

Amendment No. 399

Assembly Amendment to Assembly Bill No. 383	(BDR 58-490)
Proposed by: Assembly Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 ~~obtain~~ **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:

Sections 2-30 of this bill establish definitions for terms related to the energy efficiency of appliances.

Section 31 of this bill requires the Director of the Office of Energy to adopt regulations establishing minimum standards of energy efficiency for certain appliances sold in this State and methods for ~~testing~~ **verifying** whether appliances comply with those standards. **Section 31** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director. **Section 31** prescribes minimum standards of energy efficiency which the standards of energy efficiency adopted by the Director must meet or exceed.

Section 32 of this bill authorizes the Director, if certain findings are made, to adopt standards of energy efficiency for appliances other than the appliances for which standards of energy efficiency are specifically required to be adopted by this bill. **Section 32** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director pursuant to that section.

~~[—Section 33 of this bill requires the Director to seek a waiver of preemption from the Secretary of Energy of the United States Department of Energy if the Director has adopted or proposes to adopt a standard of energy efficiency for an appliance which is more stringent than the standard of energy efficiency for that appliance which exists under federal law.]~~

Section 34 of this bill ~~[prohibits]~~ **requires** a manufacturer ~~[from making available for sale]~~ **, before an appliance is made available for sale, lease or rent** in this State ~~[and]~~ **, to**

submit to the Director a certification for the appliance demonstrating that the appliance [for which] complies with the energy efficiency standards [have been] established [unless the manufacturer has obtained a certification for the appliance from] by the Director. Section 34 requires a manufacturer to ensure that a new appliance that has received a certification demonstrating that it complies with the minimum standards of energy efficiency includes a mark, label or tag at the time of sale or installation identifying the appliance as a certified appliance. Section 34 requires the Director to adopt regulations [prescribing the procedures for] governing the certification of appliances and the labeling of certified appliances.

Section 35 of this bill authorizes the Director [to test appliances for compliance with the energy efficiency standards established by the Director and to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new appliances and newly constructed buildings which contain new appliances to determine whether there has been compliance with the provisions of this bill. Section 35 requires the Director] to investigate complaints concerning alleged violations of the provisions of this bill. Section 35 establishes a civil penalty for violations of the provisions of this bill and authorizes the Attorney General to institute a civil action against a manufacturer, distributor, retailer or installer for such violations.

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

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

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

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

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

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

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

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

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

1. Is not a compact fluorescent lamp;

2. Is specifically designed to operate at temperatures as low as -20 degrees Fahrenheit when used with a ballast conforming to the requirements of Standard Nos. C78.81 and C78.901 of the American National Standards Institute; and

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

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

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

1 1. Oil is placed to such a depth that the cooking food is essentially
2 supported by displacement of the cooking fluid rather than by the bottom of the
3 vessel.

4 2. Heat is delivered to the cooking fluid by means of an immersed electric
5 element or band-wrapped vessel for electric fryers or by heat transfer from gas
6 burners through either the walls of the fryer or through tubes passing through
7 the cooking fluid for gas fryers.

8 **Sec. 8. "Commercial hot-food holding cabinet":**

9 1. Means a heated, fully enclosed compartment with one or more solid or
10 transparent doors designed to maintain the temperature of hot food that has been
11 cooked using a separate appliance.

12 2. Does not include heated glass merchandizing cabinets, drawer warmers
13 or cook-and-hold appliances.

14 **Sec. 9. "Commercial oven" means a chamber designed for heating,**
15 **roasting or baking food by conduction, convection, radiation or electromagnetic**
16 **energy and which is distributed for industrial or commercial use.**

17 **Sec. 10. "Commercial steam cooker":**

18 1. Means a device with one or more food steaming compartments in which
19 the energy in the steam is transferred to the food by direct contact.

20 2. Includes, without limitation, countertop models, wall-mounted models
21 and floor models mounted on a stand, pedestal or cabinet-style base.

22 **Sec. 11. "Compensation" means money or any other thing of value,**
23 **regardless of form, received by a person for services rendered.**

24 **Sec. 12. "Computer":**

25 1. Means a device that performs logical operations and processes data and
26 is composed of, at a minimum:

27 (a) A central processing unit to perform operations or, if no central
28 processing unit is present, then the device must function as a client gateway to a
29 server and the server acts as a computational central processing unit;

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

32 (c) An integrated display screen or the ability to support an external display
33 screen to output information.

34 2. Includes both stationary and portable units, and includes, without
35 limitation, a desktop computer, portable all-in-one computer, notebook computer,
36 mobile gaming system, high-expandability computer, small-scale server, thin
37 client or workstation.

38 3. Does not include a tablet, game console, television, small computer
39 device, server other than a small-scale server or an industrial computer.

40 **Sec. 13. "Computer monitor":**

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

46 2. Does not include:

47 (a) Displays with integrated or replaceable batteries designed to support
48 primary operation without alternating current mains or external direct current
49 power, including, without limitation, electronic readers, mobile phones, tablets
50 and battery-powered digital frames; or

51 (b) A television or signage display.

52 **Sec. 14. "Cook and cold water cooler" means a water cooler that dispenses**
53 **both cold water and room-temperature water.**

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

- 4 1. *Fueled by natural gas or propane;*
- 5 2. *Marked for decorative use only; and*
- 6 3. *Not equipped with a thermostat or intended for use as a heater.*

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

8 1. *Means the conductors, including, without limitation, the ungrounded,*
9 *grounded and equipment-grounding conductors, the electric vehicle connectors,*
10 *the attachment plugs and all other fittings, devices, power outlets or apparatuses,*
11 *installed specifically for the purpose of delivering energy from the premises*
12 *wiring to the electric vehicle.*

13 2. *Includes charging cords with NEMA 5-15P and NEMA 5-20P*
14 *attachment plugs.*

15 3. *Does not include conductors, connectors and fittings that are part of a*
16 *vehicle.*

17 **Sec. 17.** *“Flexible demand” means the capability to schedule, shift or*
18 *curtail the electrical demand of a customer of a utility through direct action by*
19 *the customer or through action by a third party, the utility or a grid-balancing*
20 *authority, with the consent of the customer.*

21 **Sec. 18.** *“Gas fireplace” means a decorative gas fireplace or a heating gas*
22 *fireplace.*

23 **Sec. 19.** *“Heating gas fireplace” means a vented fireplace, including,*
24 *without limitation, an appliance that is freestanding, recessed or zero clearance*
25 *or a gas fireplace insert, that is:*

- 26 1. *Fueled by natural gas or propane; and*
- 27 2. *Not a decorative gas fireplace.*

28 **Sec. 20.** *“High color rendering index fluorescent lamp” means a*
29 *fluorescent lamp with a color rendering index of 87 or more that is not a compact*
30 *fluorescent lamp.*

31 **Sec. 21.** *“Hot and cold water cooler” means a water cooler that dispenses*
32 *both hot and cold water and which may or may not dispense room-temperature*
33 *water.*

34 **Sec. 22.** *“Impact-resistant fluorescent lamp” means a fluorescent lamp*
35 *that:*

- 36 1. *Is not a compact fluorescent lamp;*
- 37 2. *Has a coating or equivalent technology that is compliant with Standard*
38 *No. 51 of the American National Standards Institute and is designed to contain*
39 *the glass if the glass envelope of the lamp is broken; and*
- 40 3. *Is designated and marketed for the intended application with:*
 - 41 (a) *The designation on the lamp packaging; and*
 - 42 (b) *Marketing materials that identify the lamp as being impact-resistant,*
43 *shatter-resistant, shatterproof or shatter-protected.*

44 **Sec. 23.** *“Industrial air purifier” means an indoor air-cleaning device*
45 *manufactured, advertised, marketed, labeled and used solely for industrial use*
46 *and that is marketed solely through industrial supply outlets or businesses and*
47 *prominently labeled as follows: “Solely for industrial use. Potential health*
48 *hazard: emits ozone.”*

49 **Sec. 24.** *“New” means that an appliance has not previously been sold to an*
50 *end user.*

51 **Sec. 25.** *“On-demand” means a water cooler that heats water as it is*
52 *requested, and which may take a few minutes to deliver hot water.*

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

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

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

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

25 **Sec. 29.** *“Storage-type”:*

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

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

32 **Sec. 31.** 1. *Not later than October 1, 2022, the Director of the Office of*
33 *Energy ~~], in consultation with the Director of the State Department of~~*
34 *Conservation and Natural Resources and the Director of the Department of*
35 *Business and Industry,] shall adopt regulations establishing minimum standards*
36 *of energy efficiency for regulated appliances and methods for ~~testing]~~ verifying*
37 *whether a regulated appliance complies with those standards.*

38 2. *On and after ~~January]~~ July 1, 2023, a new regulated appliance may not*
39 *be sold, leased or rented in this State, or offered for sale, lease or rent in this*
40 *State, unless it meets or exceeds the minimum standards of energy efficiency*
41 *established by the Director pursuant to subsection 1. If the Director amends the*
42 *regulations adopted pursuant to subsection 1 to establish more stringent*
43 *standards of energy efficiency for regulated appliances, the Director shall*
44 *establish an effective date for such amended regulations which must be not*
45 *earlier than 365 days after the date on which the amended regulations are filed*
46 *with the Secretary of State pursuant to NRS 233B.070.*

47 3. *On and after January 1, 2024, a new regulated appliance may not be*
48 *installed for compensation in this State unless it meets or exceeds the minimum*
49 *standards of energy efficiency established by the Director pursuant to subsection*
50 *1. If the Director amends the regulations adopted pursuant to subsection 1 to*
51 *establish more stringent standards of energy efficiency for new regulated*
52 *appliances, beginning 1 year after the amended regulations are filed with the*
53 *Secretary of State pursuant to NRS 233B.070, it shall be unlawful to install for*

1 *compensation in this State a new regulated appliance that does not meet or*
2 *exceed the more stringent standards of energy efficiency adopted by the Director.*

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

6 (a) *An air purifier which is not an industrial air purifier must meet the*
7 *following requirements as measured in accordance with version 2.0 of the*
8 *“ENERGY STAR Product Specification for Room Air Cleaners” adopted by the*
9 *United States Environmental Protection Agency:*

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

12 (2) *For models with a clean air delivery rate for smoke that is less than*
13 *100 cubic feet per minute, the clean air delivery rate per watt for smoke must be*
14 *not less than 1.7 cubic feet per minute;*

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

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

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

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

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

29 (b) *Commercial dishwashers included in the scope of version 2.0 of the*
30 *“ENERGY STAR Program Requirements Product Specification for Commercial*
31 *Dishwashers” must meet the eligibility criteria of that specification.*

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

35 (d) *Commercial hot food holding cabinets included in the scope of version*
36 *2.0 of the “ENERGY STAR Program Requirements Product Specification for*
37 *Commercial Hot Food Holding Cabinets” must meet the criteria of that*
38 *specification.*

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

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

45 (g) *Computers and computer monitors must meet the requirements set forth*
46 *in section 1605.3(v) of Title 20 of the California Code of Regulations as in effect*
47 *on January 1, 2020, and the test procedures for computers and computer*
48 *monitors adopted by the Director must be in accordance with the testing method*
49 *prescribed in section 1604(v) of Title 20 of the California Code of Regulations as*
50 *in effect on January 1, 2020, except that the Director may elect to amend the test*
51 *procedure to reflect changes to section 1604(v) of Title 20 of the California Code*
52 *of Regulations that occur after January 1, 2020.*

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

(i) *Gas fireplaces must:*

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

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

(3) *If the gas fireplace is a decorative gas fireplace, have a direct vent configuration, unless marked for replacement use only.*

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

(j) *High color rendering index fluorescent lamps, cold temperature fluorescent lamps and impact-resistant fluorescent lamps must meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as measured in accordance with 10 C.F.R. Part 430, subpart B, Appendix R, “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on January 1, 2020.*

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

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

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

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

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

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

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

Sec. 32. 1. *The Director of the Office of Energy ~~], in consultation with the Director of the State Department of Conservation and Natural Resources and the Director of the Department of Business and Industry,~~ may adopt regulations establishing minimum standards of energy efficiency for new appliances other than regulated appliances and methods for ~~testing]~~ verifying whether such an appliance complies with those standards upon a finding that the adoption of such standards would serve to promote energy or water conservation in this State and would be cost effective for consumers who purchase and use such new appliances.*

2. *The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date*

on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after the effective date of any regulations adopted pursuant to subsection 1, a new appliance may not be sold, leased or rented in this State or offered for sale, lease or rent in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1.

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

~~Sec. 33. If there is a federal standard of energy efficiency for an appliance which is less stringent than the standard of energy efficiency for that appliance which is adopted by the Director or which the Director proposes to adopt pursuant to section 31 or 32 of this act, the Director shall seek a waiver pursuant to 42 U.S.C. § 6297 or 6316 from the Secretary of Energy of the United States Department of Energy to the extent necessary to allow the standard of energy efficiency adopted by the Director or which the Director proposes to adopt to become effective or remain in effect.~~ (Deleted by amendment.)

Sec. 34. 1. Before a new regulated appliance is made available for sale, lease or rent in this State, the manufacturer shall not permit a regulated appliance or a new appliance for which standards of efficiency have been adopted pursuant to section 32 of this act to be made available for sale in this State unless the manufacturer has obtained a certification from the Director for the appliance. To obtain a certification for an appliance, the manufacturer must:

— (a) Test each basic model of the appliance in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act, to ensure that the appliance complies with the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act.

— (b) Based upon the test results pursuant to paragraph (a), submit a statement to the Director certifying that the appliance satisfies the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act when tested in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act.

— (c) Comply of the regulated appliance shall submit to the Director a certification which demonstrates that the regulated appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 31 of this act.

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

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

4. The Director shall adopt regulations governing the certification of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act. In doing so, the Director

shall coordinate with the certification programs of other states and federal agencies with similar standards of energy efficiency.

~~(2.)~~ 5. A manufacturer shall ensure that, at the time of sale or installation, a new appliance ~~for which a certification has been issued pursuant to this section~~ for which the manufacturer has submitted a certification pursuant to subsection 1 or 2 includes a mark, label or tag on the product and packaging of the appliance which identifies the appliance as meeting the standards of energy efficiency established by the Director pursuant to sections 31 and 32 of this act. The Director shall adopt regulations governing the identification of certified appliances through the inclusion of a mark, label or tag, coordinating to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent standards of energy efficiency. The Director shall permit the use of existing marks, labels or tags which connote compliance with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act.

Sec. 35. 1. ~~The Director may test regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to section 32 of this act to ensure that such appliances comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act. If through testing the Director determines that an appliance which has received a certification from the Director pursuant to section 34 of this act does not comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act, the Director shall:~~

~~—(a) Seek reimbursement from the manufacturer for the costs incurred by the Director to purchase and test the appliances; and~~

~~—(b) Make information regarding the failure of the appliance to comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act available to the Attorney General and the public.~~

2. ~~With prior notice and at reasonable and convenient hours, the Director or his or her designee is authorized to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to section 32 of this act in order to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act. Additionally, the Director may act in coordination with any official responsible for enforcing a building code adopted by a local government in this State to make inspections of newly constructed buildings which contain regulated appliances or appliances for which standards of energy efficiency have been adopted pursuant to section 32 of this act to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act.~~

~~3.~~ The Director ~~shall~~ may investigate complaints received concerning alleged violations of sections 2 to 38, inclusive, of this act and may report any alleged violation of sections 2 to 38, inclusive, of this act which the Director verifies or discovers after investigation to the Attorney General.

~~4.~~ 2. Whenever it appears that a manufacturer, distributor, retailer or installer has violated ~~or is violating~~ or is threatening to violate the provisions of sections 2 to 38, inclusive, of this act, the Attorney General may institute a civil action in any district court of this State for injunctive relief to restrain the violation ~~for threat of violation~~ and ~~if a violation has occurred~~ for the assessment and recovery of a civil penalty.

~~5.~~ 3. Any manufacturer, distributor, retailer or installer who violates any of the provisions of sections 2 to 38, inclusive, of this act ~~is~~ must, for a first time violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:

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

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

5 ~~6. A civil penalty imposed pursuant to subsection 5 is in addition to any~~
6 ~~reimbursement owed to the Office of Energy pursuant to subsection 1.~~

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

9 **Sec. 37. 1.** The Director may adopt by regulation standards for
10 appliances and other provisions which are necessary and convenient to facilitate
11 the deployment of flexible demand technologies, including, without limitation,
12 regulations relating to the labeling of appliances incorporating flexible demand
13 technologies to promote the use of such appliances. Any such regulations must be
14 based on feasible and attainable efficiencies or feasible improvements that will
15 enable appliance operations to be scheduled, shifted or curtailed to reduce
16 emissions of greenhouse gases associated with electricity generation.

17 2. The Director shall establish an effective date for regulations adopted
18 pursuant to subsection 1 which must be not earlier than 365 days after the date
19 on which the regulations are filed with the Secretary of State pursuant to NRS
20 233B.070.

21 3. In establishing standards for appliances pursuant to subsection 1, the
22 Director shall:

23 (a) Consider the reliability and cybersecurity protocols of the National
24 Institute of Standards and Technology of the United States Department of
25 Commerce, or other cybersecurity protocols that are equally or more protective
26 and adopt, at minimum, the North American Electric Reliability Corporation
27 Critical Infrastructure Protection Standards, as those standards exist on the
28 effective date of this act.

29 ~~(b) Determine the cost effectiveness of any standards adopted.~~

30 ~~—(c)—~~ Consult with the Public Utilities Commission of Nevada and electric
31 utilities to better align the flexible demand appliance standards with demand
32 response programs and to incentivize the deployment of flexible demand
33 appliances.

34 4. Flexible demand appliance standards adopted pursuant to subsection 1
35 must prioritize:

36 (a) Appliances that can more conveniently have their electrical demand
37 controlled by load-management technology and third-party load-management
38 programs.

39 (b) Appliances with load-management technology options that are readily
40 available.

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

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

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

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

49 1. A new appliance manufactured in this State and sold outside of this
50 State.

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

1 *3. An appliance installed in a mobile home or manufactured home at the*
2 *time of construction.*

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

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