

SENATE No. 1773

The Commonwealth of Massachusetts

SENATE, June 4, 1973.

The committee on Commerce and Labor, to whom was referred the petition (accompanied by bill, Senate, No. 197) of petition (accompanied by bill, Senate, No. 197) of Chester G. Atkins and Ann C. Gannett for legislation to require the posting of certain information relative to the sale of electric appliances, reports the accompanying bill (Senate, No. 1773).

For the Committee,

ALLAN R. McKINNON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT TO REQUIRE THE POSTING OF CERTAIN INFORMATION RELATIVE TO THE SALE OF ELECTRIC APPLIANCES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby
2 amended by inserting after section 313. thereof the following
3 five new sections: —

4 *Section 314.* As used in sections three hundred fifteen
5 through three hundred seventeen, inclusive, unless the con-
6 text otherwise requires, the word “secretary” shall mean the
7 secretary of consumer affairs, the word “director” shall mean
8 the director of the division of standards and the words “class
9 of appliances” shall mean all appliances performing similar
10 functions.

11 *Section 315.* No person shall sell or offer for sale an appli-
12 ance required by the secretary to be labelled under the terms
13 of section three hundred sixteen unless it prominently bears a
14 label complying with all requirements of said section, nor sell
15 or offer an appliance suspended under the terms of section
16 three hundred seventeen.

17 *Section 316.* The secretary may adopt and amend regula-
18 tions designed to save consumers money and to discourage
19 unnecessary use of energy by giving notice to potential pur-
20 chasers of certain appliances of the probable energy cost to
21 operate such appliances. Any regulations adopted or amended
22 under this section shall be subject to hearing under the terms
23 of chapter thirty A.

24 The secretary may by regulation require that each appliance
25 in a class of appliances bear labels, if such appliances are
26 widely used in residences or in small commercial establish-
27 ments, if there are significant differences in energy consump-
28 tion between competing and comparable appliances within a

29 class of appliances, if the choice of the more energy-efficient
30 appliances by purchasers could yield significant monetary
31 savings during the lives of such appliances, and if such choice
32 could yield significant savings of energy. The secretary may
33 require said labels to bear in clear and easily understandable
34 form any or all of the following information: the cost in
35 dollars or units of energy or both of operating the appliance
36 as a typical purchaser might operate it for a year or other
37 period of time; the cost in dollars or units or energy or both
38 of operating the appliance as a typical purchaser might
39 operate it during a reasonable expected useful life; the com-
40 bined cost of purchase and of energy during expected useful
41 life, discounted to present value; a list of such energy costs
42 or combined costs for any or all competing and comparable
43 appliances; a brief prominent statement indicating whether
44 the appliance is generally more or less efficient than competing
45 or comparable appliances; and a description of testing pro-
46 cedures and assumptions used to determine the information
47 on said labels. The secretary may require labelling of all or
48 any groups of competing and comparable appliances within a
49 class of appliances. The secretary may require that advertise-
50 ments or other printed or broadcast matter promoting labelled
51 appliances bear in prominent form any or all information
52 required on its label. The secretary may prescribe the size,
53 color and form of labels.

54 *Section 317.* The secretary may promulgate, by regulation
55 and after hearing, standardized testing and computation
56 procedures to be used to determine the rates of energy con-
57 sumption of appliances in typical operation. The same testing
58 and computation procedures shall apply to each appliance in
59 any group of competing and comparable appliances. The
60 secretary may instruct the director of standards to test
61 appliances in accordance with the standardized testing pro-
62 cedures and to make the results available to persons selling
63 affected appliances to consumers. The secretary may, if the
64 potential monetary and energy conservation benefits from
65 labelling substantially exceed the cost of testing, instruct
66 manufacturers, distributors and importers of affected appli-

67 ances to test such appliances in accordance with the standard-
68 ized testing procedures and to report the results to the direc-
69 tor and to persons selling such appliances to consumers. If a
70 manufacturer, distributor or importer fails to provide such
71 results, or if the results provided are determined by the
72 director to be erroneous, the secretary may order the suspen-
73 sion within no fewer than five days of sales to consumers of
74 the affected appliance. Any aggrieved individual may demand
75 a hearing concerning such an order and such hearing shall be
76 conducted by the secretary within forty-five days of such
77 demand and under the terms of chapter thirty A. The secre-
78 tary shall dissolve an order within fourteen days if a manu-
79 facturer, distributor or importer provides to the director and
80 to persons selling such appliances to consumers correct and
81 complete reports of properly conducted tests. The secretary
82 may, after hearing, adopt the results of energy consumption
83 tests performed by other persons or organizations in lieu
84 requiring tests by the director or manufacturers and im-
85 porters.

86 *Section 318.* Whoever violates any labelling or advertising
87 requirements promulgated under section three hundred sixteen
88 shall be punished for each offense by a fine of not more than
89 twenty-five dollars, if the offense is insubstantial, or by a fine
90 of not more than two hundred dollars, if the offense is sub-
91 stantial. Any manufacturer, distributor or importer who pro-
92 vides false or misleading information under the terms of
93 section three hundred seventeen shall be punished for each
94 offense by a fine of not more than five thousand dollars or
95 imprisonment for not more than one year or both.

1 SECTION 2. Sections 314 and 317 shall take effect on October
2 1, 1973. Sections 315, 316 and 318 shall take effect on January
3 1, 1974. In no event shall the labelling of appliances be re-
4 quired less than three months after the promulgation of
5 standardized testing and computation procedures under the
6 terms of section 317.