

By: McClendon

H.B. No. 3252

A BILL TO BE ENTITLED

AN ACT

relating to setting, implementing, and enforcing energy efficiency standards for selected products; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 390 to read as follows:

CHAPTER 390. ENERGY EFFICIENCY STANDARDS FOR PRODUCTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 390.001. DEFINITIONS. In this chapter:

(1) "Automatic commercial ice maker" means a factory-made assembly that:

(A) consists of a condensing unit and an ice-making section that operate as an integrated unit to make and harvest ice;

(B) may include options for storing or dispensing ice; and

(C) is not necessarily shipped in one package.

(2) "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer designed for use in:

(A) a laundry area serving the occupants of more than one household, as in the common area of a multifamily housing unit or a coin-operated laundry; or

(B) other commercial applications, if the

clothes container compartment is no larger than:

(i) 3.5 cubic feet for front-loading,
horizontal-axis washers; or

(ii) 4 cubic feet for top-loading,
vertical-axis washers.

(3) "Commission" means the Texas Commission of
Licensing and Regulation.

(4) "Department" means the Texas Department of
Licensing and Regulation.

(5) "Director" means the executive director of the
Texas Department of Licensing and Regulation.

(6) "Illuminated exit sign" means a sign that is
designed:

(A) to be permanently fixed in place to identify
an exit;

(B) to have a light source that illuminates the
sign or letters from within; and

(C) to have a nontransparent background.

(7) "Large packaged air-conditioning equipment" means
packaged air-conditioning equipment with over 20 tons of cooling
capacity.

(8) "Low-voltage dry-type distribution transformer"
means a distribution transformer that:

(A) has an input voltage of 600 volts or less;

(B) is air-cooled; and

(C) does not use oil as a coolant.

(9) "Packaged air-conditioning equipment" means

1 air-conditioning equipment that is built as a package and shipped
2 as a whole to end-user sites.

3 (10) "Refrigerated beverage vending machine" means a
4 machine that cools bottled or canned beverages and dispenses them
5 on payment.

6 (11) "Set-top box" means a commercially available
7 electronic product the purpose of which is to receive, send,
8 process, translate, or record signals that are then sent to:

9 (A) a television or similar display device for
10 viewing; or

11 (B) a computer for processing.

12 (12) "Torchiere fixture" means a portable electric
13 lighting fixture with a reflector bowl that directs light upward
14 for indirect illumination.

15 (13) "Traffic signal" means an electric device that:

16 (A) consists of a set of traffic signal modules
17 operating in sequence; and

18 (B) is placed at intersections to regulate
19 traffic.

20 (14) "Traffic signal module" means an electric, round
21 traffic signal indicator that:

22 (A) consists of a light source, lens, and all
23 parts necessary for operation;

24 (B) has a nominal lens diameter of 8 inches (200
25 mm) or 12 inches (300 mm);

26 (C) provides a red, amber, or green signal to
27 direct traffic movement; and

(D) may include an arrow as a turning control signal.

(15) "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 to change the original voltage or current value.

(16) "Unit heater" means a heater that:

(A) is designed to be installed in the space to be heated;

(B) includes in a common casing:

(i) an apparatus or appliance to supply heat; and

(ii) a fan for circulating air over a heat exchange surface; and

(C) is not a warm air furnace as defined by 42 U.S.C. Section 6311, as amended.

Sec. 390.002. APPLICABILITY. (a) This chapter applies to:

(1) the products listed in Subchapter B; and

(2) other products for which the commission establishes energy efficiency standards by rule under Section 390.101.

(b) This chapter applies only to the sale, offer for sale, or installation of new products described by Subsection (a) and does not apply to used or rebuilt products.

[Sections 390.003-390.050 reserved for expansion]

SUBCHAPTER B. MINIMUM ENERGY EFFICIENCY STANDARDS FOR

CERTAIN PRODUCTS

1 Sec. 390.051. AUTOMATIC COMMERCIAL ICE MAKERS. An
2 automatic commercial ice maker must meet or exceed the requirements
3 of the Commercial Ice-Maker Efficiency Recommendation developed by
4 the Federal Energy Management Program of the United States
5 Department of Energy and dated November 2000.

6 Sec. 390.052. COMMERCIAL CLOTHES WASHERS. A commercial
7 clothes washer must meet or exceed the requirements described by
8 Table P-3, Section 1605.3, California Code of Regulations, Title
9 20: Division 2, Chapter 4, Sections 1601-1608: Appliance Efficiency
10 Regulations, as in effect November 27, 2002.

11 Sec. 390.053. ILLUMINATED EXIT SIGNS. An illuminated exit
12 sign must meet or exceed the requirements of the Energy Star Program
13 for Exit Signs developed by the United States Environmental
14 Protection Agency, as in effect January 1, 1999.

15 Sec. 390.054. LARGE PACKAGED AIR-CONDITIONING EQUIPMENT.
16 Large packaged air-conditioning equipment must meet or exceed the
17 Tier II requirements of the Minimum Equipment Efficiencies for
18 Unitary Commercial Air Conditioners and Minimum Equipment
19 Efficiencies for Heat Pumps developed by the Consortium for Energy
20 Efficiency, as in effect January 1, 2002.

21 Sec. 390.055. LOW-VOLTAGE DRY-TYPE DISTRIBUTION
22 TRANSFORMERS. The efficiency of a low-voltage dry-type
23 distribution transformer must not be less than the 1996 values
24 prescribed by Table 4-2, National Electrical Manufacturers
25 Association Standard TP-1-1996.

26 Sec. 390.056. REFRIGERATED BEVERAGE VENDING MACHINES. (a)
27 Through December 31, 2005, a refrigerated beverage vending machine

1 that is illuminated must use:

2 (1) T-8 fluorescent lamps with electronic ballasts; or

3 (2) a lighting system of equal or greater efficiency.

4 (b) On or after January 1, 2005, the 24-hour energy
5 consumption of a refrigerated beverage vending machine must meet or
6 exceed the whole machine performance standards established by the
7 director after reviewing the standards adopted by the California
8 Energy Commission.

9 Sec. 390.057. SET-TOP BOXES. A set-top box must meet or
10 exceed the requirements of the Energy Star Program Requirements for
11 Set-top Boxes developed by the United States Environmental
12 Protection Agency, as in effect January 1, 2001.

13 Sec. 390.058. TORCHIERE FIXTURES. A torchiere fixture may
14 not:

15 (1) consume more than 190 watts; or

16 (2) be operable with lamps that total more than 190
17 watts.

18 Sec. 390.059. TRAFFIC SIGNAL MODULES. A traffic signal
19 module must meet or exceed the requirements of the Energy Star
20 Program Requirements for Traffic Signals developed by the United
21 States Environmental Protection Agency, as in effect February 2001.

22 Sec. 390.060. UNIT HEATERS. A unit heater:

23 (1) may not have a pilot light; and

24 (2) must have power venting or an automatic flue
25 damper.

26 [Sections 390.061-390.100 reserved for expansion]

27 SUBCHAPTER C. REGULATORY AUTHORITY; ENFORCEMENT

1 Sec. 390.101. ADOPTION OF ENERGY EFFICIENCY STANDARDS. (a)
2 The commission, in consultation with the State Energy Conservation
3 Office, the Texas Commission on Environmental Quality, and the
4 Public Utility Commission of Texas, may adopt rules that establish:

5 (1) increased efficiency standards for the products
6 listed in Subchapter B; and

7 (2) standards for products not listed in Subchapter B
8 for which energy efficiency standards are easily determined.

9 (b) The department shall publish on its Internet website:

10 (1) an updated list of all products for which the
11 commission or this chapter has established energy efficiency
12 standards;

13 (2) the standards for each product; and

14 (3) the effective date of enforcement for each
15 standard.

16 Sec. 390.102. PROHIBITION ON SALES AND INSTALLATION OF
17 NONCOMPLIANT PRODUCTS; PENALTY. (a) A person may not sell, offer
18 for sale, or install for use in this state a new product of a type
19 listed under Subchapter B or added by the commission under Section
20 390.101(a) unless the product is in compliance with or exceeds the
21 efficiency standards prescribed by Subchapter B or adopted by the
22 commission for that product type.

23 (b) A person who violates Subsection (a) commits an offense.
24 An offense under this section is a Class C misdemeanor punishable by
25 a fine of not less than \$100 for each item sold, offered for sale, or
26 installed.

27 Sec. 390.103. ENFORCEMENT PROCEDURES; DELEGATION. (a) The

1 commission by rule shall adopt and shall publish on the Internet
2 procedures for the enforcement of energy efficiency standards for
3 products as established under this chapter.

4 (b) The commission may delegate enforcement of the
5 standards to counties or municipalities.

6 SECTION 2. (a) Not later than January 1, 2004, the Texas
7 Commission of Licensing and Regulation shall adopt rules and
8 procedures as required for the implementation of this Act.

9 (b) Not later than June 1, 2004, the Texas Department of
10 Licensing and Regulation shall post on the department's Internet
11 website the list of affected products as required by Section
12 390.101, Health and Safety Code, as added by this Act, as well as
13 the related energy efficiency standards, effective dates for the
14 enforcement of the standards, and the rules and procedures adopted
15 to implement this Act.

16 (c) Publication on the Internet of rules adopted for the
17 implementation of this Act does not exempt the Texas Department of
18 Licensing and Regulation from the publication requirements of
19 Subchapter B, Chapter 2001, Government Code.

20 SECTION 3. (a) Except as provided by Subsection (b) of this
21 section, this Act takes effect September 1, 2003.

22 (b) The change in law made by Section 390.102, Health and
23 Safety Code, as added by this Act, applies as follows:

24 (1) on or after January 1, 2005, to the sale or offer
25 for sale in this state, on or after that date, of a product for which
26 minimum energy efficiency standards are prescribed by Subchapter B,
27 Chapter 390, Health and Safety Code, as added by this Act, or have

1 been established by the Texas Commission of Licensing and
2 Regulation under Section 390.101(a), Health and Safety Code, as
3 added by this Act; and

4 (2) on or after January 1, 2006, to the installation in
5 this state, on or after that date, of a product described by
6 Subdivision (1) of this subsection.