

# PROGRAM BILL #3

Legislative Bill Drafting Commission  
12007-04-1

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ENERLA\*  
(Relates to establishing the  
"Advanced Building Codes, Appliance  
and Equipment Efficiency Standards  
Act of 2021")

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Ener. clean energy climate agenda

## AN ACT

to amend the energy law, the execu-  
tive law and the state finance law,  
in relation to establishing the  
"advanced building codes, appliance  
and equipment efficiency standards  
act of 2021"

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s17 Felder	s07 Kaplan	s58 O'Mara	s10 Sanders
s52 Akshar	s59 Gallivan	s26 Kavanagh	s62 Ortt	s23 Savino
s36 Bailey	s05 Gaughran	s63 Kennedy	s01 Palumbo	s32 Sepulveda
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s41 Serino
s34 Biaggi	s22 Gonnardes	s24 Lanza	s19 Persaud	s29 Serrano
s57 Borrello	s47 Griffo	s11 Liu	s13 Ramos	s39 Skoufis
s04 Boyle	s40 Hareckham	s50 Mannion	s61 Rath	s16 Stavisky
s44 Breslin	s54 Helming	s42 Martucci	s38 Reichlin-	s45 Stec
s25 Brisport	s46 Hinchey	s02 Mattera	Melnick	s35 Stewart-
s08 Brooks	s27 Hoylman	s53 May	s48 Ritchie	Cousins
s55 Brouk	s31 Jackson	s37 Mayer	s33 Rivera	s49 Tedisco
s14 Comrie	s43 Jordan	s20 Myrie	s60 Ryan	s06 Thomas
s56 Cooney	s09 Kaminsky	s51 Oberacker	s18 Salazar	s03 Weik

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a063 Cusick	a075 Gottfried	a020 Miller, M.	a121 Salka
a092 Abinanti	a045 Cymbrowitz	a021 Griffin	a051 Mitaynes	a111 Santabarbara
a031 Anderson	a018 Darling	a100 Gunther	a015 Montesano	a090 Sayegh
a122 Angelino	a053 Davila	a139 Hawley	a145 Morinello	a099 Schmitt
a107 Ashby	a072 De La Rosa	a083 Heastie	a065 Niou	a076 Seawright
a035 Aubry	a003 DeStefano	a028 Hevesi	a037 Nolan	a084 Septimo
a120 Barclay	a070 Dickens	a128 Hunter	a144 Norris	a016 Sillitti
a030 Barnwell	a054 Dilan	a029 Hyndman	a069 O'Donnell	a052 Simon
a106 Barrett	a081 Dinowitz	a079 Jackson	a091 Otis	a114 Simpson
a060 Barron	a147 DiPietro	a104 Jacobson	a132 Palmesano	a005 Smith
a082 Benedetto	a009 Durso	a011 Jean-Pierre	a088 Paulin	a118 Smullen
a042 Bichotte	a048 Eichenstein	a134 Jensen	a141 Peoples-	a022 Solages
Hermelyn	a004 Englebright	a115 Jones	Stokes	a110 Steck
a117 Blankenbush	a074 Epstein	a077 Joyner	a058 Perry	a010 Stern
a098 Brabenec	a109 Fahy	a125 Kelles	a023 Pfeffer	a127 Stirpe
a026 Braunstein	a061 Fall	a040 Kim	Amato	a102 Tague
a138 Bronson	a080 Fernandez	a105 Lalor	a086 Pichardo	a064 Tannousis
a012 Brown	a008 Fitzpatrick	a013 Lavine	a089 Pretlow	a071 Taylor
a093 Burdick	a057 Forrest	a097 Lawler	a073 Quart	a001 Thiele
a085 Burgos	a124 Friend	a126 Lemondes	a019 Ra	a033 Vanel
a142 Burke	a046 Frontus	a135 Lunsford	a038 Rajkumar	a116 Walczyk
a119 Buttenschon	a095 Galef	a123 Lupardo	a006 Ramos	a055 Walker
a094 Byrne	a050 Gallagher	a129 Magnarelli	a062 Reilly	a143 Wallace
a133 Byrnes	a131 Gallahan	a036 Mamdani	a087 Reyes	a112 Walsh
a103 Cahill	a007 Gandolfo	a130 Manktelow	a043 Richardson	a041 Weinstein
a044 Carroll	a002 Giglio, J.A.	a108 McDonald	a078 Rivera, J.	a024 Weprin
a136 Clark	a148 Giglio, J.M.	a014 McDonough	a149 Rivera, J.D.	a059 Williams
a047 Colton	a066 Glick	a146 McMahon	a068 Rodriguez	a113 Woerner
a140 Conrad	a034 Gonzalez-	a137 Meeks	a027 Rosenthal, D.	a096 Zebrowski
a032 Cook	Rojas	a017 Mikulin	a067 Rosenthal, L.	a056 Zinerman
a039 Cruz	a150 Goodell	a101 Miller, B.	a025 Rozic	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and: in Assembly 2 copies of memorandum in support, in  
Senate 4 copies of memorandum in support (single house); or 4 signed copies  
of bill and 6 copies of memorandum in support (uni-bill).

LBDC 01/27/21

1 Section 1. This act shall be known and may be cited as the "advanced  
2 building codes, appliance and equipment efficiency standards act of  
3 2021".

4 § 2. Subdivision 2 of section 3-101 of the energy law, as amended by  
5 chapter 253 of the laws of 2013, is amended to read as follows:

6 2. to encourage conservation of energy and to promote the clean energy  
7 and climate agenda, including but not limited to greenhouse gas  
8 reduction, set forth within chapter one hundred six of the laws of two  
9 thousand nineteen, also known as the New York state climate leadership  
10 and community protection act, in the construction and operation of new  
11 commercial, industrial, agricultural and residential buildings, and in  
12 the rehabilitation of existing structures, through heating, cooling,  
13 ventilation, lighting, insulation and design techniques and the use of  
14 energy audits and life-cycle costing analysis;

15 § 3. Subdivisions 3 and 9 of section 11-102 of the energy law, as  
16 added by chapter 560 of the laws of 2010, are amended, subdivisions 11,  
17 12, 13, 14, and 15 are renumbered to be subdivisions 12, 13, 14, 15, and  
18 16, and a new subdivision 11 is added to read as follows:

19 3. ["ASHRAE 90.1-2007." ANSI/ASHRAE/IESNA] "ASHRAE 90.1."  
20 ANSI/ASHRAE/IES Standard [90.1-2007] 90.1, entitled "Energy [Standards]  
21 Standard for Buildings Except Low-Rise Residential Buildings," published  
22 by American Society of Heating, Refrigerating and Air-Conditioning Engi-  
23 neers, Inc.

24 9. "Historic building." Any building or structure that is one or more  
25 of the following: (a) listed, or certified as eligible for listing, on  
26 the national register of historic places or on the state register of  
27 historic places, (b) [determined by the commissioner of parks, recre-  
28 ation and historic preservation to be eligible for listing on the state

1 register of historic places] designated as historic under an applicable  
2 state or local law, or (c) [determined by the commissioner of parks,  
3 recreation and historic preservation to be a contributing building to an  
4 historic district that is listed or eligible for listing on the state or  
5 national registers of historic places, or (d) otherwise defined as an  
6 historic building in regulations adopted by the state fire prevention  
7 and building code council] certified as a contributing resource within a  
8 national register-listed, state register-listed, or locally designated  
9 an historic district.

10 11. "Life-cycle cost." An estimate of the total cost of acquisition,  
11 operation, maintenance, and construction of any energy system within or  
12 related to a structure over the design life of the structure. "Life-cy-  
13 cle cost" includes, but is not limited to, the cost of fuel, materials,  
14 machinery, ancillary devices, labor, service, replacement, and repairs.

15 § 4. Paragraph (b) of subdivision 1 and subdivisions 2 and 3 of  
16 section 11-103 of the energy law, paragraph (b) of subdivision 1 as  
17 added and subdivision 2 as amended by chapter 560 of the laws of 2010  
18 and subdivision 3 as amended by chapter 292 of the laws of 1998, are  
19 amended to read as follows:

20 (b) The code shall apply to the construction of any new building. The  
21 code shall also apply to an addition to, and alteration of, any existing  
22 building or building system; provided, however, that the code shall not  
23 be interpreted to require any unaltered portion of the existing building  
24 or building system to comply with the code. The code shall [not apply to  
25 the following provided that the energy use of the building is not  
26 increased:

27 (1) storm windows installed over existing fenestration;

28 (2) glass only replacements in an existing sash and frame;

1 (3) existing ceiling, wall or floor cavities exposed during  
2 construction provided that these cavities are filled with insulation;

3 (4) construction where the existing roof, wall or floor cavity is not  
4 exposed;

5 (5) reroofing for roofs where neither the sheathing nor the insulation  
6 is exposed; roofs without insulation in the cavity and where the sheath-  
7 ing or insulation is exposed during reroofing shall be insulated either  
8 above or below the sheathing;

9 (6) replacement of existing doors that separate conditioned space from  
10 the exterior shall not require the installation of a vestibule or  
11 revolving door, provided, however, that an existing vestibule that sepa-  
12 rates such conditioned space from the exterior shall not be removed;

13 (7) alterations that replace less than fifty percent of the luminaires  
14 in a space, provided that such alterations do not increase the installed  
15 interior lighting power;

16 (8) alterations that replace only the bulb and ballast within the  
17 existing luminaires in a space provided that the alteration does not  
18 increase the installed interior lighting power; and

19 (9) any other exception] be subject to such other exceptions as may be  
20 adopted by the state fire prevention and building code council provided  
21 that such [exception will] exceptions shall not prevent the attainment  
22 of the compliance goals set forth in section 410(2)(c) of the American  
23 Recovery and Reinvestment Act of 2009.

24 2. (a) The state fire prevention and building code council is author-  
25 ized, from time to time as it deems appropriate and consistent with the  
26 purposes of this article, to review and amend the code, or adopt a new  
27 code, through rules and regulations provided that the code remains cost  
28 effective with respect to building construction in the state. In deter-

1 mining whether the code remains cost effective, the code council shall  
2 consider [whether the cost of materials and their installation to meet  
3 its standards would be equal to or less than the present value of energy  
4 savings that could be expected over a ten year period in the building in  
5 which such materials are installed] (i) whether the life-cycle costs for  
6 a building or structure will be recovered through savings in energy  
7 costs over the design life of the building or structure under a life-cy-  
8 cle cost analysis performed under methodology as established by the New  
9 York state energy research and development authority from time to time,  
10 and (ii) secondary or societal effects, such as reductions in greenhouse  
11 gas emissions. For residential buildings, the code shall meet or exceed  
12 the then most recently published International Energy Conservation Code,  
13 or achieve equivalent or greater energy savings; and for commercial  
14 buildings, the code shall meet or exceed the then most recently  
15 published ASHRAE [90.1-2007] 90.1, or achieve equivalent or greater  
16 energy savings.

17 (b) When adopting the first amended version of the code next following  
18 the effective date of the chapter of the laws of two thousand twenty-one  
19 that added this paragraph, the state fire prevention and building code  
20 council shall use its best efforts to adopt provisions for residential  
21 buildings that achieve energy savings greater than energy savings  
22 achieved by the then most recently published International Energy  
23 Conservation Code and to adopt provisions for commercial buildings that  
24 achieve energy savings greater than energy savings achieved by the then  
25 most recently published ASHRAE 90.1, both at levels recommended by the  
26 New York state energy research and development authority, provided that  
27 the state fire prevention and building code council determines that such

1 advanced energy savings can be achieved while still meeting the cost  
2 effectiveness considerations contemplated by this subdivision.

3 3. Notwithstanding any other provision of law, the state fire  
4 prevention and building code council in accordance with the mandate  
5 under this article shall have exclusive authority among state agencies  
6 to promulgate a construction code incorporating energy conservation  
7 features and clean energy features, including but not limited to green-  
8 house gas reduction. Any other code, rule or regulation heretofore  
9 promulgated or enacted by any other state agency, incorporating specific  
10 energy conservation and clean energy requirements applicable to the  
11 construction of any building, shall be superseded by the code promulgat-  
12 ed pursuant to this section.

13 § 5. Subdivision 5 of section 11-104 of the energy law, as amended by  
14 chapter 560 of the laws of 2010, is amended and a new subdivision 6 is  
15 added to read as follows:

16 5. The [code shall exempt from such uniform standards and requirements  
17 any historic building as defined in section 11-102 of this article]  
18 state fire prevention and building code council is authorized to provide  
19 exemptions to such uniform standards and requirements for historic  
20 buildings as defined in section 11-102 of this article, to the extent  
21 that the uniform standards and requirements would threaten, degrade, or  
22 destroy the historic form, fabric, or function of such historic build-  
23 ings.

24 6. To the fullest extent feasible, the code shall be designed to help  
25 achieve the state's clean energy and climate agenda, including but not  
26 limited to greenhouse gas reduction, set forth within chapter one  
27 hundred six of the laws of two thousand nineteen, also known as the New  
28 York state climate leadership and community protection act, and as

1 further identified by the New York state climate action council estab-  
2 lished pursuant to section 75-0103 of the environmental conservation  
3 law.

4 § 6. The article heading of article 16 of the energy law, as added by  
5 chapter 431 of the laws of 2005, is amended to read as follows:

6 APPLIANCE AND EQUIPMENT [ENERGY] EFFICIENCY STANDARDS

7 § 7. Subdivision 4-a of section 16-102 of the energy law, as added by  
8 chapter 222 of the laws of 2010, is amended to read as follows:

9 4-a. ["Bottle-type water dispenser" means a water dispenser that uses  
10 a bottle or reservoir as the source of potable water.] The following  
11 definitions refer to water coolers:

12 (a) "Bottle-type" means a water dispenser that uses a bottle or reser-  
13 voir as the source of potable water.

14 (b) "Water cooler" means a freestanding device that consumes energy to  
15 cool and/or heat potable water.

16 (c) "Cold only units" means units that dispense cold water only.

17 (d) "Hot and cold units" means units that dispense both hot and cold  
18 water. Some units may also offer room-temperature water.

19 (e) "Cook and cold units" means units that dispense both cold and  
20 room-temperature water.

21 (f) "Point of use (POU)" means the water cooler is connected to a  
22 pressurized water source.

23 (g) "Conversion-type" means a unit that ships as either bottle-type or  
24 POU and includes a conversion kit intended to convert the water cooler  
25 from a bottle-type unit to a POU unit or to convert a POU unit to a  
26 bottle-type unit.

27 (h) "Storage-type" means thermally conditioned water is stored in a  
28 tank in the water cooler and is available instantaneously.

1    (i) "On demand" means the water cooler heats water as it is requested,  
2    which typically takes a few minutes to deliver.

3    § 8. Subdivision 11 of section 16-102 of the energy law, as added by  
4    chapter 431 of the laws of 2005, is amended to read as follows:

5    11. "Consumer audio and video product" means a mains-connected product  
6    that amplifies audio, offers optical, offers disc player functionality,  
7    and/or receives and plays audio and/or video content. Examples of  
8    consumer audio and video products include televisions, compact audio  
9    products, digital versatile disc players, digital versatile disc record-  
10   ers, [and] digital television adapters and streaming media players.

11   § 9. Subdivision 18 of section 16-102 of the energy law, as added by  
12   chapter 431 of the laws of 2005, is amended to read as follows:

13   18. ["Energy efficiency performance standards"] "Efficiency standard"  
14   means [performance standards which prescribe a minimum level of energy  
15   efficiency determined in accordance with test procedures prescribed by  
16   the secretary in consultation with the president] a standard that  
17   defines performance metrics and/or defines prescriptive design require-  
18   ments in order to reduce energy consumption, reduce water consumption,  
19   reduce greenhouse gas emissions, and/or increase demand flexibility  
20   associated with the regulated product category.

21   § 10. Subdivisions 27-a and 27-b of section 16-102 of the energy law,  
22   as added by chapter 222 of the laws of 2010, are amended to read as  
23   follows:

24   27-a. "Portable electric spa" means a factory-built electric spa or  
25   hot tub, [supplied with equipment for heating and circulating water]  
26   which may or may not include any combination of integral controls, water  
27   heating or water circulating equipment.



1 27-b. "Portable light fixture" means a light fixture which has a flex-  
2 ible cord and an attachment plug for connection to a nominal one hundred  
3 twenty-volt, fifteen- or twenty-ampere branch circuit; which can be  
4 relocated by the user without any rewiring; [and] which is typically  
5 controlled with a switch located on the light fixture itself or on the  
6 power cord; and which are intended for use in accordance with the  
7 national electrical code, ANSI/NFPA 70-2002. "Portable light fixture"  
8 does not include direct plug-in nightlights; sun and heat lamps; aquari-  
9 um lamps; medical and dental lights; portable electric hand lamps; signs  
10 and commercial advertising displays; photographic lamps; germicidal  
11 lamps; [metal halide lamp fixtures; torchiere lighting fixtures] illumi-  
12 nated vanity mirrors; lava lamps not providing general or task illumi-  
13 nation; industrial work lights rated for use with a lamp providing  
14 greater than seven thousand lumens; portable lamp fixtures for marine  
15 use or for use in hazardous locations as defined in the national elec-  
16 trical code, ANSI/NFPA 70; or decorative lighting outfits or electric  
17 candles and candelabras without lampshades that are covered by the stan-  
18 dard for safety of seasonal and holiday decorative products, UL 588.

19 § 11. Subdivision 29-a of section 16-102 of the energy law, as added  
20 by chapter 222 of the laws of 2010, is amended to read as follows:

21 29-a. "[Residential] Replacement dedicated-purpose pool pump motor"  
22 means [a product which is designed or used to circulate and filter resi-  
23 dential swimming pool water in order to maintain clarity and sanitation  
24 and which consists in part of a motor and an impeller] an electric motor  
25 that:

26 (a) is single-phase or polyphase;

27 (b) has a dedicated purpose pool pump motor total horsepower of less  
28 than or equal to five horsepower;

1 (c) is marketed for use as a replacement motor in self-priming pool  
2 filter pump, non-self-priming pool filter pump or pressure cleaner  
3 booster pump applications; and

4 (d) excludes polyphase replacement dedicated-purpose pool pump motors  
5 capable of operating without a drive, and is sold or offered for sale  
6 without a drive that converts single-phase power to polyphase power.

7 § 12. Subdivision 33 of section 16-102 of the energy law, as added by  
8 chapter 431 of the laws of 2005, is amended to read as follows:

9 33. "Television (TV)" means [a commercially available electronic prod-  
10 uct consisting of a tuner/receiver and a monitor encased in a single  
11 housing, which is] an analog or digital device primarily designed to  
12 receive and display [an analog or digital video television signal broad-  
13 cast by an antenna, satellite, cable, or broadband source] terrestrial,  
14 satellite, cable, Internet Protocol TV (IPTV), or other broadcast or  
15 recorded transmissions of analog or digital video and audio signals. TVs  
16 include combination TVs, television monitors, component TVs, and any  
17 unit that is marketed to the consumer as a TV. "Television" does not  
18 include [multifunction TVs which have VCR, DVD, DVR, or EPG functions]  
19 computer monitors.

20 § 13. Section 16-102 of the energy law is amended by adding thirty-  
21 seven new subdivisions 18-a, 18-b, 21-c, 21-d, 38, 39, 40, 41, 41-a, 42,  
22 43, 43-a, 44, 45, 46, 46-a, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,  
23 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67 to read as follows:

24 18-a. "Greenhouse gas" means carbon dioxide, methane, nitrous oxide,  
25 hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other  
26 substance emitted into the air that may be reasonably anticipated to  
27 cause or contribute to anthropogenic climate change.

1 18-b. "Demand flexibility" means the capability to schedule, shift, or  
2 curtail the electrical demand of a load-serving entity's customer  
3 through direct action by the customer or through action by a third  
4 party, the load-serving entity, or a grid balancing authority, with the  
5 customer's consent.

6 21-c. "Duv" means a metric that quantifies the distance between the  
7 chromaticity of a given light source and a blackbody radiator of equal  
8 correlated color temperature (CCT) on a CIE 1976 (u, v) chromatic  
9 diagram demonstrating how different two light sources of the same color  
10 temperature appear.

11 21-d. "Light Emitting Diode (LED) lamp" means a lamp capable of  
12 producing light with Duv between -0.012 and 0.012, and that has an E12,  
13 E17, E26, or GU-24 base, including LED lamps that are designed for  
14 retrofit within existing recessed can housings that contain one of the  
15 preceding bases. LED lamp does not include a lamp with a brightness of  
16 more than two thousand six hundred lumens or a lamp that cannot produce  
17 light with a correlated color temperature between two thousand two  
18 hundred Kelvin and seven thousand Kelvin.

19 38. The following definitions refer to air compressors:

20 (a) "Air compressor" means a compressor designed to compress air that  
21 has an inlet open to the atmosphere or other source of air, and is made  
22 up of a compression element (bare compressor), driver or drivers mechan-  
23 ical equipment to drive the compressor element, and any ancillary equip-  
24 ment.

25 (b) "Compressor" means a machine or apparatus that converts different  
26 types of energy into the potential energy of gas pressure for displace-  
27 ment and compression of gaseous media to any higher-pressure values

1 above atmospheric pressure and has a pressure ratio at full-load operat-  
2 ing pressure greater than 1.3.

3 39. The following definitions refer to air purifiers:

4 (a) "Air purifier", also known as "room air cleaner", means an elec-  
5 tric, cord-connected, portable appliance with the primary function of  
6 removing particulate matter from the air and which can be moved from  
7 room to room.

8 (b) "Industrial air purifier" means an indoor air cleaning device  
9 manufactured, advertised, marketed, labeled, and used solely for indus-  
10 trial use that are marketed solely through industrial supply outlets or  
11 businesses and prominently labeled as "Solely for industrial use. Poten-  
12 tial health hazard: emits ozone."

13 40. "Commercial dishwasher" means a machine designed to clean and  
14 sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays  
15 by applying sprays of detergent solution (with or without blasting media  
16 granules) and a sanitizing rinse and is not a "compact dishwasher" or  
17 "standard dishwasher" (capacity less than eight place settings plus six  
18 serving pieces as specified in ANSI/AHAM DW-1 using the test load speci-  
19 fied in section 2.7 of appendix C in subpart B of 10 CFR 430.2).

20 41. "Commercial fryer" means an appliance for non-residential use,  
21 including a cooking vessel, in which oil is placed to such a depth that  
22 the cooking food is essentially supported by displacement of the cooking  
23 fluid rather than by the bottom of the vessel. Heat is delivered to the  
24 cooking fluid by means of an immersed electric element of band-wrapped  
25 vessel (electric fryers) or by heat transfer from gas burners through  
26 either the walls of the fryer or through tubes passing through the cook-  
27 ing fluid (gas fryers).

1 41-a. "Commercial oven" means a chamber designed for heating, roast-  
2 ing, or baking food by conduction, convection, radiation, and/or elec-  
3 tromagnetic energy.

4 42. "Commercial steam cooker" also known as "compartment steamer",  
5 means a device for non-residential use with one or more food-steaming  
6 compartments in which the energy in the steam is transferred to the food  
7 by direct contact. Models may include countertop models, wall-mounted  
8 models, and floor models mounted on a stand, pedestal, or cabinet-style  
9 base.

10 43. "Computer" means a device that performs logical operations and  
11 processes data. A computer includes both stationary and portable units  
12 and includes a desktop computer, a portable all-in-one, a notebook  
13 computer, a mobile gaming system, a high-expandability computer, a  
14 small-scale server, a thin client, and a workstation. Although a comput-  
15 er is capable of using input devices and displays, such devices are not  
16 required to be included with the computer when the computer is shipped.  
17 A computer is composed of, at a minimum, (a) a central processing unit  
18 (CPU) to perform operations or, if no CPU is present, then the device  
19 must function as a client gateway to a server, and the server acts as a  
20 computational CPU; (b) the ability to support user input devices such as  
21 a keyboard, mouse, or touch pad; and (c) an integrated display screen or  
22 the ability to support an external display screen to output information.  
23 The term "computer" does not include a tablet, a game console, a tele-  
24 vision, a device with an integrated and primary display that has a  
25 screen size of twenty square inches or less, a server other than a  
26 small-scale server, or an industrial computer.

27 43-a. "Computer monitor" means an analog or digital device of size  
28 greater than or equal to seventeen inches and less than or equal to

1 sixty-one inches, that has a pixel density of greater than five thousand  
2 pixels per square inch, and that is designed primarily for the display  
3 of computer-generated signals for viewing by one person in a desk-based  
4 environment. A computer monitor is composed of a display screen and  
5 associated electronics. A computer monitor does not include, (a)  
6 displays with integrated or replaceable batteries designed to support  
7 primary operation without AC mains or external DC power (e.g. electronic  
8 readers, mobile phones, portable tablets, battery-powered digital  
9 picture frames); or (b) a television or signage display.

10 44. "General service lamp" shall include the following definitions:

11 (a) "Compact fluorescent lamp (CFL)" means an integrated or non-inte-  
12 grated single-base, low-pressure mercury, electric-discharge source in  
13 which a fluorescing coating transforms some of the ultraviolet energy  
14 generated by the mercury discharge into light; this term shall not  
15 include circline or U-shaped lamps.

16 (b) "General service incandescent lamp" means a standard incandescent  
17 or halogen type lamp that is intended for general service applications,  
18 has a medium screw base, has a lumen range of not less than three  
19 hundred ten lumens and not more than two thousand six hundred lumens, or  
20 in the case of a modified spectrum lamp, not less than two hundred thir-  
21 ty-two lumens and not more than one thousand nine hundred fifty lumens,  
22 and is capable of being operated at a voltage range at least partially  
23 within one hundred ten and one hundred thirty volts; provided, however,  
24 that this definition shall not apply to the following incandescent  
25 lamps:

26 (i) Appliance lamps;

27 (ii) Black light lamps;

28 (iii) Bug lamps;

- 1     (iv) Colored lamps;
- 2     (v) G shape lamps (as defined in ANSI C78.20 and C79.1-2002) with a
- 3     diameter of five inches or more;
- 4     (vi) Infrared lamps;
- 5     (vii) Left-hand thread lamps;
- 6     (viii) Marine lamps;
- 7     (ix) Marine signal service lamps;
- 8     (x) Mine service lamps;
- 9     (xi) Plant light lamps;
- 10    (xii) Reflector lamps;
- 11    (xiii) Sign service lamps;
- 12    (xiv) Silver bowl lamps;
- 13    (xv) Showcase lamps;
- 14    (xvi) Rough service lamps;
- 15    (xvii) Shatter-resistant lamps (including shatter-proof lamps and
- 16    shatter-protected lamps);
- 17    (xviii) 3-way incandescent lamps;
- 18    (xix) Vibration service lamps;
- 19    (xx) AB, BA, CA, F, G16-1/2, G-25, G30, S, or M-14 lamps (as defined
- 20    in ANSI C79.1-2002 and ANSI C78.20) of forty watts or less;
- 21    (xxi) T shape lamps (as defined in ANSI C78.20 and ANSI C79.1-2002)
- 22    and that uses not more than forty watts or has a length of more than ten
- 23    inches; and
- 24    (xxii) Traffic signal lamps.
- 25    (c) "General service lamp" means a lamp that has an ANSI base, is able
- 26    to operate at a voltage of twelve volts or twenty-four volts, at or
- 27    between one hundred to one hundred thirty volts, at or between two
- 28    hundred twenty to two hundred forty volts, or of two hundred seventy-

1 seven volts for integrated lamps, or is able to operate at any voltage  
2 for non-integrated lamps, has an initial lumen output of greater than or  
3 equal to three hundred ten lumens (or two hundred thirty-two lumens for  
4 modified spectrum general service incandescent lamps) and less than or  
5 equal to three thousand three hundred lumens, is not a light fixture, is  
6 not an LED downlight retrofit kit, and is used in general lighting  
7 applications. General service lamps shall include, but not be limited  
8 to, general service incandescent lamps, incandescent reflector lamps,  
9 compact fluorescent lamps, general service light emitting diode lamps,  
10 and general service organic light emitting diode lamps. General service  
11 lamps shall not include:

12 (i) Appliance lamps;

13 (ii) Black light lamps;

14 (iii) Bug lamps;

15 (iv) Colored lamps;

16 (v) G shape lamps with a diameter of five inches or more as defined in

17 ANSI C79.1-2002;

18 (vi) General service fluorescent lamps;

19 (vii) High intensity discharge lamps;

20 (viii) Infrared lamps;

21 (ix) J, JC, JCD, JCS, JCV, JCX, JD, JS, and JT shape lamps that do not  
22 have Edison screw bases;

23 (x) Lamps that have a wedge base or prefocus base;

24 (xi) Left-hand thread lamps;

25 (xii) Marine lamps;

26 (xiii) Marine signal service lamps;

27 (xiv) Mine service lamps;



1 (xv) MR shape lamps that have a first number symbol equal to sixteen  
2 (diameter equal to two inches) as defined in ANSI C79.1-2002, operate at  
3 twelve volts and have a lumen output greater than or equal to 800;  
4 (xvi) Other fluorescent lamps;  
5 (xvii) Plant light lamps;  
6 (xviii) R20 short lamps;  
7 (xix) Reflector lamps that have a first number symbol less than  
8 sixteen (diameter less than two inches) as defined in ANSI C79.1-2002  
9 and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28,  
10 E29/53x39, E39, E39d, EP39, or EX39 bases;  
11 (xx) S shape or G shape lamps that have a first number symbol less  
12 than or equal to 12.5 (diameter less than or equal to 1.5625 inches) as  
13 defined in ANSI C79.1-2002;  
14 (xxi) Sign service lamps;  
15 (xxii) Silver bowl lamps;  
16 (xxiii) Showcase lamps;  
17 (xxiv) Specialty MR lamps;  
18 (xxv) T shape lamps that have a first number symbol less than or equal  
19 to 8 (diameter less than or equal to one inch) as defined in ANSI  
20 C79.1-2002, nominal overall length less than twelve inches, and that are  
21 not compact fluorescent lamps; and  
22 (xxvi) Traffic signal lamps.  
23 (d) "General service light-emitting diode (LED) lamp" means an inte-  
24 grated or non-integrated LED lamp designed for use in general lighting  
25 applications and that uses light-emitting diodes as the primary source  
26 of light.

1 (e) "General service organic light-emitting diode (OLED) lamp" means a  
2 thin-film light-emitting device that typically consists of a series of  
3 organic layers between two electrical contacts (electrodes).

4 (f) "Incandescent reflector lamp" or "reflector lamp" means any lamp  
5 in which light is produced by a filament heated to incandescence by an  
6 electric current, which: contains an inner reflective coating on the  
7 outer bulb to direct the light; is not colored; is not designed for  
8 rough or vibration service applications; is not an R20 short lamp; has  
9 an R, PAR, ER, BR, BPAR, or similar bulb shapes with an E26 medium screw  
10 base; has a rated voltage or voltage range that lies at least partially  
11 in the range of one hundred fifteen and one hundred thirty volts; has a  
12 diameter that exceeds 2.25 inches; and has a rated wattage that is forty  
13 watts or higher.

14 45. "Federally exempt fluorescent lamp" means any linear lamps  
15 excluded from the definition of general service fluorescent lamps in 10  
16 CFR 430.32(n). Federally exempt fluorescent lamps include high-CRI line-  
17 ar fluorescent lamps, impact-resistant linear fluorescent lamps, cold-  
18 temperature linear fluorescent lamps, and less than four-foot linear  
19 fluorescent lamps.

20 46. The following definitions refer to portable air conditioners:

21 (a) "Portable air conditioner" means a portable encased assembly,  
22 other than a packaged terminal air conditioner, room air conditioner, or  
23 dehumidifier, that delivers cooled, conditioned air to an enclosed  
24 space, and is powered by single-phase electric current. Such portable  
25 air conditioner includes a source of refrigeration and may include addi-  
26 tional means for air circulation and heating and may be a single-duct or  
27 a dual-duct portable air conditioner.

1     (b) "Single-duct portable air conditioner" means a portable air condi-  
2 tioner that draws all of the condenser inlet air from the conditioned  
3 space without the means of a duct and discharges the condenser outlet  
4 air outside the conditioned space through a single-duct attached to an  
5 adjustable window bracket.

6     (c) "Dual-duct portable air conditioner" means a portable air condi-  
7 tioner that draws some or all of the condenser inlet air from outside  
8 the conditioned space through a duct attached to an adjustable window  
9 bracket, may draw additional condenser inlet air from the conditioned  
10 space, and discharges the condenser outlet air outside the conditioned  
11 space by means of a separate duct attached to an adjustable window  
12 bracket.

13     46-a. "Residential ventilating fan" means a fan with the purpose to  
14 actively supply air to or remove air from the inside of a residence.  
15 This includes ceiling and wall-mounted fans or remotely mounted in-line  
16 fans designed to be used in a bathroom or utility room, supply fans  
17 designed to provide air to indoor space and kitchen range hoods. Supply  
18 fans may also be designed to filter incoming air.

19     47. "Telephone" means an electronic product whose primary purpose is  
20 to transmit and receive sound over a distance using a voice or data  
21 network.

22     48. The following definitions refer to faucets and showerheads:

23     (a) "Faucet" means a lavatory faucet, kitchen faucet, metering faucet,  
24 public lavatory faucet, or replacement aerator for a lavatory, public  
25 lavatory or kitchen faucet.

26     (b) "Public lavatory faucet" means a fitting intended to be installed  
27 in nonresidential bathrooms that are exposed to walk-in traffic.

1 (c) "Metering faucet" means a faucet that, when turned on, will gradu-  
2 ally shut itself off over a period of several seconds.

3 (d) "Replacement aerator" means an aerator sold as a replacement,  
4 separate from the faucet to which it is intended to be attached.

5 (e) "Showerhead" means a device through which water is discharged for  
6 a shower bath and includes a hand-held showerhead but does not include a  
7 safety shower showerhead.

8 (f) "Hand-held showerhead" means a showerhead that can be held or  
9 fixed in place for the purpose of spraying water onto a bather and that  
10 is connected to a flexible hose.

11 49. The following definitions refer to urinals and water closets:

12 (a) "Plumbing fixture" means an exchangeable device, which connects to  
13 a plumbing system to deliver and drain away water and waste.

14 (b) "Urinal" means a plumbing fixture that receives only liquid body  
15 waste and, conveys the waste through a trap into a drainage system.

16 (c) "Water closet" means a plumbing fixture having a water-containing  
17 receptor that receives liquid and solid body waste through an exposed  
18 integral trap into a drainage system.

19 (d) "Dual-flush effective flush volume" means the average flush volume  
20 of two reduced flushes and one full flush.

21 (e) "Dual-flush water closet" means a water closet incorporating a  
22 feature that allows the user to flush the water closet with either a  
23 reduced or a full volume of water.

24 (f) "Trough-type urinal" means a urinal designed for simultaneous use  
25 by two or more persons.

26 50. The following definitions refer to spray sprinkler bodies:

1     (a) "Pressure regulator" means a device that maintains constant oper-  
2 ating pressure immediately downstream from the device, given higher  
3 pressure upstream.

4     (b) "Spray sprinkler body" means the exterior case or shell of a  
5 sprinkler incorporating a means of connection to the piping system  
6 designed to convey water to a nozzle or orifice.

7     51. "Uninterruptable power supply" means a battery charger consisting  
8 of a combination of convertors, switches and energy storage devices  
9 (such as batteries), constituting a power system for maintaining conti-  
10 nuity of load power in case of input power failure.

11     52. "Commercial battery charger system (BCS)" or "state-regulated BCS"  
12 means a battery charger coupled with its batteries or battery chargers  
13 coupled with their batteries, which together are referred to as state-  
14 regulated battery charger systems. This term covers all rechargeable  
15 batteries or devices incorporating a rechargeable battery and the char-  
16 gers used with them. Battery charger systems include, but are not  
17 limited to:

18     (a) electronic devices with a battery that are normally charged from  
19 AC line voltage or DC input voltage through an internal or external  
20 power supply and a dedicated battery charger;

21     (b) the battery and battery charger components of devices that are  
22 designed to run on battery power during part or all of their operations;

23     (c) dedicated battery systems primarily designed for electrical or  
24 emergency backup; and

25     (d) devices whose primary function is to charge batteries, along with  
26 the batteries they are designed to charge. These units include chargers  
27 for power tool batteries and chargers for automotive, AA, AAA, C, D, or

1 9V rechargeable batteries, as well as chargers for batteries used in  
2 larger industrial motive equipment and a la carte chargers.

3 The charging circuitry of battery charger systems may or may not be  
4 located within the housing of the end-use device itself. In many cases,  
5 the battery may be charged with a dedicated external charger and power  
6 supply combination that is separate from the device that runs on power  
7 from the battery. State-regulated battery charger systems do not include  
8 federally regulated battery chargers that are covered under standards in  
9 10 C.F.R. section 430.32(z).

10 53. "Business entity" means any corporation, association, limited  
11 liability company, partnership, limited partnership, limited liability  
12 partnership, or other legal entity of any kind or description.

13 54. "Manufactured home" has the meaning ascribed to that term by  
14 subdivision seven of section six hundred one of the executive law.

15 55. "Recreational vehicle" means a van or utility vehicle used for  
16 recreational purposes.

17 56. "Uniform code" means the New York state uniform fire prevention  
18 and building code adopted pursuant to article eighteen of the executive  
19 law.

20 57. "Energy code" means the New York state energy conservation  
21 construction code adopted pursuant to article eleven of this chapter.

22 58. "Electric vehicle supply equipment (EVSE)" means equipment that  
23 supplies electricity in an appropriate form to storage devices, includ-  
24 ing batteries and super capacitors, that are part of electric vehi-  
25 cles. Such term shall include equipment that performs this function and  
26 equipment that is embedded in electric vehicles.

27 59. "Electric vehicle" means an on-road vehicle that draws electricity  
28 for propulsion from a traction battery with a least five kilowatt-hours

1 (kWh) of capacity, and uses an external source of energy to recharge the  
2 battery. Such term shall include a plug-in hybrid electric vehicle  
3 (PHEV) with a second source of energy for propulsion, and a battery  
4 electric vehicle (BEV), which is powered solely by externally supplied  
5 electricity stored on-board such electric vehicle.

6 60. "Commercial clothes dryer" means a clothes dryer designed to dry  
7 fabrics in a tumble-type drum with forced air circulation and is  
8 designed for use in:

9 (a) Applications in which the occupants of more than one household  
10 will be using the clothes dryer, including multi-family housing common  
11 areas and coin laundries; or

12 (b) Other commercial applications.

13 61. "Commercial and industrial fans and blowers" means a rotary-bladed  
14 machine used to convert power to air power, with a brake horsepower  
15 greater than or equal to either one kilowatt or one horsepower, and an  
16 air horsepower less than or equal to one hundred fifty, and used for  
17 commercial and industrial purposes.

18 62. "Imaging equipment" means copiers, printers, scanners, fax  
19 machines, and multifunction devices used both in homes and businesses.

20 63. "Landscape irrigation controller" means a device intended to  
21 remotely control valves to operate an irrigation system for landscapes,  
22 which may consist of grass, shrubs, trees and/or other vegetation. This  
23 term shall not include devices that are typically sold separately and  
24 used primarily for other purposes, such as a network router, and may be  
25 used incidentally for a landscape irrigation controller. This term shall  
26 not include battery powered hose-end timers or devices used primarily in  
27 agricultural applications.

1     64. "Outdoor lighting" means electrical lighting used to illuminate  
2     outdoor areas, including parking lots, streetlights, highways and area  
3     luminaires.

4     65. "Plug-in luminous signs" means a self-contained, luminous sign  
5     unit that plugs into 120V AC building mains power and is intended for  
6     indoor use only. Signs may be intended for use in commercial outlets in  
7     business establishments or in residences.

8     66. "Small network equipment" means a device whose primary function is  
9     to pass internet protocol (IP) traffic among various network interfaces  
10    or ports intended for use in residential and small business settings.

11    67. "Tub spout diverters" means the following definitions:

12    (a) A bath and shower diverter whose diverter mechanism is located in  
13    the tub spout; and/or

14    (b) Bath and shower diverter means a device used to direct the flow of  
15    water either toward a tub spout or toward a secondary outlet intended  
16    for showering purposes, including a showerhead or body spray.

17    § 14. Section 16-104 of the energy law, as added by chapter 431 of the  
18    laws of 2005, subdivision 1 as amended by chapter 222 of the laws of  
19    2010, is amended to read as follows:

20    § 16-104. Applicability, conduct prohibited. 1. The provisions of  
21    this article apply to the establishment of, testing for compliance with,  
22    certification of compliance with, and enforcement of efficiency stand-  
23    ards for the following new products which are sold, or offered for sale,  
24    leased or offered for lease, rented or offered for rent or installed or  
25    offered to install in New York state: (a) automatic commercial ice cube  
26    machines; (b) ceiling fan light kits; (c) commercial pre-rinse spray  
27    valves; (d) commercial refrigerators, freezers and refrigerator-freez-  
28    ers; (e) consumer audio and video products; (f) illuminated exit signs;



1 (g) incandescent reflector lamps; (h) very large commercial packaged  
2 air-conditioning and heating equipment; (i) metal halide lamp fixtures;  
3 (j) pedestrian traffic signal modules; (k) power supplies; (l) torchiere  
4 lighting fixtures; (m) unit heaters; (n) vehicular traffic signal  
5 modules; (o) portable light fixtures; (p) bottle-type water dispensers;  
6 (q) commercial hot food holding cabinets; (r) portable electric spas;  
7 [and] (s) [residential] replacement dedicated-purpose pool [pumps] pump  
8 motors; (t) air compressors; (u) air purifiers; (v) commercial dishwash-  
9 ers; (w) commercial fryers; (x) commercial steam cookers; (y) computers  
10 and computer monitors; (z) general service lamps; (aa) federally exempt  
11 fluorescent lamps; (bb) portable air conditioners; (cc) residential  
12 ventilating fans; (dd) telephones; (ee) faucets; (ff) showerheads; (gg)  
13 urinals; (hh) water closets; (ii) sprinkler bodies; (jj) uninterruptable  
14 power supplies; (kk) light emitting diode lamps; (ll) electric vehicle  
15 supply equipment; (mm) commercial battery charger systems; (nn) commer-  
16 cial ovens; (oo) commercial clothes dryers; (pp) commercial and indus-  
17 trial fans and blowers; (qq) imaging equipment; (rr) landscape irri-  
18 gation controllers; (ss) outdoor lighting; (tt) plug-in luminous signs;  
19 (uu) small network equipment; (vv) tub spout diverters; (ww) products  
20 for which efficiency standards shall have been established pursuant to  
21 paragraph (b) or (c) of subdivision one of section 16-106 of this arti-  
22 cle; and (xx) products that are subject to any federal efficiency stand-  
23 ard referred to in section 16-105 of this article that shall have been  
24 continued in this state pursuant to such section 16-105.

25 2. No person or business entity shall sell[,] or offer for sale, lease  
26 or offer to lease, or rent or offer to rent, or install or offer to  
27 install in New York state any new product of the types enumerated in  
28 paragraphs (a) through (vv) of subdivision one of this section, or any

1 [of the] new [products identified] product for which efficiency stand-  
2 ards shall have been established pursuant to paragraph (b) or (c) of  
3 subdivision [four] one of section 16-106 of this article, [unless: (a)  
4 the product meets minimum energy performance standards adopted pursuant  
5 to this article upon the effective date of such standards; and, if  
6 required by regulations promulgated] or any new product that is subject  
7 to any federal efficiency standard that shall have been continued in  
8 this state pursuant to [this] section[, (b) the manufacturer of such  
9 product certifies that the product meets said minimum energy performance  
10 standards.] 16-105 of this article, unless:

11 (a) the product meets the efficiency standards applicable to such  
12 product as of the date of manufacture of such product or as of such  
13 other date as may be determined in accordance with the regulation estab-  
14 lishing the standard for such product; and

15 (b) if required by regulations adopted pursuant to this article, the  
16 manufacturer of such product certifies that the product meets said effi-  
17 ciency standards. As used within this subdivision, reference to any new  
18 product means any individual product subject to the requirements of this  
19 article.

20 3. The prohibitions contained in [subdivisions one and] subdivision  
21 two of this section shall not apply to:

22 (a) products manufactured in the state and sold outside the state;

23 (b) products manufactured outside the state and sold at wholesale  
24 inside the state for final retail sale outside the state;

25 (c) products installed in [mobile] manufactured homes at the time of  
26 construction; or

27 (d) products designed expressly for installation and use in recre-  
28 ational vehicles.

1     § 15. The energy law is amended by adding a new section 16-105 to read  
2 as follows:

3     § 16-105. Adoption of certain federal efficiency standards. 1. The  
4 federal efficiency standard established in 10CFR Parts 430 and 431, as  
5 in effect on January first, two thousand eighteen shall be applicable to  
6 products which are subject to such federal efficiency standards and  
7 which are sold, offered for sale, or installed in New York state. So  
8 long as such federal efficiency standards remain in effect as federal  
9 efficiency standards, they shall be enforced as provided by federal law.

10    2. If any federal efficiency standard referred to in subdivision one  
11 of this section is withdrawn, repealed, voided, or otherwise ceases to  
12 remain in effect as a federal efficiency standard:

13    (a) such efficiency standard shall be deemed to be continued in this  
14 state and shall be deemed to be an efficiency standard adopted pursuant  
15 to this article;

16    (b) the president shall file with the secretary a written description  
17 of such efficiency standard, the terms and conditions of such efficiency  
18 standard, and the product or products that are subject to such efficien-  
19 cy standard, such description to be in a format consistent with the  
20 regulations adopted pursuant to this article and in form acceptable to  
21 the secretary, together with a certificate, in form acceptable to the  
22 secretary, signed and dated by the president and certifying that such  
23 efficiency standard is no longer in effect as a federal efficiency stan-  
24 dard, that such efficiency standard continues in effect in this state  
25 pursuant to this section, and that such efficiency standard is adopted  
26 pursuant to this section;

27    (c) the secretary shall cause such written description and certif-  
28 ication to be published in the state register, and shall cause the offi-

1 cial compilation of codes, rules and regulations of the state of New  
2 York to include such written description;

3 (d) the president shall be authorized to adopt regulations establish-  
4 ing procedures for testing the energy reduction, water conservation,  
5 greenhouse gas reduction, and/or increased demand flexibility associated  
6 with such product;

7 (e) the president shall be authorized to adopt regulations establish-  
8 ing procedures for manufacturers of such product to certify that such  
9 product meets such efficiency standard, if the president determines that  
10 such manufacturer's certifications should be required; and

11 (f) the president shall be authorized to adopt regulations amending  
12 such efficiency standard from time to time, including regulations that  
13 repeal such efficiency standard, decrease the stringency of such effi-  
14 ciency standard, or increase the stringency of such efficiency standard.

15 3. The actions to be taken pursuant to paragraphs (b) and (c) of  
16 subdivision two of this section to confirm that a federal efficiency  
17 standard that shall have been withdrawn, repealed, voided, or that  
18 otherwise shall have ceased to remain in effect as a federal efficiency  
19 standard, continues to be applicable in this state, and is adopted  
20 pursuant to this section, shall be exempt from the provisions of the  
21 state administrative procedure act, and the certification to be filed  
22 pursuant to paragraph (c) of subdivision two of this section shall so  
23 state.

24 4. This section shall not apply to any federal efficiency standard set  
25 aside by a court upon the petition of a person who will be adversely  
26 affected, as provided in 42 U.S.C. § 6306(b).

27 § 16. Section 16-106 of the energy law, as added by chapter 431 of the  
28 laws of 2005, paragraph (c) of subdivision 2 as added by chapter 222 of

1 the laws of 2010 and subdivision 4 as amended by chapter 69 of the laws  
2 of 2020, is amended to read as follows:

3 § 16-106. [Administration of article] Powers and duties of the presi-  
4 dent and the secretary. 1. The [secretary, in consultation with the]  
5 president[,] in consultation with the secretary shall have and be enti-  
6 tled to exercise the following powers and duties:

7 (a) To [establish energy] adopt regulations establishing efficiency  
8 [performance] standards for the products listed in paragraphs (a)  
9 through (vv) of subdivision one of section 16-104 of this article,  
10 including but not limited to, establishing [energy] efficiency [perform-  
11 ance] standards for power supplies in the active mode and no-load mode  
12 or other such products while in the active mode and in the standby-pas-  
13 sive-mode[.

14 (b) To promulgate regulations to achieve the purposes of this article  
15 provided however that no energy efficiency performance standard shall  
16 become effective for a product less than one hundred eighty days after  
17 it shall become final, provided, however, that no standard adopted  
18 pursuant to this article shall go into effect if federal government  
19 energy efficiency performance standards regarding such product preempt  
20 state standards unless preemption has been waived pursuant to federal  
21 law;

22 (c) To administer and enforce the provisions of this article and any  
23 rule or regulation promulgated thereunder or order issued pursuant ther-  
24 eto;

25 (d) To order, pursuant to section 16-104 of this article, the immedi-  
26 ate cessation of any distribution, sale or offer for sale, import or  
27 installation of any product for which the secretary, in consultation  
28 with the president, determines that the certification of such product

1 listed in subdivision one of section 16-104 of this article was achieved  
2 in violation of section 16-108 of this article];

3 (b) To adopt regulations establishing efficiency standards for  
4 products not specifically listed in paragraphs (a) through (vv) of  
5 subdivision one of section 16-104 of this article, provided that the  
6 president determines that establishing such efficiency standards would  
7 serve to promote energy reduction, water conservation, greenhouse gas  
8 reduction, and/or increased demand flexibility associated with the regu-  
9 lated product categories in this state. Any regulation adopted pursuant  
10 to this paragraph may include provisions establishing procedures for  
11 testing the efficiency of the covered products and provisions establish-  
12 ing procedures for manufacturers of such product to certify that such  
13 products meet the efficiency standards, if the president determines that  
14 such manufacturer's certifications should be required;

15 (c) To review efficiency standards as adopted from time to time by  
16 other states for products not listed in paragraphs (a) through (vv) of  
17 subdivision one of section 16-104 of this article, and to adopt regu-  
18 lations establishing efficiency standards similar to those adopted by  
19 any other state for such products, provided that the president deter-  
20 mines that establishing such efficiency standards would serve to promote  
21 energy reduction, water conservation, greenhouse gas reduction, and/or  
22 increased demand flexibility associated with the regulated product cate-  
23 gories in this state. Any regulation adopted pursuant to this paragraph  
24 may include provisions establishing procedures for testing the efficien-  
25 cy of the covered products and provisions establishing procedures for  
26 manufacturers of such product to certify that such products meet the  
27 efficiency standards, if the president determines that such manufactur-  
28 er's certifications should be required;

1     (d) To adopt regulations to achieve the purposes of this article;

2     (e) To conduct investigations, test, and obtain data with respect to  
3 research experiments and demonstrations, and to collect and disseminate  
4 information regarding the purposes to be achieved pursuant to this arti-  
5 cle;

6     (f) To accept grants or funds for purposes of administration and  
7 enforcement of this article. Notwithstanding any other provision of law  
8 to the contrary, the president is hereby authorized to accept grants or  
9 funds, including funds directed through negotiated settlements or  
10 consent orders pursuant to this article, and is authorized to establish  
11 the appliance standards administration account to be administered by the  
12 New York state energy research and development authority, in consulta-  
13 tion with the secretary, and maintained in a segregated account in the  
14 custody of the commissioner of taxation and finance. All funds accepted  
15 by the president for the purposes of this article shall be deposited in  
16 the efficiency standards administration account established by the New  
17 York state energy research and development authority and maintained in a  
18 segregated account in the custody of the commissioner of taxation and  
19 finance. All expenditures from the efficiency standards administration  
20 account pursuant to this article shall be made by the New York state  
21 energy research and development authority to carry out studies, investi-  
22 gations, research, expenses to provide for expert witness, consultant,  
23 enforcement, administrative and legal fees, including disbursements to  
24 the department of state to support enforcement activities authorized by  
25 the secretary pursuant to this section, and other related expenses  
26 pursuant to this article. All deposits made to the efficiency standards  
27 administration account made by the New York state energy research and  
28 development authority, all funds maintained in the efficiency standards

1 administration account, and disbursements therefrom, made pursuant to  
2 this article shall be subject to an annual independent audit as part of  
3 such authority's audited financial statements, and such authority shall  
4 prepare an annual report summarizing efficiency standards administration  
5 account balance and activities for each fiscal year ending March thir-  
6 ty-first and provide such report to the secretary no later than ninety  
7 days after commencement of such fiscal year;

8 (g) [To impose a fine and/or impose injunctive relief for any  
9 violation of this article after notice and an opportunity to be heard;

10 (h) The secretary and the president shall consult with the appropriate  
11 federal agencies, including, but not limited to, the federal department  
12 of energy, industry and other potentially affected parties in carrying  
13 out the provisions of this article] To consult with the appropriate  
14 federal agencies, including, but not limited to, the federal department  
15 of energy, the federal department of industry and other potentially  
16 affected parties in carrying out the provisions of this article; and

17 (h) To conduct investigations, in consultation with the secretary, to  
18 determine if products covered by standards adopted pursuant to this  
19 article comply with such standards; to conduct tests to determine if  
20 products covered by standards adopted pursuant to this article comply  
21 with such standards; to prepare written reports of the results of such  
22 investigations and tests; to provide such reports to the secretary; in  
23 consultation with the secretary, to negotiate settlement agreements with  
24 any person or business entity that violates the provisions of subdivi-  
25 sion two of section 16-104 of this article, or fails to perform any duty  
26 imposed by this article, or violates or fails to comply with any rule,  
27 regulation, determination, or order adopted, made, or issued by the  
28 president or the secretary pursuant to this article, pursuant to which



1 such person or business entity shall agree to cease such violation and  
2 to pay such civil penalty as may be specified in such agreement, the  
3 terms of which will be incorporated into a consent order signed by such  
4 person or business entity, the president, and the secretary; to consult  
5 with the secretary in connection with determinations made by the secre-  
6 tary pursuant to paragraph (b) of subdivision five of this section; and  
7 to cooperate with the secretary in enforcement proceedings conducted by  
8 the secretary pursuant to this article.

9 1-a. Notwithstanding any other provision of this article, no efficien-  
10 cy standard adopted pursuant to paragraph (a) of subdivision one of this  
11 section shall become effective less than one hundred eighty days after  
12 publication of the notice of adoption of such standard in the state  
13 register; no efficiency standard adopted pursuant to paragraph (b) or  
14 (c) of subdivision one of this section shall become effective less than  
15 one year after publication of the notice of adoption of such efficiency  
16 standard in the state register; no amendment of any efficiency standard  
17 adopted pursuant to this article or of any efficiency standard continued  
18 in this state pursuant to section 16-105 of this article shall become  
19 effective less than one hundred eighty days after publication of the  
20 notice of adoption of such amendment in the state register; and no new  
21 or amended efficiency standard, or water conservation standard adopted  
22 pursuant to this article shall go into effect if federal government  
23 efficiency standards regarding such product preempt state standards  
24 unless preemption has been waived pursuant to federal law.

25 2. (a) On or before [June thirtieth] January first, two thousand [six]  
26 twenty-two, the [secretary, in consultation with the] president, shall  
27 adopt regulations in accordance with the provisions of this article  
28 establishing:

1 (i) [energy] efficiency [performance] standards for new products of  
2 the types [set forth] referred to in paragraphs (a) through [(n)] (f)  
3 and paragraphs (h) through (y), paragraphs (aa) through (jj) and para-  
4 graphs (mm) through (vv) of subdivision one of section 16-104 of this  
5 article[, with the exception of such paragraph (g) (incandescent reflec-  
6 tor lamps)];

7 (ii) procedures for testing the [energy] efficiency of the new  
8 products [covered by] of the types referred to in paragraphs (a) through  
9 [(n)] (f) and paragraphs (h) through (vv) of subdivision one of section  
10 16-104 of this article;

11 (iii) procedures for manufacturers to certify that new products  
12 [covered under] of the types referred to in paragraphs (a) through (f)  
13 and paragraphs (h) through (vv) of subdivision one of section 16-104 of  
14 this article meet the [energy] efficiency standards to be [promulgated  
15 under this article] adopted pursuant to this article, if the president  
16 determines that such manufacturer's certifications should be required;  
17 and

18 (iv) such further matters as are necessary to insure the proper imple-  
19 mentation and enforcement of the provisions of this article.

20 (a-1) With respect to [incandescent reflector lamps, included] the  
21 types of products referred to in [paragraph] paragraphs (g), (z) or (kk)  
22 of subdivision one of section 16-104 of this article (incandescent  
23 reflector lamps, general service lamps, and light emitting diode lamps),  
24 the [secretary, in consultation with the] president[, ] shall conduct a  
25 study by December thirty-first, two thousand twenty-one to determine  
26 whether an [energy] efficiency [performance] standard for such [product]  
27 products should be established, taking into account factors including  
28 the potential impact on electricity usage, product availability and

1 consumer and environmental benefits. If [it is determined] the president  
2 determines based on this study that such a standard would reduce energy  
3 use and would not be preempted by the federal law, the [secretary, in  
4 consultation with the] president[, ] shall adopt regulations in accord-  
5 ance with the provisions of this article establishing [energy perform-  
6 ance] efficiency standards for such [product on or before January first,  
7 two thousand eight] products.

8 (b) With respect to the types of products [defined] referred to in  
9 paragraphs (a), (d), (h) and (i) of subdivision [seven] one of section  
10 [16-102] 16-104 of this article (very large commercial package air  
11 conditioning and heating equipment[]), subdivision nine of section 16-102  
12 of this article ([, commercial refrigerators, freezers and refrigera-  
13 tor-freezers[]), subdivision twenty-three of section 16-102 of this arti-  
14 cle ([, metal halide lamp fixtures[] and subdivision three of section  
15 16-102 of this article ([, and automatic commercial ice-cube makers),  
16 the [secretary shall issue] regulations adopted by the president pursu-  
17 ant to paragraph [a] (a) of this subdivision [establishing energy] shall  
18 establish the following efficiency [performance] standards [for such  
19 products at the following levels] and [with] the following compliance  
20 dates:

21 (i) [very] Very large commercial package air conditioning and heating  
22 equipment. Each very large commercial package air conditioning and heat-  
23 ing equipment sold, offered for sale or installed in New York state on  
24 or after January first, two thousand [ten] twenty-two shall, when tested  
25 according to the test standard specified in Air-Conditioning and Refrig-  
26 eration Institute standard 340/360-2004, meet the following standards:

27 (A) The minimum energy efficiency ratio of air-cooled central air  
28 conditioners at or above two hundred forty thousand BTU per hour (cool-

1 ing capacity) and less than seven hundred sixty thousand BTU per hour  
2 (cooling capacity) shall be

3 (I) 10.0 for equipment with no heating or electric resistance heating;  
4 and[;]

5 (II) 9.8 for equipment with all other heating system types that are  
6 integrated into the equipment (at a standard rating of ninety-five  
7 degrees Fahrenheit dB).

8 (B) the minimum energy efficiency ratio of air-cooled central air  
9 conditioner heat pumps at or above two hundred forty thousand BTU per  
10 hour (cooling capacity) and less than seven hundred sixty thousand BTU  
11 per hour (cooling capacity) shall be

12 (I) 9.5 for equipment with no heating or electric resistance heating;  
13 and

14 (II) 9.3 for equipment with all other heating system types that are  
15 integrated into the equipment (at a standard rating of ninety-five  
16 degrees Fahrenheit dB).

17 (C) the minimum coefficient of performance in the heating mode of  
18 air-cooled central air conditioning heat pumps at or above two hundred  
19 forty thousand BTU per hour (cooling capacity) and less than seven  
20 hundred sixty thousand BTU per hour (cooling capacity) shall be 3.2 (at  
21 a high temperature rating of forty-seven degrees Fahrenheit dB)[;].

22 (ii) [commercial] Commercial refrigerators, [and] freezers, and refri-  
23 gerator-freezers. (A) Each commercial refrigerator, freezer, and refri-  
24 gerator-freezer with a self-contained condensing unit designed for hold-  
25 ing temperature applications sold, offered for sale or installed in New  
26 York state on or after January first, two thousand [ten] twenty-two  
27 shall have a daily energy consumption (in kilowatt hours per day) not to  
28 exceed:

1 (I) refrigerators with solid doors  $0.10 \text{ V} + 2.04$

2 (II) refrigerators with transparent doors  $0.12 \text{ V} + 3.34$

3 (III) freezers with solid doors  $0.40 \text{ V} + 1.38$

4 (IV) freezers with transparent doors  $0.75 \text{ V} + 4.10$

5 (V) refrigerators/freezers with solid doors the greater of:  
6  $0.27AV - 0.71$  or  $0.70$ .

7 (B) Each commercial refrigerator with a self-contained condensing unit  
8 designed for pull-down temperature applications sold, offered for sale  
9 or installed in New York state on or after January first, two thousand  
10 [ten] twenty-two shall have a daily energy consumption (in kilowatt  
11 hours per day) not to exceed: refrigerators with transparent doors  $0.126$   
12  $\text{V} + 3.51$ .

13 (iii) [metal] Metal halide lamp fixtures. Each metal halide lamp  
14 fixture that is sold, offered for sale or installed in New York state on  
15 or after January first, two thousand [eight] twenty-two and that oper-  
16 ates a lamp in a vertical position (including fixtures that operate  
17 lamps rated for use within fifteen degrees of vertical) and that is  
18 capable of operating lamps rated equal to or greater than one hundred  
19 fifty Watts and less than or equal to five hundred Watts shall not  
20 contain a probe start metal-halide ballast.

21 (iv) [automatic] Automatic commercial ice-cube maker. Each automatic  
22 commercial ice-cube maker, that produces cube-type ice with capacities  
23 between fifty and two thousand five hundred pounds per twenty-four hour  
24 period sold, offered for sale or installed in New York state on or after  
25 January first, two thousand [ten] twenty-two, when tested according to  
26 the test standard specified in air-conditioning and refrigeration insti-  
27 tute standard 810-2003, as in effect on January first, two thousand  
28 five, shall meet the following standard levels:

1 (A) H means the harvest rate in pounds per twenty-four hours. For  
2 water-cooled equipment, water use is for the condenser only and does not  
3 include potable water used to make ice.

4 (B) For ice making head water-cooled equipment the maximum condenser  
5 water use in gal/one hundred pounds of ice shall be  $200 - 0.022H$  and the  
6 maximum energy use with a harvest rate of:

7 (I)  $< 500$  shall be  $7.8 - 0.0055H$ ;

8 (II)  $500$  and  $< 1,436$  shall be  $5.58 - 0.0044H$

9 (III)  $1,436$  and  $< 2,500$  shall be  $4.0$

10 (C) For ice making head air-cooled equipment the maximum energy use  
11 with a harvest rate of:

12 (I)  $< 450$  shall be  $10.26 - 0.0086H$ ;

13 (II)  $450$  and  $< 2,500$  shall be  $6.89 - 0.0011H$

14 (D) For remote condensing but not remote compressor air-cooled equip-  
15 ment the maximum energy use with a harvest rate of:

16 (I)  $< 1,000$  shall be  $8.85 - 0.0038H$ ;

17 (II)  $1,000$  and  $< 2,500$  shall be  $5.10$

18 (E) For remote condensing and remote compressor air-cooled equipment  
19 the maximum energy use with a harvest rate of:

20 (I)  $< 934$  lbs shall be  $8.85 - 0.0038H$ ;

21 (II)  $934$  and  $< 2,500$  shall be  $5.3$

22 (F) For self-contained water-cooled equipment the maximum condenser  
23 water use in gal/100 lbs of Ice shall be  $191 - 0.0315H$  and the maximum  
24 energy use with a harvest rate of:

25 (I)  $< 200$  shall be  $11.4 - 0.019H$ ;

26 (II)  $200$  and  $< 2,500$  shall be  $7.6$

27 (G) For self-contained air-cooled equipment the maximum energy use  
28 with a harvest rate of:

1 (I) < 175 shall be 18.0 - 0.0469H

2 (II) 175 and < 2,500 shall be 9.8

3 [(c) On or before December thirty-first, two thousand ten, the secre-  
4 tary, in consultation with the president, shall adopt regulations in  
5 accordance with the provisions of this article establishing: (i) energy  
6 efficiency performance standards for new products of the types set forth  
7 in paragraphs (o) through (s) of subdivision one of section 16-104 of  
8 this article; (ii) procedures for testing the energy efficiency of the  
9 products covered by paragraphs (o) through (s) of subdivision one of  
10 section 16-104 of this article; (iii) procedures for manufacturers to  
11 certify that products covered by paragraphs (o) through (s) of subdivi-  
12 sion one of section 16-104 of this article meet the energy efficiency  
13 standards promulgated under this article; and (iv) such further matters  
14 as are necessary to insure the proper implementation and enforcement of  
15 the provisions of this article with respect to the products covered by  
16 paragraphs (o) through (s) of subdivision one of section 16-104 of this  
17 article.]

18 3. Subsequent to adopting regulations pursuant to subdivisions one and  
19 two of this section, the [secretary, in consultation with the] presi-  
20 dent, in consultation with the secretary, may amend such regulations,  
21 including increasing the stringency of the [energy] efficiency [perform-  
22 ance] standards[, provided however that no energy efficiency performance  
23 standard shall become effective for a product less than one hundred  
24 eighty days after it shall become final].

25 4. By March fifteenth of two thousand twenty-one, the secretary and  
26 the president shall produce a report to the governor, the speaker of the  
27 assembly, the temporary president of the senate, the chair of the assem-  
28 bly committee on energy and the chair of the senate committee on energy

1 and telecommunications on the status of regulations establishing [ener-  
2 gy] efficiency [performance] standards pursuant to this article, which  
3 shall indicate for each product enumerated in subdivision one of section  
4 16-104 of this article the status of the implementation of [performance]  
5 efficiency standards. The report shall also set forth the estimated  
6 potential annual reductions in energy use and potential utility bill  
7 savings resulting from adopted [performance] efficiency standards for  
8 the years two thousand twenty-five and two thousand thirty-five and the  
9 potential cumulative reductions in energy use through the year two thou-  
10 sand thirty-five. Such report shall be updated by March fifteenth, two  
11 thousand thirty and a copy shall be posted by March fifteenth, two thou-  
12 sand thirty on the websites of the authority and the department of  
13 state.

14 5. (a) In addition to all other powers and authority given to the  
15 secretary by this article, the secretary shall have and be entitled to  
16 exercise the following powers and duties:

17 (i) To request the president to conduct investigations to determine if  
18 products covered by efficiency standards adopted pursuant to this arti-  
19 cle comply with such efficiency standards; to consult with the president  
20 in connection with the president's performance of such investigations;  
21 to request the president to conduct tests to determine if products  
22 covered by efficiency standards adopted pursuant to this article comply  
23 with such efficiency standards; and to request the president's cooper-  
24 ation in connection with enforcement proceedings conducted by the secre-  
25 tary pursuant to this article;

26 (ii) To order the immediate cessation of any distribution, sale or  
27 offer for sale, lease or offer to lease, rent or offer to rent, import,  
28 or offer to import, or installation or offer of installation of any



1 product listed in paragraphs (a) through (vv) of subdivision one of  
2 section 16-104 of this article, or of any product for which efficiency  
3 standards shall have been established pursuant to paragraph (b) or (c)  
4 of subdivision one of this section, or any product that is subject to a  
5 federal efficiency standard that shall have been continued in this state  
6 pursuant to section 16-105 of this article, if the secretary, in consul-  
7 tation with the president, determines that such product does not meet  
8 the applicable efficiency standard or if such product does not satisfy  
9 the testing procedures or manufacturer's certification procedures  
10 adopted pursuant to the regulations authorized by this article;

11 (iii) To accept grants or funds for purposes of administration and  
12 enforcement of this article;

13 (iv) To impose, after notice and an opportunity to be heard, civil  
14 penalties and/or injunctive relief for any violation of this article or  
15 any regulation adopted pursuant to this article. Any penalties collected  
16 by the secretary under this section shall be placed in the account  
17 established under section ninety-seven-ww of the state finance law,  
18 relating to the consumer protection account; and

19 (v) To adopt such rules and regulations as the secretary may deem  
20 necessary or appropriate for the purpose of carrying out the powers and  
21 duties granted to the secretary by this article.

22 (b) The secretary may exercise the powers and authority granted to the  
23 secretary by this subdivision, or by any other provision of this arti-  
24 cle, through the consumer protection division established by the secre-  
25 tary pursuant to section ninety-four-a of the executive law or through  
26 such other divisions, officers, or employees of the department of state  
27 as the secretary may designate from time to time.

1     § 17. The energy law is amended by adding a new section 16-107 to read  
2 as follows:

3     § 16-107. Subpoenas, information and document production, enforcement  
4 procedures, referrals. 1. (a) In addition to all other powers provided  
5 by this article, the secretary or his or her designee shall have the  
6 power and authority to subpoena any person or business entity doing  
7 business in this state and bring such person or business entity before  
8 such officer or person in the department of state as may be designated  
9 in such subpoena, and to administer an oath to and take testimony of any  
10 person or cause any person's deposition to be taken.

11     (b) In addition to all other powers provided by this article, the  
12 president or his or her designee shall have the power and authority to  
13 subpoena any person or business entity in this state to compel testimo-  
14 ny, the protection of documents, or both, and bring such person before  
15 such officer or person in the authority as may be designated in such  
16 subpoena, and to administer an oath to and take testimony of any person  
17 or cause any person's deposition to be taken.

18     (c) A subpoena issued under this subdivision shall be regulated by the  
19 civil practice law and rules, and is in addition to and not in limita-  
20 tion of the power to make information and document requests under subdi-  
21 vision two of this section.

22     2. Any person or business entity that sells or offers for sale, leases  
23 or offers for lease, rents or offers for rent, or installs or offers to  
24 install, manufactures or tests in New York state any new product of a  
25 type listed in paragraphs (a) through (vv) of subdivision one of section  
26 16-104 of this article, or any new product for which efficiency stand-  
27 ards shall have been established pursuant to paragraph (b) or (c) of  
28 subdivision one of section 16-106 of this article, or any product that

1 is subject to federal efficiency standards that shall have been contin-  
2 ued in this state pursuant to section 16-105 of this article, shall be  
3 obliged, on the request of the secretary or his or her designee, or the  
4 request of the president or his or her designee, to supply the secretary  
5 and/or the president with such information and documentation as may be  
6 required concerning such person's or such business entity's business,  
7 business practices, or business methods, or proposed business practices  
8 or methods. The obligations contained in this subdivision shall not  
9 apply to any person or business entity that sells or offers for sale,  
10 leases or offers for lease, rents or offers for rent, or installs or  
11 offers to install only products described in subdivision three of  
12 section 16-104 of this article. The power to make information and docu-  
13 ment requests is in addition to and not in limitation of the power to  
14 issue subpoenas.

15 3. A subpoena may be issued pursuant to subdivision one of this  
16 section, and a request for information and documentation may be made  
17 pursuant to subdivision two of this section, at any time and in any  
18 situation, without regard to whether such subpoena or request is or is  
19 not issued or made in connection with an investigation conducted by the  
20 president or an enforcement proceeding conducted by the secretary.

21 4. The secretary shall, before ordering the immediate cessation of any  
22 distribution, sale or offer for sale, lease or offer to lease, rent or  
23 offer to rent, import or offer to import, or installation or offer of  
24 installation of any product, or imposing any civil penalty, injunctive  
25 relief, or other relief pursuant to this article upon any person or  
26 business entity who is alleged to be in violation of any provision of  
27 this article or of any regulation adopted pursuant to this article, and  
28 at least ten days prior to the date set for the hearing, notify in writ-

ing and shall afford such person or business entity an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of same personally, or by mailing same by certified mail to the last known business address of such person or business entity, or by any method authorized by the civil practice law and rules. The hearing on such charges shall be at such time and place as the department of state shall prescribe. A hearing held by this subdivision shall be held pursuant to the state administrative procedure act, and any applicable regulations adopted by the secretary.

5. A final action of the secretary in imposing a civil penalty, or other order, may be subject to review by a proceeding instituted under article seventy-eight of the civil practice law and rules at the instance of the person or business entity aggrieved. Final actions that may be subject to judicial review under article seventy-eight of the civil practice law and rules include:

(a) a determination that a person or business entity is in violation of any provision of this article or of any regulation adopted under this article;

(b) an order directing the immediate cessation of the sale or offer for sale, installation or offer to install, lease or offer to lease, rent or offer to rent, or import any product in violation of any provision of this article or of any regulation adopted under this article;

(c) an order granting or imposing any other type of injunctive relief; and

(d) the imposition of a civil penalty, excluding any consent order, any determination made in a consent order and any civil penalty and/or injunctive relief imposed by a consent order.

1     6. In addition to all other powers provided by this article, the  
2     secretary and the president, are authorized, individually or jointly, to  
3     refer the results of any investigation conducted by the president pursu-  
4     ant to this article to the attorney general and to request the attorney  
5     general to institute, in the name of the secretary and/or the president,  
6     an action or proceeding to enforce the provisions of this article. The  
7     attorney general shall, at the request of the secretary or president, or  
8     may, on his or her own initiative, institute proceedings to enforce the  
9     provisions of this article including the imposition of civil penalties  
10    or injunctive relief. Nothing in this subdivision shall limit or impair  
11    the power and authority of the secretary to conduct enforcement  
12    proceedings, to issue orders pursuant to paragraph (b) of subdivision  
13    five of section 16-106 of this article, and to impose penalties pursuant  
14    to section 16-108 of this article.

15    § 18. Section 16-108 of the energy law, as added by chapter 431 of the  
16    laws of 2005, is amended to read as follows:

17    § 16-108. Violations, civil liability. 1. Any person who or business  
18    entity that issues:

19    (a) a certification that a product listed in paragraphs (a) through  
20    (vv) of subdivision one of section 16-104 of this article complies with  
21    the [energy] efficiency standards for such product established by or  
22    pursuant to this article[,];

23    (b) a certification that a product not listed in paragraphs (a)  
24    through (vv) of subdivision one of section 16-104 of this article  
25    complies with efficiency standards for such product established pursuant  
26    to paragraph (b) or (c) of subdivision one of section 16-104 of this  
27    article; or

1    (c) a certification that a product that is subject to federal effi-  
2    ciency standards that shall have been continued in this state pursuant  
3    to section 16-105 of this article complies with such efficiency stand-  
4    ards, knowing that such product does not comply with [those] such effi-  
5    ciency standards, shall be liable for a civil penalty of not more than  
6    ten thousand dollars for each such product certified and an additional  
7    penalty of not more than ten thousand dollars for each day during which  
8    such violation continues.

9    2. Any person who or business entity that violates the provisions of  
10   subdivision two of section 16-104 of this article, or [who] fails to  
11   perform any duty imposed by this article, or [who] violates or fails to  
12   comply with any rule, regulation, determination, or order [of] adopted,  
13   made, or issued by the president or the secretary [of state promulgated]  
14   pursuant to this article, shall be liable for a civil penalty of not  
15   more than five hundred dollars for each such violation and an additional  
16   civil penalty of not more than one hundred dollars for each day during  
17   which such violation continues, and, in addition thereto, such person or  
18   business entity may be enjoined from continuing such violation.

19   3. [The secretary may cause an investigation to be made of complaints  
20   received concerning violations of this article and may refer the results  
21   of such investigations to the attorney general. The attorney general  
22   shall, at the request of the secretary, or may, on his own initiative,  
23   institute proceedings to enforce the provisions of this article.

24   4.] An action or cause of action for the recovery of a penalty under  
25   this section may be settled or compromised in an amount to be approved  
26   by the secretary either before or after proceedings are brought to  
27   recover such penalties and prior to the entry for judgment therefor.

1     § 19. The energy law is amended by adding a new section 16-109 to read  
2 as follows:

3     § 16-109. Conflicts with other laws. Nothing in this article or in  
4 any regulation adopted pursuant to this article shall limit, impair, or  
5 supersede the provisions of subdivision one of section three hundred  
6 eighty-three of the executive law or the provisions of subdivision three  
7 of section 11-103 of this chapter.

8     § 20. Subparagraphs 14 and 15 of paragraph (a) of subdivision 3 of  
9 section 94-a of the executive law, as added by section 21 of part A of  
10 chapter 62 of the laws of 2011, are amended and a new subparagraph 16 is  
11 added to read as follows:

12     (14) cooperate with and assist consumers in class actions in proper  
13 cases; [and]

14     (15) create an internet website or webpage pursuant to section three  
15 hundred ninety-c of the general business law[.], as added by chapter  
16 five hundred nine of the laws of two thousand seven; and

17     (16) exercise such powers and duties granted to the secretary by arti-  
18 cle sixteen of the energy law as the secretary may direct, including,  
19 but not limited to: consult with such president of the New York state  
20 energy research and development authority in connection with investi-  
21 gations conducted by such president pursuant to article sixteen of the  
22 energy law; make determinations relating to compliance by products with  
23 the standards adopted pursuant to article sixteen of the energy law;  
24 order the immediate cessation of any distribution, sale or offer for  
25 sale, import, or installation of any product that does not meet such  
26 standards; and impose civil penalties as contemplated by article sixteen  
27 of the energy law.

1     § 21. The opening paragraph and paragraphs a and c of subdivision 1  
2 and subdivision 3 of section 374 of the executive law, the opening para-  
3 graph of subdivision 1 as amended by chapter 309 of the laws of 1996,  
4 paragraph a of subdivision 1 as amended by section 96 of subpart B of  
5 part C of chapter 62 of the laws of 2011 and as further amended by  
6 section 104 of part A of chapter 62 of the laws of 2011, paragraph c of  
7 subdivision 1 as amended by chapter 920 of the laws of 1985, and subdi-  
8 vision 3 as added by chapter 707 of the laws of 1981, are amended to  
9 read as follows:

10    There is hereby created and established in the department of state a  
11 council, to be known as the state fire prevention and building code  
12 council. Such council shall consist of the secretary of state, as chair-  
13 man, the state fire administrator, the president of the New York state  
14 energy research and development authority, and [fifteen] sixteen other  
15 members to be appointed as follows:

16    a. [Two] Three members, to be appointed by the governor, from among  
17 the commissioners of [the departments of economic development,  
18 corrections and community supervision, education, health, labor, mental  
19 health and social services, office of general services, division of  
20 housing and community renewal,] economic development; corrections and  
21 community supervision; education; health; labor; mental health; general  
22 services; housing and community renewal; environmental conservation;  
23 parks, recreation and historic preservation; and temporary and disabili-  
24 ty assistance; and the superintendent of financial services.

25    c. Seven members, to be appointed by the governor with the advice and  
26 consent of the senate, one of whom shall be a fire service official, one  
27 of whom shall be a registered architect, one of whom shall be a profes-  
28 sional engineer, one of whom shall be a code enforcement official, one



1 of whom shall represent builders, one of whom shall represent trade  
2 unions, and one of whom shall be a person with a disability as defined  
3 in section two hundred ninety-two of this chapter who would directly  
4 benefit from the provisions of [article thirteen of] the state uniform  
5 fire prevention and building code relating to accessibility. The regis-  
6 tered architect and professional engineer shall be duly licensed to  
7 practice their respective professions in the state of New York. After  
8 the certification of code enforcement personnel pursuant to this chapter  
9 shall have begun said code enforcement official shall be so certified.

10 3. (a) The council shall meet at least quarterly at the call of the  
11 chairman. Additional meetings may be called upon at least five [days]  
12 days' notice by the chairman or by petition of five members of the coun-  
13 cil.

14 (b) Notwithstanding the provisions of any other law to the contrary, a  
15 majority, but no fewer than seven, of the members of the council then in  
16 office, gathered together in the presence of each other or through the  
17 use of videoconferencing, at a meeting duly held at a time fixed by law  
18 or by any by-law duly adopted by the council, or at any meeting duly  
19 held upon reasonable notice to all members of the council then in  
20 office, or at any duly adjourned meeting of such meeting, shall consti-  
21 tute a quorum, and a majority, but no fewer than seven, of the members  
22 of the council then in office may perform and exercise any power,  
23 authority, or duty of the council at any such meeting or adjourned meet-  
24 ing.

25 § 22. Subdivision 2 of section 97-www of the state finance law, as  
26 amended by section 53 of part A of chapter 62 of the laws of 2011, is  
27 amended to read as follows:

1     2. Such account shall consist of all penalties received by the depart-  
2     ment of state pursuant to section three hundred ninety-nine-z of the  
3     general business law, section 16-106 of the energy law and any addi-  
4     tional monies appropriated, credited or transferred to such account by  
5     the Legislature. Any interest earned by the investment of monies in such  
6     account shall be added to such account, become part of such account, and  
7     be used for the purposes of such account.

8     § 23. This act shall take effect immediately; provided, however, that  
9     sections six through twenty and section twenty-two of this act shall  
10    take effect on the one hundred eightieth day after it shall have become  
11    a law; provided, however, that the amendments to subdivision 4 of  
12    section 16-106 of the energy law made by section sixteen of this act  
13    shall not affect the repeal of such subdivision and shall be deemed  
14    repealed therewith. Effective immediately, the addition, amendment,  
15    and/or repeal of any rule or regulation necessary for the timely imple-  
16    mentation of this act on or before its effective date are hereby author-  
17    ized to be made and completed on or before such effective date.