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ENGROSSED SUBSTITUTE HOUSE BILL 2711

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State of Washington

63rd Legislature

2014 Regular Session

By House Transportation (originally sponsored by Representatives Habib, Magendanz, Tarleton, Morrell, Bergquist, Freeman, and Muri)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to electric vehicle charging stations; adding new  
2 sections to chapter 46.08 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) The transportation sector is the biggest contributor to  
6 Washington's greenhouse gas emissions and accounts for over forty  
7 percent of such emissions;

8 (b) The development and success of zero emission vehicles will  
9 protect the environment, stimulate economic growth, and improve the  
10 quality of life in the state;

11 (c) The development of infrastructure for open and accessible  
12 public charging stations is necessary to support the use of electric  
13 vehicles;

14 (d) To promote the growth of electric vehicles, consumers need  
15 confidence that they can access a robust network of publicly available  
16 charging stations, regardless of system provider; and

17 (e) Electric vehicle drivers need to be able to find charging  
18 stations and know how much they cost.

1 (2) It is the intent of the legislature to (a) promote a positive  
2 driving experience by assisting in the widespread deployment of  
3 electric vehicles, (b) allow an owner or operator of publicly available  
4 charging spaces to restrict use of or access to those charging spaces  
5 to its customers, and (c) facilitate expanded driver access to electric  
6 vehicle charging stations in public places.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.08 RCW  
8 to read as follows:

9 For the purposes of this section and section 3 of this act, the  
10 following definitions apply:

11 (1) "Battery" means an electrochemical energy storage system  
12 powered directly by electrical current.

13 (2) "Electric vehicle" means a vehicle that uses a plug-in battery  
14 to provide all or part of the motive power of the vehicle, including a  
15 battery electric, plug-in hybrid electric, or plug-in fuel cell  
16 vehicle.

17 (3) "Electric vehicle service equipment" means an electric  
18 component assembly or cluster of component assemblies designed  
19 specifically to charge batteries within electric vehicles by permitting  
20 the transfer of electric energy to a battery or other storage device in  
21 the electric vehicle.

22 (4) "Interoperability billing standards" means the ability for a  
23 member of one electric vehicle charging billing network to use another  
24 billing network.

25 (5) "Network roaming" means the act of a member of one electric  
26 vehicle charging network using his or her billing account information  
27 to gain access to a public charging station that is outside of the  
28 member's billing network.

29 (6) "Public charging station" means one or more publicly available  
30 charging spaces served by electric vehicle service equipment.

31 (7) "Publicly available charging space" means a charging space that  
32 has been designated by the owner or operator of the space to be  
33 available to, and accessible by, the public and may include on-street  
34 charging stations and charging stations in surface lots or parking  
35 garages. "Publicly available charging space" does not include a  
36 charging space that is part of, or associated with, a private  
37 residence, a charging space that is reserved for the exclusive use of

1 an individual driver or vehicle or for a group of drivers or vehicles,  
2 such as employees, tenants, visitors, residents of a common interest  
3 development, or residents of an adjacent building, or a charging space  
4 provided by a producer of electric vehicles as a service.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.08 RCW  
6 to read as follows:

7 (1)(a) The owner or operator of a public charging station may offer  
8 electric vehicle charging to subscribers or members of an electric  
9 vehicle charging network. Users of the station who are not subscribers  
10 or members of the network must be able to access a public charging  
11 station as provided in (b) of this subsection.

12 (b) The owner or operator of a public charging station that  
13 requires users to pay a fee may not require users to pay a subscription  
14 fee to use the station, and may not require users to obtain membership  
15 in any club, association, or organization as a condition of using the  
16 station. The total actual charges for the use of a public charging  
17 station may include additional network roaming charges for nonmembers  
18 or nonsubscribers and must be disclosed to the public at the point of  
19 sale prior to a commitment to pay the charges. A public charging  
20 station that requires the payment of a fee must allow a person desiring  
21 to use the station to pay via a credit card or mobile technology, or  
22 both. Owners and operators of public charging stations should consider  
23 allowing users to pay with cash.

24 (2) The owner or operator of a public charging station is strongly  
25 encouraged to disclose to the national renewable energy laboratory the  
26 public charging station's geographic location, a schedule of fees,  
27 accepted methods of payment, and the amount of network roaming charges  
28 for nonmembers, if any.

29 (3) A public charging station (a) must display the method for  
30 contacting the charging station's operator to obtain immediate access  
31 to charging, and (b) where commercially reasonable and feasible, may be  
32 clearly marked with appropriate directional signage in the parking area  
33 or facility where the public charging station is located.

34 (4)(a) If interoperability standards have not been adopted by a  
35 national standards organization within two years of the effective date  
36 of this section, the department of transportation may adopt

1 interoperability billing standards or other rules that allow for  
2 network roaming payment methods for public charging stations.

3 (b) If the department of transportation adopts standards or rules  
4 under (a) of this subsection, it must consider other governmental or  
5 industry-developed interoperability billing standards and may adopt  
6 interoperability billing standards promulgated by an outside  
7 authoritative body. Any public charging station that requires payment  
8 must meet any standards adopted by the department within one year.

9 (5) This section does not apply to an owner or operator of a  
10 publicly available charging space whose primary business is other than  
11 electric vehicle charging.

12 NEW SECTION. **Sec. 4.** This act does not apply to charging stations  
13 installed before the effective date of this section.

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