIERS

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- 1           This act would establish minimum efficiency standards for certain products sold or
- 2 installed in the state.
- 3           This act would take effect upon passage.

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LC01157  
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