

Amend **CSSB 12** (House Committee Printing) in Article 3 of the bill by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 3.\_\_\_\_. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 392 to read as follows:

CHAPTER 392. APPLIANCE EFFICIENCY STANDARDS

Sec. 392.001. MINIMUM EFFICIENCY STANDARDS FOR CERTAIN APPLIANCES. Not later than September 1, 2008, the comptroller, in consultation with the state energy conservation office, shall adopt rules establishing minimum efficiency standards for each type of new product described by Section 392.002(a). The standards adopted must be the same standards as have been adopted in at least one other state to reduce energy use.

Sec. 392.002. APPLICABILITY; EXEMPTIONS. (a) This chapter applies to the following new products sold, offered for sale, or installed in this state:

- (1) bottle-type water dispensers;
- (2) commercial hot food holding cabinets;
- (3) compact audio products;
- (4) DVD players and recorders;
- (5) metal halide lamp fixtures;
- (6) portable electric spas;
- (7) residential pool pumps;
- (8) single-voltage external AC to DC power supplies;

and

- (9) state-regulated incandescent reflector lamps.

(b) This chapter does not apply to:

(1) a new product manufactured in this state and sold outside this state;

(2) a new product manufactured outside this state and sold at wholesale inside this state for final retail sale and installation outside this state; or

(3) a product installed in a mobile manufactured home at the time of the home's construction.

Sec. 392.003. PRODUCT COMPLIANCE. (a) A new product described by Section 392.002(a) may not be sold or offered for sale in this state unless the efficiency of the new product meets or

exceeds the applicable efficiency standards prescribed by the rules adopted under this chapter.

(b) On or after the first anniversary of the date the sale or offering for sale of a new product becomes subject to an efficiency standard adopted under this chapter, that product may not be installed for compensation in this state unless the efficiency of the product meets or exceeds the applicable efficiency standards prescribed by the rules adopted under this chapter.

Sec. 392.004. PRODUCT CERTIFICATION. (a) Except as provided by Subsection (c), the manufacturer of a new product subject to an efficiency standard adopted under this chapter shall certify in writing to the comptroller that the product is in compliance with that standard. The comptroller shall accept as an alternative certification a product's certification to another state with like standards if that state publishes a database of compliant products.

(b) The comptroller shall adopt rules governing the certification of products under this section and shall coordinate certification by this state with the certification programs of other states and federal agencies with similar standards.

(c) Subsection (a) does not apply to a manufacturer of single-voltage external AC to DC power supplies.

Sec. 392.005. COMPLAINTS. The comptroller shall investigate a complaint received concerning a violation of this chapter and shall report the results of the investigation to the attorney general.

Sec. 392.006. ATTORNEY GENERAL ENFORCEMENT. The attorney general may institute proceedings to enforce this chapter.

Sec. 392.007. VIOLATIONS AND PENALTIES. (a) The comptroller shall issue a warning to a person for the person's first violation of this chapter.

(b) A person's second and subsequent violations are subject to a civil penalty of not more than \$250.

(c) Each violation constitutes a separate violation, and each day that a violation continues constitutes a separate violation.

Sec. 392.008. RULES FOR IMPLEMENTATION AND ENFORCEMENT.

The comptroller may adopt additional rules necessary to ensure the proper implementation and enforcement of this chapter.

SECTION 3.\_\_\_\_. (a) The efficiency standards prescribed by rules adopted under Chapter 392, Health and Safety Code, as added by this article, apply only to the sale or offer of sale of a new product to which that chapter applies that occurs on or after January 1, 2009.

(b) Notwithstanding Subsection (a) of this section:

(1) a new residential pool pump that does not meet the efficiency standards adopted under Chapter 392, Health and Safety Code, as added by this article, may be sold in this state through December 31, 2009; and

(2) a new single-voltage external AC to DC power supply made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of a product requiring the power supply as a service part or spare part is not required to meet the standards adopted under Chapter 392, Health and Safety Code, as added by this article, until January 1, 2013.