

1 (6) "Vending machine" means a machine that dispenses food, beverages, and other
2 commodities upon payment;

3 (7) "Refrigerated bottled or canned beverage vending machine" means a vending machine
4 that cools bottled or canned beverages and dispenses them upon payment;

5 (8) "Traffic signal" means a device consisting of a set of signal lights operating in
6 sequence, placed at intersections to regulate traffic;

7 (9) "Traffic signal module" means a standard eight (8) inch (two hundred [200] mm) or
8 twelve (12) inch (three hundred [300] mm) round traffic signal indication. It consists of a light
9 source, lens and all parts necessary for operation and communicates movement messages to
10 drivers through red, amber and green, or similar colors. Arrow modules in the same colors are
11 used to indicate turning movements. Lane control modules indicate whether traffic lanes are
12 open or closed;

13 (10) "Illuminated exit sign" means an internally-illuminated sign that is designed to be
14 permanently fixed in place and used to identify an exit; a light source illuminates the sign or
15 letters from within, and the background of the exit sign is not transparent;

16 (11) "Automatic commercial ice-maker" means a factory-made assembly (not necessarily
17 shipped in one (1) package) consisting of a condensing unit and ice-making section operating as
18 an integrated unit, with means for making and harvesting ice. It may also include means for
19 storing or dispensing ice, or both;

20 (12) "Packaged air-conditioning equipment" means any air-conditioning equipment that
21 is built as a package and shipped as a whole to end-users sites;

22 (13) "Large packaged air-conditioning equipment" means packaged air-conditioning
23 equipment over twenty (20) tons of cooling capacity;

24 (14) "Set-top box" means a commercially available electronic product whose purpose is
25 to receive, send, process, translate and/or record signals that are then sent to a television or
26 similar display device for viewing or to a computer for processing.

27 **6-48-2. Applicability.** – (a) The provisions of this section apply to the testing,
28 certification and enforcement or efficiency standards for the following types of new products
29 sold, offered for sale or installed in the state: (1) torchiere (lighting) fixtures; (2) unit heaters; (3)
30 low-voltage dry-type transformers; (4) refrigerated bottled or canned beverage vending machines;
31 (5) traffic signal modules; (6) illuminated exit signs; (7) automatic commercial ice-makers; (8)
32 large packaged air-conditioning equipment; (9) set-top boxes; and (10) such other products as
33 may be designated by the director in accordance with subsection (e).

34 (b) The provisions of this section do not apply to: (1) new products manufactured in the

1 state and sold outside the state; (2) new products manufactured outside the state and sold at
2 wholesale inside the state for final retail sale and installation outside the state; (3) products
3 installed in mobile manufactured homes at the time of construction; or (4) products designed
4 expressly for installation and use in recreational vehicles.

5 (c) Not later than January 1, 2005, the director shall adopt regulations establishing
6 minimum energy efficiency standards for the types of new products set forth in subsection (a).
7 The regulations shall provide for the following minimum efficiency standards:

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

10 (2) Commercial unit heaters shall not have pilot lights and shall have either power
11 venting or an automatic flue damper.

12 (3) The efficiency of all low-voltage dry-type distribution transformers shall be not less
13 than the values shown in table 4-2 of National Electrical Manufacturers Association Standard TP-
14 1-1996.

15 (4) Refrigerated beverage vending machines shall use T-8 fluorescent lamps with
16 electronic ballasts, or a lighting system of equal or greater efficacy.

17 (5) Traffic signal modules shall meet the requirements of the "Energy Star Program
18 Requirements for Traffic Signals" developed by the US environmental protection agency and that
19 took effect in February 2001.

20 (6) Illuminated exit signs shall meet the requirements of the "Energy Star Program
21 Requirements for Exit Signs" developed by the US environmental protection agency and that took
22 effect on January 1, 1999.

23 (7) Automatic commercial ice makers shall meet the requirements of the "Commercial
24 Ice-Maker Efficiency Recommendation" developed by the federal energy management program
25 of the US department of energy and dated November 2000.

26 (8) Large packaged air-conditioning equipment shall meet the Tier II requirements of the
27 "Minimum Equipment Efficiencies for Unitary Commercial Air Conditioners" and "Minimum
28 Equipment Efficiencies for Heat Pumps" developed by the Consortium for Energy Efficiency,
29 Boston, Massachusetts as in effect on January 1, 2002.

30 (9) Set-top boxes shall meet the requirements of the "Energy Star Program Requirements
31 for Set-top Boxes" developed by the US environmental protection agency and that took effect on
32 January 1, 2001.

33 (d) On or after January 1, 2006, no new product of a type set forth in subsection (a) may
34 be sold or offered for sale in the state unless the energy efficiency of the new product meets or

1 exceeds the efficiency standards set forth in the regulations adopted pursuant to subsection (c).
2 On or after January 1, 2007, no new product of a type set forth in subsection (a) may be installed
3 in the state unless the energy efficiency of the new product meets or exceeds the efficiency
4 standards set forth in the regulations adopted pursuant to subsection (c).

5 (e) The director may establish increased efficiency standards on the products listed in
6 subsection (a). The director may also establish standards for products not specifically listed in
7 subsection (a). In considering such new or amended standards, the director shall set efficiency
8 standards upon a determination that increased efficiency standards would serve to promote energy
9 conservation in the state and would be cost-effective for consumers who purchase and use such
10 new products, provided no new or increased efficiency standards shall become effective within
11 one (1) year following the adoption of any amended regulations providing for such increased
12 efficiency standards. The director may apply for a waiver of federal preemption in accordance
13 with federal procedures (see 42 US Code 6297(d)) for those products regulated by the federal
14 government. The director may adopt such further regulations as necessary to implement the
15 provisions of this chapter.

16 (f) The director shall adopt procedures for testing the energy efficiency of the new
17 products covered by subsection (a) of this section if such procedures are not provided for in the
18 state building code. The director shall use United States department of energy approved test
19 methods, or in the absence of such test methods, other appropriate nationally recognized test
20 methods. The manufacturers of such products shall cause samples of such appliances to be tested
21 in accordance with the test procedures adopted pursuant to this subsection or those specified in
22 the state building code.

23 (g) Manufacturers of new products covered by subsection (a) of this section shall certify
24 to the director that such products are in compliance with the provisions of this section. The
25 director shall promulgate regulations governing the certification of such products and may
26 propose to work in coordination with the certification program of other states with like standards.

27 (h) The director may test products covered by subsection (a) using an accredited testing
28 facility. If products so tested are found not to be in compliance with the minimum efficiency
29 standards established under subsection (c), the commissioner shall: (1) charge the manufacturer
30 of such product for the cost of product purchase and testing; and (2) provide information to the
31 public on products found not to be in compliance with the standards.

32 (i) The director may cause periodic inspections to be made of distributors or retailers of
33 new products covered by subsection (a) of this section in order to determine compliance with the
34 provisions of this section. The director shall also coordinate inspections for new products that are

1 also covered by the state building code.

2 (j) The director shall cause investigations to be made of complaints received concerning
3 violations of this section and shall report the results of such investigations to the attorney general.
4 The attorney general may institute proceedings to enforce the provisions of this section. Any
5 manufacturer, distributor or retailer who violates any provision of this section shall be issued a
6 warning by the director for any first violation. Repeat violations shall be subject to a civil penalty
7 of not more than two hundred fifty dollars (\$250). Each violation of this section shall constitute a
8 separate offense, and each day that such violation continues shall constitute a separate offense.
9 Penalties assessed under this section are in addition to costs assessed under subsection (h).

10 **6-48-3. Severability.** – If any of the provisions of this chapter, or the application of any
11 provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or
12 the application of the provisions to persons or circumstances other than those to which it is held
13 invalid, shall not be affected thereby.

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

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LC01404
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS

- 1 This act would establish minimum energy efficiency standards for certain products sold
- 2 in Rhode Island.
- 3 This act would take effect upon passage.

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LC01404
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