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HOUSE BILL NO. 2012

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-553, relating to a ban on the sale or distribution of certain appliances; penalty.*

Patron—Ebbin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-553, as follows:

CHAPTER 50.**ENERGY STAR APPLIANCES.****§ 59.1-550. Definition.**

As used in this chapter, unless the context requires a different meaning:

"Appliance" means a clothes washer, dehumidifier, dishwasher, refrigerator, or room air conditioner that is designed for residential, non-commercial use.

"Energy Star appliance" means an appliance the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the federal Energy Star program or, if the federal Energy Star program ceases to exist, received an equivalent designation under a successor program so designated by the Board of Agriculture and Consumer Services.

§ 59.1-551. Sale of certain appliances prohibited.

Except as provided in § 59.1-552, it shall be unlawful for any person to sell or distribute in the Commonwealth, on or after July 1, 2011, any appliance that is not an Energy Star appliance.

§ 59.1-552. Exceptions.

The provisions of § 59.1-551 shall not apply to any appliance of a type that the Board of Agriculture and Consumer Services, by regulation duly adopted, has exempted from the provisions of § 59.1-551. Any such regulation shall be adopted by the Board of Agriculture and Consumer Services only based on a finding that compliance with § 59.1-551 would:

- 1. Create a significant hardship on the residents of the Commonwealth; or*
- 2. Be unreasonable because of the lack of an adequate substitute.*

§ 59.1-553. Administration, enforcement and penalty.

A. The Board of Agriculture and Consumer Services shall adopt regulations to administer and enforce the provisions of this chapter. The Commissioner of Agriculture and Consumer Services or his authorized agent may seize any appliance that is not an Energy Star appliance held for sale or distribution in violation of this chapter. The seized appliances shall be considered forfeited.

B. Any person who knowingly sells or distributes an appliance that is not an Energy Star appliance, in violation of the provisions of this chapter, shall be guilty of a Class 1 misdemeanor.

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