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SECOND REPRINT

A.B. 383

ASSEMBLY BILL NO. 383—ASSEMBLYMEN WATTS,
BROWN-MAY; AND C.H. MILLER

MARCH 23, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Establishes provisions governing the energy efficiency of certain appliances. (BDR 58-490)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; requiring a manufacturer to submit a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Sections 2-30** of this bill establish definitions for terms related to the energy
- 2 efficiency of appliances.
- 3 **Section 31** of this bill requires the Director of the Office of Energy to adopt
- 4 regulations establishing minimum standards of energy efficiency for certain
- 5 appliances sold in this State and methods for verifying whether appliances comply
- 6 with those standards. **Section 31** prohibits, after certain dates, the sale, lease, rental
- 7 or installation of a new appliance that does not meet the standards for energy
- 8 efficiency adopted by the Director. **Section 31** prescribes minimum standards of
- 9 energy efficiency which the standards of energy efficiency adopted by the Director
- 10 must meet or exceed.
- 11 **Section 32** of this bill authorizes the Director, if certain findings are made, to
- 12 adopt standards of energy efficiency for appliances other than the appliances for



13 which standards of energy efficiency are specifically required to be adopted by this
14 bill. **Section 32** prohibits, after certain dates, the sale, lease, rental or installation of
15 a new appliance that does not meet the standards for energy efficiency adopted by
16 the Director pursuant to that section.

17 **Section 34** of this bill requires a manufacturer, before an appliance is made
18 available for sale, lease or rent in this State, to submit to the Director a certification
19 for the appliance demonstrating that the appliance complies with the energy
20 efficiency standards established by the Director. **Section 34** requires a manufacturer
21 to ensure that a new appliance that has received a certification demonstrating that it
22 complies with the minimum standards of energy efficiency includes a mark, label
23 or tag at the time of sale or installation identifying the appliance as a certified
24 appliance. **Section 34** requires the Director to adopt regulations governing the
25 certification of appliances and the labeling of certified appliances.

26 **Section 35** of this bill authorizes the Director to investigate complaints
27 concerning alleged violations of the provisions of this bill. **Section 35** establishes a
28 civil penalty for violations of the provisions of this bill and authorizes the Attorney
29 General to institute a civil action against a manufacturer, distributor, retailer or
30 installer for such violations.

31 **Section 36** of this bill authorizes the Director to adopt regulations to carry out
32 the provisions of this bill.

33 **Section 37** of this bill authorizes the Director to adopt standards for appliances
34 and other provisions to facilitate the deployment of flexible demand technologies.

35 **Section 38** of this bill excludes certain appliances from the provisions of this
36 bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 701 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 38, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 38, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 30, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 3.** *“Air purifier” means an electric, cord-connected,*
9 *portable appliance with the primary function of removing*
10 *particulate matter from the air and which can be moved from*
11 *room to room.*

12 **Sec. 4.** *“Cold only water cooler” means a water cooler that*
13 *dispenses cold water only.*

14 **Sec. 5.** *“Cold-temperature fluorescent lamp” means a*
15 *fluorescent lamp that:*

- 16 1. *Is not a compact fluorescent lamp;*
17 2. *Is specifically designed to operate at temperatures as low*
18 *as -20 degrees Fahrenheit when used with a ballast conforming to*
19 *the requirements of Standard Nos. C78.81 and C78.901 of the*
20 *American National Standards Institute; and*



1 3. *Is expressly designated as a cold-temperature fluorescent*
2 *lamp both in markings on the lamp and in marketing materials,*
3 *including, without limitation, catalogs, sales literature or*
4 *promotional materials.*

5 **Sec. 6. “Commercial dishwasher” means a machine**
6 *designed to clean and sanitize plates, pots, pans, glasses, cups,*
7 *bowls, utensils and trays by applying sprays of detergent solution,*
8 *with or without blasting media granules, and a sanitizing rinse,*
9 *and which is distributed for industrial or commercial use.*

10 **Sec. 7. “Commercial fryer” means an appliance, including,**
11 *without limitation, a cooking vessel, in which:*

12 1. *Oil is placed to such a depth that the cooking food is*
13 *essentially supported by displacement of the cooking fluid rather*
14 *than by the bottom of the vessel.*

15 2. *Heat is delivered to the cooking fluid by means of an*
16 *immersed electric element or band-wrapped vessel for electric*
17 *fryers or by heat transfer from gas burners through either the*
18 *walls of the fryer or through tubes passing through the cooking*
19 *fluid for gas fryers.*

20 **Sec. 8. “Commercial hot-food holding cabinet”:**

21 1. *Means a heated, fully enclosed compartment with one or*
22 *more solid or transparent doors designed to maintain the*
23 *temperature of hot food that has been cooked using a separate*
24 *appliance.*

25 2. *Does not include heated glass merchandizing cabinets,*
26 *drawer warmers or cook-and-hold appliances.*

27 **Sec. 9. “Commercial oven” means a chamber designed for**
28 *heating, roasting or baking food by conduction, convection,*
29 *radiation or electromagnetic energy and which is distributed for*
30 *industrial or commercial use.*

31 **Sec. 10. “Commercial steam cooker”:**

32 1. *Means a device with one or more food steaming*
33 *compartments in which the energy in the steam is transferred to*
34 *the food by direct contact.*

35 2. *Includes, without limitation, countertop models, wall-*
36 *mounted models and floor models mounted on a stand, pedestal or*
37 *cabinet-style base.*

38 **Sec. 11. “Compensation” means money or any other thing of**
39 *value, regardless of form, received by a person for services*
40 *rendered.*

41 **Sec. 12. “Computer”:**

42 1. *Means a device that performs logical operations and*
43 *processes data and is composed of, at a minimum:*

44 (a) *A central processing unit to perform operations or, if no*
45 *central processing unit is present, then the device must function as*



1 *a client gateway to a server and the server acts as a computational*
2 *central processing unit;*

3 *(b) The ability to support user input devices such as a*
4 *keyboard, mouse or touchpad; and*

5 *(c) An integrated display screen or the ability to support an*
6 *external display screen to output information.*

7 2. *Includes both stationary and portable units, and includes,*
8 *without limitation, a desktop computer, portable all-in-one*
9 *computer, notebook computer, mobile gaming system, high-*
10 *expandability computer, small-scale server, thin client or*
11 *workstation.*

12 3. *Does not include a tablet, game console, television, small*
13 *computer device, server other than a small-scale server or an*
14 *industrial computer.*

15 **Sec. 13. “Computer monitor”:**

16 1. *Means an analog or digital device of diagonal screen size*
17 *not less than 17 inches and not more than 61 inches, that has a*
18 *pixel density of more than 5,000 pixels per square inch and that is*
19 *designed primarily for the display of computer generated signals*
20 *for viewing by one person in a desk-based environment and which*
21 *is composed of a display screen and associated electronics.*

22 2. *Does not include:*

23 *(a) Displays with integrated or replaceable batteries designed*
24 *to support primary operation without alternating current mains or*
25 *external direct current power, including, without limitation,*
26 *electronic readers, mobile phones, tablets and battery-powered*
27 *digital frames; or*

28 *(b) A television or signage display.*

29 **Sec. 14. “Cook and cold water cooler” means a water cooler**
30 *that dispenses both cold water and room-temperature water.*

31 **Sec. 15. “Decorative gas fireplace” means a vented fireplace,**
32 *including, without limitation, an appliance that is freestanding,*
33 *recessed or zero clearance or a gas fireplace insert, that is:*

34 1. *Fueled by natural gas or propane;*

35 2. *Marked for decorative use only; and*

36 3. *Not equipped with a thermostat or intended for use as a*
37 *heater.*

38 **Sec. 16. “Electric vehicle supply equipment”:**

39 1. *Means the conductors, including, without limitation, the*
40 *ungrounded, grounded and equipment-grounding conductors, the*
41 *electric vehicle connectors, the attachment plugs and all other*
42 *fittings, devices, power outlets or apparatuses, installed specifically*
43 *for the purpose of delivering energy from the premises wiring to*
44 *the electric vehicle.*



1 2. Does not include conductors, connectors and fittings that
2 are part of a vehicle.

3 **Sec. 17.** "Flexible demand" means the capability to schedule,
4 shift or curtail the electrical demand of a customer of a utility
5 through direct action by the customer or through action by a third
6 party, the utility or a grid-balancing authority, with the consent of
7 the customer.

8 **Sec. 18.** "Gas fireplace" means a decorative gas fireplace or
9 a heating gas fireplace.

10 **Sec. 19.** "Heating gas fireplace" means a vented fireplace,
11 including, without limitation, an appliance that is freestanding,
12 recessed or zero clearance or a gas fireplace insert, that is:

- 13 1. Fueled by natural gas or propane; and
- 14 2. Not a decorative gas fireplace.

15 **Sec. 20.** "High color rendering index fluorescent lamp"
16 means a fluorescent lamp with a color rendering index of 87 or
17 more that is not a compact fluorescent lamp.

18 **Sec. 21.** "Hot and cold water cooler" means a water cooler
19 that dispenses both hot and cold water and which may or may not
20 dispense room-temperature water.

21 **Sec. 22.** "Impact-resistant fluorescent lamp" means a
22 fluorescent lamp that:

- 23 1. Is not a compact fluorescent lamp;
- 24 2. Has a coating or equivalent technology that is compliant
25 with Standard No. 51 of the American National Standards
26 Institute and is designed to contain the glass if the glass envelope
27 of the lamp is broken; and
- 28 3. Is designated and marketed for the intended application
29 with:

- 30 (a) The designation on the lamp packaging; and
- 31 (b) Marketing materials that identify the lamp as being impact-
32 resistant, shatter-resistant, shatterproof or shatter-protected.

33 **Sec. 23.** "Industrial air purifier" means an indoor air-
34 cleaning device manufactured, advertised, marketed, labeled and
35 used solely for industrial use and that is marketed solely through
36 industrial supply outlets or businesses and prominently labeled as
37 follows: "Solely for industrial use. Potential health hazard: emits
38 ozone."

39 **Sec. 24.** "New" means that an appliance has not previously
40 been sold to an end user.

41 **Sec. 25.** "On-demand" means a water cooler that heats water
42 as it is requested, and which may take a few minutes to deliver hot
43 water.



1 **Sec. 26.** *“Portable electric spa” means a factory-built electric*
2 *spa or hot tub which may or may not include any combination of*
3 *integral controls, water heating or water-circulating equipment.*

4 **Sec. 27.** *“Regulated appliance” includes the following*
5 *appliances:*

- 6 1. *An air purifier that is not an industrial air purifier;*
- 7 2. *A cold-temperature fluorescent lamp;*
- 8 3. *A commercial dishwasher;*
- 9 4. *A commercial fryer;*
- 10 5. *A commercial hot-food holding cabinet;*
- 11 6. *A commercial oven;*
- 12 7. *A commercial steam cooker;*
- 13 8. *A computer;*
- 14 9. *A computer monitor;*
- 15 10. *Electric vehicle supply equipment;*
- 16 11. *A gas fireplace;*
- 17 12. *A high color rendering index fluorescent lamp;*
- 18 13. *An impact-resistant fluorescent lamp;*
- 19 14. *A portable electric spa;*
- 20 15. *A residential ventilating fan; and*
- 21 16. *A water cooler.*

22 **Sec. 28.** *“Residential ventilating fan” means a ceiling or*
23 *wall-mounted fan, or remotely mounted in-line fan, designed to be*
24 *used in a bathroom or utility room for the purpose of moving air*
25 *from inside the building to outside the building.*

26 **Sec. 29.** *“Storage-type”:*

- 27 1. *Means a water cooler that stores thermally conditioned*
28 *water in a tank and makes such water available instantaneously.*
- 29 2. *Includes point-of-use, dry storage compartment and bottled*
30 *water coolers.*

31 **Sec. 30.** *“Water cooler” means a freestanding device that*
32 *consumes energy to cool or heat potable water.*

33 **Sec. 31.** 1. *Not later than October 1, 2022, the Director of*
34 *the Office of Energy shall adopt regulations establishing*
35 *minimum standards of energy efficiency for regulated appliances*
36 *and methods for verifying whether a regulated appliance complies*
37 *with those standards.*

38 2. *On and after July 1, 2023, a new regulated appliance may*
39 *not be sold, leased or rented in this State, or offered for sale, lease*
40 *or rent in this State, unless it meets or exceeds the minimum*
41 *standards of energy efficiency established by the Director*
42 *pursuant to subsection 1. If the Director amends the regulations*
43 *adopted pursuant to subsection 1 to establish more stringent*
44 *standards of energy efficiency for regulated appliances, the*
45 *Director shall establish an effective date for such amended*



1 regulations which must be not earlier than 365 days after the date
2 on which the amended regulations are filed with the Secretary of
3 State pursuant to NRS 233B.070.

4 3. On and after January 1, 2024, a new regulated appliance
5 may not be installed for compensation in this State unless it meets
6 or exceeds the minimum standards of energy efficiency established
7 by the Director pursuant to subsection 1. If the Director amends
8 the regulations adopted pursuant to subsection 1 to establish more
9 stringent standards of energy efficiency for new regulated
10 appliances, beginning 1 year after the amended regulations are
11 filed with the Secretary of State pursuant to NRS 233B.070, it
12 shall be unlawful to install for compensation in this State a new
13 regulated appliance that does not meet or exceed the more
14 stringent standards of energy efficiency adopted by the Director.

15 4. The minimum standards of energy efficiency for regulated
16 appliances adopted by the Director pursuant to subsection 1 must
17 meet or exceed the following standards:

18 (a) An air purifier which is not an industrial air purifier must
19 meet the following requirements as measured in accordance with
20 version 2.0 of the "ENERGY STAR Product Specification for
21 Room Air Cleaners" adopted by the United States Environmental
22 Protection Agency:

23 (1) The clean air delivery rate for smoke must be not less
24 than 30 cubic feet per minute;

25 (2) For models with a clean air delivery rate for smoke that
26 is less than 100 cubic feet per minute, the clean air delivery rate
27 per watt for smoke must be not less than 1.7 cubic feet per minute;

28 (3) For models with a clean air delivery rate for smoke that
29 is 100 or more but less than 150 cubic feet per minute, the clean
30 air delivery rate per watt for smoke must be not less than 1.9 cubic
31 feet per minute;

32 (4) For models with a clean air delivery rate for smoke that
33 is 150 or more cubic feet per minute, the clean air delivery rate per
34 watt for smoke must be not less than 2.0 cubic feet per minute;

35 (5) For ozone-emitting models, the measured ozone must be
36 not more than 50 parts per billion;

37 (6) For models with a wireless fidelity network connection
38 enabled by default when shipped, the energy consumed when in
39 partial on mode power must be not more than 2 watts; and

40 (7) For models without a wireless fidelity network
41 connection enabled by default when shipped, the energy consumed
42 when in partial on mode must be not more than 1 watt.

43 (b) Commercial dishwashers included in the scope of version
44 2.0 of the "ENERGY STAR Program Requirements Product



1 *Specification for Commercial Dishwashers” must meet the*
2 *eligibility criteria of that specification.*

3 (c) *Commercial fryers included in the scope of version 2.0 of*
4 *the “ENERGY STAR Program Requirements Product*
5 *Specification for Commercial Fryers” must meet the criteria of*
6 *that specification.*

7 (d) *Commercial hot food holding cabinets included in the*
8 *scope of version 2.0 of the “ENERGY STAR Program*
9 *Requirements Product Specification for Commercial Hot Food*
10 *Holding Cabinets” must meet the criteria of that specification.*

11 (e) *Commercial ovens included in the scope of version 2.2 of*
12 *the “ENERGY STAR Program Requirements Product*
13 *Specification for Commercial Ovens” must meet the criteria of*
14 *that specification.*

15 (f) *Commercial steam cookers included in the scope of version*
16 *1.2 of the “ENERGY STAR Program Requirements Product*
17 *Specification for Commercial Steam Cookers” must meet the*
18 *criteria of that specification.*

19 (g) *Computers and computer monitors must meet the*
20 *requirements set forth in section 1605.3(v) of Title 20 of the*
21 *California Code of Regulations as in effect on January 1, 2020,*
22 *and the test procedures for computers and computer monitors*
23 *adopted by the Director must be in accordance with the testing*
24 *method prescribed in section 1604(v) of Title 20 of the California*
25 *Code of Regulations as in effect on January 1, 2020, except that*
26 *the Director may elect to amend the test procedure to reflect*
27 *changes to section 1604(v) of Title 20 of the California Code of*
28 *Regulations that occur after January 1, 2020.*

29 (h) *Electric vehicle supply equipment included in the scope of*
30 *version 1.0 of the “ENERGY STAR Program Requirements for*
31 *Electric Vehicle Supply Equipment” must meet the eligibility*
32 *criteria of that specification.*

33 (i) *Gas fireplaces must:*

34 (1) *Be capable of automatically extinguishing any pilot*
35 *flame when the main gas burner flame is extinguished.*

36 (2) *Prevent any ignition source for the main gas burner*
37 *flame from operating continuously for more than 7 days.*

38 (3) *If the gas fireplace is a heating gas fireplace, have a*
39 *fireplace efficiency greater than or equal to 50 percent when tested*
40 *in accordance with Standard No. P.4.1-15 of the Canadian*
41 *Standards Association, “Testing Method for Measuring Annual*
42 *Fireplace Efficiency.”*

43 (j) *High color rendering index fluorescent lamps, cold*
44 *temperature fluorescent lamps and impact-resistant fluorescent*
45 *lamps must meet the minimum efficacy requirements contained in*



1 *10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as*
2 *measured in accordance with 10 C.F.R. Part 430, subpart B,*
3 *Appendix R, “Uniform Test Method for Measuring Average Lamp*
4 *Efficacy (LE), Color Rendering Index (CRI), and Correlated*
5 *Color Temperature (CCT) of Electric Lamps,” as in effect on*
6 *January 1, 2020.*

7 *(k) Portable electric spas must meet the requirements of the*
8 *“American National Standard for Portable Electric Spa Energy*
9 *Efficiency,” ANSI/APSP/ICC 14-2019 of the Association of Pool*
10 *and Spa Professionals.*

11 *(l) In-line residential ventilating fans must have a fan motor*
12 *efficacy of not less than 2.8 cubic feet per minute per watt.*

13 *(m) Residential ventilating fans other than in-line residential*
14 *ventilating fans must have a fan motor efficacy of not less than 1.4*
15 *cubic feet per minute per watt for airflows less than 90 cubic feet*
16 *per minute and not less than 2.8 cubic feet per minute per watt for*
17 *other airflows when tested in accordance with HVI Publication*
18 *916, “HVI Airflow Test Procedure,” of the Home Ventilating*
19 *Institute.*

20 *(n) Water coolers included in the scope of version 2.0 of the*
21 *“ENERGY STAR Program Requirements Product Specification*
22 *for Water Coolers” must have an on mode with no water draw*
23 *energy consumption of the following values as measured in*
24 *accordance with the test requirements of that specification:*

25 *(1) Not more than 0.16 kilowatt-hours per day for cold only*
26 *water coolers and cook and cold water coolers;*

27 *(2) Not more than 0.87 kilowatt-hours per day for storage-*
28 *type hot and cold water coolers; and*

29 *(3) Not more than 0.18 kilowatt-hours per day for on-*
30 *demand hot and cold water coolers.*

31 **Sec. 32. 1.** *The Director of the Office of Energy may adopt*
32 *regulations establishing minimum standards of energy efficiency*
33 *for new appliances other than regulated appliances and methods*
34 *for verifying whether such an appliance complies with those*
35 *standards upon a finding that the adoption of such standards*
36 *would serve to promote energy or water conservation in this State*
37 *and would be cost effective for consumers who purchase and use*
38 *such new appliances.*

39 **2.** *The Director shall establish an effective date for*
40 *regulations adopted pursuant to subsection 1 which must be not*
41 *earlier than 365 days after the date on which the regulations are*
42 *filed with the Secretary of State pursuant to NRS 233B.070.*

43 **3.** *On and after the effective date of any regulations adopted*
44 *pursuant to subsection 1, a new appliance may not be sold, leased*
45 *or rented in this State or offered for sale, lease or rent in this State*



1 *unless it meets or exceeds the minimum standards of energy*
2 *efficiency established by the Director pursuant to subsection 1.*

3 *4. Beginning 1 year after the effective date of any regulations*
4 *adopted pursuant to subsection 1, it shall be unlawful to install for*
5 *compensation in this State a new appliance that does not meet or*
6 *exceed the standards of energy efficiency adopted by the Director*
7 *pursuant to subsection 1.*

8 **Sec. 33.** (Deleted by amendment.)

9 **Sec. 34.** *1. Before a new regulated appliance is made*
10 *available for sale, lease or rent in this State, the manufacturer of*
11 *the regulated appliance shall submit to the Director a certification*
12 *which demonstrates that the regulated appliance complies with the*
13 *minimum standard of energy efficiency for that appliance adopted*
14 *by the Director pursuant to section 31 of this act.*

15 *2. Before a new appliance for which the Director has adopted*
16 *a minimum standard of energy efficiency pursuant to section 32 of*
17 *this act is made available for sale, lease or rent in this State, the*
18 *manufacturer of the appliance shall submit to the Director a*
19 *certification which demonstrates that the appliance complies with*
20 *the minimum standard of energy efficiency for that appliance*
21 *adopted by the Director pursuant to section 32 of this act.*

22 *3. A manufacturer of regulated appliances or appliances for*
23 *which the Director has adopted a minimum standard of energy*
24 *efficiency pursuant to section 32 of this act shall comply with such*
25 *other requirements or submit such other information as the*
26 *Director may require by regulation.*

27 *4. The Director shall adopt regulations governing the*
28 *certification of regulated appliances or appliances for which the*
29 *Director has adopted a minimum standard of energy efficiency*
30 *pursuant to section 32 of this act. In doing so, the Director shall*
31 *coordinate with the certification programs of other states and*
32 *federal agencies with similar standards of energy efficiency.*

33 *5. A manufacturer shall ensure that, at the time of sale or*
34 *installation, a new appliance for which the manufacturer has*
35 *submitted a certification pursuant to subsection 1 or 2 includes a*
36 *mark, label or tag on the product and packaging of the appliance*
37 *which identifies the appliance as meeting the standards of energy*
38 *efficiency established by the Director pursuant to sections 31 and*
39 *32 of this act. The Director shall adopt regulations governing the*
40 *identification of certified appliances through the inclusion of a*
41 *mark, label or tag, coordinating to the greatest practical extent*
42 *with the labeling programs of other states and federal agencies*
43 *with equivalent standards of energy efficiency. The Director shall*
44 *permit the use of existing marks, labels or tags which connote*



1 *compliance with the standards of energy efficiency adopted*
2 *pursuant to sections 31 and 32 of this act.*

3 **Sec. 35.** 1. *The Director may investigate complaints*
4 *received concerning alleged violations of sections 2 to 38,*
5 *inclusive, of this act and may report any alleged violation of*
6 *sections 2 to 38, inclusive, of this act which the Director verifies or*
7 *discovers after investigation to the Attorney General.*

8 2. *Whenever it appears that a manufacturer, distributor,*
9 *retailer or installer has violated or is violating the provisions of*
10 *sections 2 to 38, inclusive, of this act, the Attorney General may*
11 *institute a civil action in any district court of this State for*
12 *injunctive relief to restrain the violation and for the assessment*
13 *and recovery of a civil penalty.*

14 3. *Any manufacturer, distributor, retailer or installer who*
15 *violates any of the provisions of sections 2 to 38, inclusive, of this*
16 *act must, for a first time violation, be issued a warning and, for*
17 *any subsequent violation, is liable to the State for a civil penalty*
18 *of:*

19 (a) *For the first time a civil penalty is assessed, not more than*
20 *\$100 for each day of violation and for each act of violation.*

21 (b) *For any subsequent assessment of a civil penalty, not more*
22 *than \$500 for each day of violation and for each act of violation.*

23 4. *Nothing in this section or in sections 2 to 38, inclusive, of*
24 *this act shall be construed to require a city or county to take any*
25 *action or to enforce the provisions of sections 2 to 38, inclusive, of*
26 *this act.*

27 **Sec. 36.** *The Director may adopt such regulations as are*
28 *necessary to carry out the provisions of sections 2 to 38, inclusive,*
29 *of this act.*

30 **Sec. 37.** 1. *The Director may adopt by regulation standards*
31 *for appliances and other provisions which are necessary and*
32 *convenient to facilitate the deployment of flexible demand*
33 *technologies, including, without limitation, regulations relating to*
34 *the labeling of appliances incorporating flexible demand*
35 *technologies to promote the use of such appliances. Any such*
36 *regulations must be based on feasible and attainable efficiencies*
37 *or feasible improvements that will enable appliance operations to*
38 *be scheduled, shifted or curtailed to reduce emissions of*
39 *greenhouse gases associated with electricity generation.*

40 2. *The Director shall establish an effective date for*
41 *regulations adopted pursuant to subsection 1 which must be not*
42 *earlier than 365 days after the date on which the regulations are*
43 *filed with the Secretary of State pursuant to NRS 233B.070.*

44 3. *In establishing standards for appliances pursuant to*
45 *subsection 1, the Director shall:*



1 (a) Consider the reliability and cybersecurity protocols of the
2 National Institute of Standards and Technology of the United
3 States Department of Commerce, or other cybersecurity protocols
4 that are equally or more protective and adopt, at minimum, the
5 North American Electric Reliability Corporation Critical
6 Infrastructure Protection Standards, as those standards exist on
7 the effective date of this act.

8 (b) Consult with the Public Utilities Commission of Nevada
9 and electric utilities to better align the flexible demand appliance
10 standards with demand response programs and to incentivize the
11 deployment of flexible demand appliances.

12 4. Flexible demand appliance standards adopted pursuant to
13 subsection 1 must prioritize:

14 (a) Appliances that can more conveniently have their electrical
15 demand controlled by load-management technology and third-
16 party load-management programs.

17 (b) Appliances with load-management technology options that
18 are readily available.

19 (c) Appliances that have a user-friendly interface and follow a
20 straightforward setup and connection process, such as remote
21 setup by means of an Internet website or application.

22 (d) Appliances with load-management technology options that
23 follow simple standards for third-party direct operation of the
24 appliances.

25 (e) Appliances that are interoperable or open source.

26 **Sec. 38.** The provisions of sections 2 to 38, inclusive, of this
27 act, and any regulations adopted pursuant thereto, do not apply to:

28 1. A new appliance manufactured in this State and sold
29 outside of this State.

30 2. A new appliance sold at wholesale in this State for final
31 retail sale outside of this State.

32 3. An appliance installed in a mobile home or manufactured
33 home at the time of construction.

34 4. An appliance designed expressly for installation and use in
35 a recreational vehicle, as defined in NRS 482.101.

36 **Sec. 39.** This act becomes effective on July 1, 2021.

