

Amendment No. 430

Assembly Amendment to Assembly Bill No. 383	(BDR 58-490)
Proposed by: Assemblyman Watts	
Amendment Box: Consistent with Amendment No. 399 only if that amendment is adopted first.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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 ~~is, 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. ~~{A} 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.

~~{2}~~ 4. The Director shall adopt regulations governing the certification of appliances pursuant to subsection 1, 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

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

3 ~~3.1~~ 5. A manufacturer shall ensure that, at the time of sale or installation,
4 a new appliance ~~for which a certification has been issued pursuant to this~~
5 ~~section~~ for which the manufacturer has submitted a certification pursuant to
6 subsection 1 or 2 includes a mark, label or tag on the product and packaging of
7 the appliance which identifies the appliance as meeting the standards of energy
8 efficiency established by the Director pursuant to sections 31 and 32 of this act.
9 The Director shall adopt regulations governing the identification of certified
10 appliances through the inclusion of a mark, label or tag, coordinating to the
11 greatest practical extent with the labeling programs of other states and federal
12 agencies with equivalent standards of energy efficiency. The Director shall
13 permit the use of existing marks, labels or tags which connote compliance with
14 the standards of energy efficiency adopted pursuant to sections 31 and 32 of this
15 act.

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

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

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

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

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

44 ~~4.2.~~ 2. Whenever it appears that a manufacturer, distributor, retailer or
45 installer has violated ~~it~~ or is violating ~~for is threatening to violate~~ the provisions
46 of sections 2 to 38, inclusive, of this act, the Attorney General may institute a civil
47 action in any district court of this State for injunctive relief to restrain the
48 violation ~~for threat of violation~~ and ~~if a violation has occurred,~~ for the
49 assessment and recovery of a civil penalty.

50 ~~5.3.~~ 3. Any manufacturer, distributor, retailer or installer who violates any
51 of the provisions of sections 2 to 38, inclusive, of this act ~~is~~ must, for a first time
52 violation, be issued a warning and, for any subsequent violation, is liable to the
53 State for a civil penalty of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Appliances that are interoperable or open source.

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

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

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

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

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

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