

1987 Assembly Bill 753

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1987 Wisconsin Act 343

AN ACT to amend 101.02 (15) (j), 101.63 (1) and 101.73 (1); and to create 101.08 and 101.19 (1) (k) of the statutes, relating to establishing and enforcing energy efficiency standards for fluorescent lamp ballasts granting rule-making authority and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.02 (15) (j) of the statutes is amended to read:

101.02 (15) (j) To ascertain, fix and order such reasonable standards, rules or regulations for the construction, repair and maintenance of places of employment and public buildings, as shall render them safe. No such standard, rule or regulation may increase the maximum energy use, as defined in s. 101.08 (1) (f), allowed for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2) or decrease the minimum energy efficiency required for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2).

SECTION 2. 101.08 of the statutes is created to read:

101.08 Fluorescent lamp ballast energy efficiency.

(1) DEFINITIONS. In this section:

(b) "Ballast efficacy factor" means the ratio of the relative light output of a fluorescent lamp ballast containing a fluorescent lamp, expressed as a percent, to the power input, expressed in watts at the test conditions specified under the American National Standards Institute standard C82.2-1977.

(c) "Covered product" means any consumer product, as defined in 42 USC 6291 (a) (1), which is not designed solely for use in a recreational vehicle or other mobile equipment and which is subject to an energy conservation standard under sub. (2).

(d) "Energy" means electricity, fossil fuel or other fuel specified under 42 USC 6293.

(e) "Energy conservation standard" means either of the following:

1. A performance standard which prescribes a minimum level of energy efficiency, as defined in 42 USC 6291 (a) (5) or a maximum quantity of energy use for a consumer product, as defined in 42 USC 6291 (a) (1), determined under test procedures.

2. A design requirement which is related to energy use for any consumer product, as defined in 42 USC 6291 (a) (1).

(f) "Energy use" means the quantity of energy directly consumed by a consumer product, as defined in 42 USC 6291 (a) (1), at point of use, determined under test procedures.

(g) "Fluorescent lamp ballast" means a device designed to operate a fluorescent lamp by providing a starting voltage and current and limiting the current during normal operation.

(i) "F40T12" means a tubular fluorescent lamp which is a nominal 40 watts, which has a 48 inch tube length and a 1.5 inch diameter, and which conforms to the American National Standards Institute standard C78.1-1978.

(j) "F96T12" means a tubular fluorescent lamp which is a nominal 75 watts, which has a 96 inch tube length and a 1.5 inch diameter and which conforms to the American National Standards Institute standard C78.3-1978.

(k) "Manufacturer" means any person who manufactures, produces, assembles or imports into the customs territory of the United States any consumer product, as defined in 42 USC 6291 (a) (1).

(n) "Test procedure" means a test procedure prescribed by the secretary of the federal department of energy under 42 USC 6293.

(2) FLUORESCENT LAMP BALLASTS. (a) Except as provided in par. (b), the ballast efficacy factor of any fluorescent lamp ballast manufactured on or after the effective date of this paragraph ... [revisor inserts date], for sale at retail in this state or for installation in this state under a construction contract may not be less than:

1. For one F40T12 with 40 total nominal lamp watts and a ballast input voltage of 120 or 277, 1.805.

2. For 2 F40T12 lamps each with 80 total nominal lamp watts operated together:

- a. With a ballast input voltage of 120, 1.060.
- b. With a ballast input voltage of 277, 1.050.
3. For 2 F96T12 lamps each with 150 total nominal lamp watts and with a ballast input voltage of 120 or 277 operated together, 0.570.

(b) Paragraph (a) does not apply to any fluorescent lamp ballast with any of the following characteristics:

1. A dimming capability.
2. Designed for use in ambient temperatures of zero degrees Fahrenheit or less.
3. Having a power factor of less than 0.75 prior to January 1, 1995.
4. Designed to operate a single lamp and having a power factor of less than 0.60 on or after January 1, 1995.

(6) CERTIFICATION. Beginning on the first day of the 4th month after any energy conservation standard under sub. (2) first takes effect for a consumer product manufactured for sale at retail in this state or for installation in this state under a construction contract, the manufacturer of that product shall submit a certification statement to the department for each type of model of that product manufactured on or after the date on which the energy conservation standard first takes effect for that product. The statement shall certify that the product is in compliance with that energy conservation standard. The manufacturer shall submit a revised certification statement on any model of that product the design of which is changed in any way that may reasonably be expected to affect energy use. The department shall prescribe the form and contents of the certification statement. The department shall compile and make available to the public a list of all products for which it has received a certification statement under this subsection.

(7) INVENTORIES AND SALES LIMITED. (a) Beginning on the first day of the 7th month after the effective date of any energy conservation standard under sub. (2), no person may order or purchase, for the purpose of installing in this state under a construction contract or selling at retail in this state, any covered product which has not been certified under sub. (6).

(b) Beginning on the first day of the 13th month after the effective date of any energy conservation standard under sub. (2), no person may:

1. Install in this state under a construction contract, sell or display for sale in this state any covered product manufactured on or after that effective date unless it has been certified under sub. (6).
2. Sell at retail in this state any covered product which is manufactured before that date and which does not meet the energy conservation standard applicable to that covered product unless the person informs the buyer, prior to sale of the covered product, that the covered product does not meet that energy conservation standard.
3. Contract to install in this state in any dwelling, as defined in s. 101.61 (1), as part of the construction of

that dwelling, any covered product which is manufactured before that date and which does not meet the energy conservation standard applicable to that covered product unless the person informs the person contracting for the construction, prior to the closing of the contract, that the covered product does not meet that energy conservation standard.

(8) TESTING PROCEDURES. Every manufacturer shall provide for the testing of each type of model of any covered product which it manufactures, using test procedures which are applicable to that model and which have been established by the federal government or by the department if the federal government has not established any test procedure applicable to that model. The results obtained from the testing under this subsection shall be included in the certification statement of each type of covered product model as required under sub. (6).

(9) ENFORCEMENT. To ensure compliance with this section, the department of agriculture, trade and consumer protection shall respond to reasonable consumer complaints related to the requirements of this section and may conduct inspections of the business places of persons who sell covered products and construction sites where appliances are being installed. The department of agriculture, trade and consumer protection may act under ch. 93 to administer this subsection.

(10) PENALTIES. (a) Any person who violates this section, except sub. (6), or any rule promulgated under this section, except sub. (6), shall forfeit not less than \$50 nor more than \$200 for each violation. Each sale of a covered product which is not in compliance with the requirements of sub. (7) constitutes a single violation.

(b) Any manufacturer who submits a fraudulent certification statement under sub. (6) shall forfeit not less than \$1,000 nor more than \$10,000 for each violation.

SECTION 3. 101.19 (1) (k) of the statutes is created to read:

101.19 (1) (k) The certification of appliances under s. 101.08 (6).

SECTION 4. 101.63 (1) of the statutes is amended to read:

101.63 (1) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions. No standard under this subchapter may increase the maximum energy use, as defined in s. 101.08 (1) (f),

allowed for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2) or decrease the minimum energy efficiency required for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2).

SECTION 5. 101.73 (1) of the statutes is amended to read:

101.73 (1) Adopt rules which establish standards for the use of building materials, methods and equipment in the manufacture and installation of manufactured buildings for use as dwellings or dwelling units. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling

and to its electrical, heating, ventilating, air conditioning and other systems. Such rules shall take into account the conservation of energy in construction and maintenance of dwellings and the costs to home buyers of specific code provisions in relation to the benefits derived therefrom. No standard under this subchapter may increase the maximum energy use, as defined in s. 101.08 (1) (f), allowed for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2) or decrease the minimum energy efficiency required for a fluorescent lamp ballast, as defined in s. 101.08 (1) (g), under s. 101.08 (2).
