

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5160

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Telecommunications and Utilities Committee reports favorably and with committee amendments Assembly Bill No. 5160.

As amended and reported, this bill sets specific, up-to-date efficiency standards for selected residential and commercial products as adopted by the Commissioner of Community Affairs (commissioner). The bill prohibits the sale, offer for sale, or lease of a new air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial oven, commercial steam cooker, computer, computer monitor, electrical vehicle service equipment, high color rendering index fluorescent lamp, impact-resistant fluorescent lamp, faucet, showerhead, toilet, urinal, portable electric spa, residential ventilating fan, state-regulated general service lamp; spray sprinkler body, urinal, or water cooler in the State unless the new product meets or exceeds the efficiency standards adopted in rules and regulations by the commissioner. The commissioner may require an updated test method when a new test procedure becomes available for a product regulated pursuant to the bill. The commissioner is to identify each product regulated under the bill and is required to allow the use of existing marks, labels, or tags, to denote compliance with the efficiency requirements of the bill, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act."

A manufacturer of a product regulated under the bill is to annually test samples of its products in accordance with the test procedures adopted under the bill, annually certify to the commissioner that the product is in compliance with the provisions of the bill, and identify that each product offered for sale in the State is in compliance with the provisions of the bill by means of a mark, label, or tag on the product and packaging at the time of sale. With prior notice, the commissioner may periodically inspect distributors or retailers of new products regulated under the bill in order to determine compliance with the provisions of the bill.

The commissioner is required investigate complaints received concerning violations of the bill and is required report the results of the investigations to the Attorney General. A manufacturer, distributor, retailer, or person who violates the provisions of the bill, is to be issued a warning by the commissioner for a first violation and is to be subject to a civil penalty of up to \$100 for each subsequent offense. Third and subsequent violations are subject to a civil penalty of not more than \$500 for each offense. Each violation is to constitute a separate offense, and each day that the violation continues is to constitute a separate offense.

If a product regulated under the bill is found not to be in compliance with the minimum efficiency standards established under the bill, the commissioner is required to issue a violation to the manufacturer of the product which will subject the manufacturer to a civil penalty equal to the cost of product purchase and testing. The commissioner will be required to make information available to the Attorney General and the public on products found not to be in compliance with the standards.

A civil penalty imposed pursuant to the bill is to be collected in a summary manner under the "Penalty Enforcement Law of 1999."

COMMITTEE AMENDMENTS:

The committee amended the title of the bill to change the title number of the statutes the bill's provisions are to supplement.