

2SSB 5192 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/21/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 19.94.010 and 2019 c 96 s 1 are each amended to
4 read as follows:

5 (1) The definitions in this section apply throughout this chapter
6 and to any rules adopted pursuant to this chapter unless the context
7 clearly requires otherwise.

8 (a) "City" means a first-class city or a code city, as defined in
9 RCW 35A.01.035, with a population of over fifty thousand persons.

10 (b) "City sealer" means the person duly authorized by a city to
11 enforce and administer the weights and measures program within such
12 city and any duly appointed deputy sealer acting under the
13 instructions and at the direction of the city sealer.

14 (c) "Commodity in package form" means a commodity put up or
15 packaged in any manner in advance of sale in units suitable for
16 either wholesale or retail sale, exclusive, however, of an auxiliary
17 shipping container enclosing packages that individually conform to
18 the requirements of this chapter. An individual item or lot of any
19 commodity not in packaged form, but on which there is marked a
20 selling price based on established price per unit of weight or of
21 measure, shall be construed to be a commodity in package form.

22 (d) "Consumer package" or "package of consumer commodity" means a
23 commodity in package form that is customarily produced or distributed
24 for sale through retail sales agencies or instrumentalities for
25 consumption by persons, or used by persons for the purpose of
26 personal care or in the performance of services ordinarily rendered
27 in or about a household or in connection with personal possessions.

28 (e) "Cord" means the measurement of wood intended for fuel or
29 pulp purposes that is contained in a space of one hundred
30 twenty-eight cubic feet, when the wood is ranked and well stowed.

1 (f) "Department" means the department of agriculture of the state
2 of Washington.

3 (g) "Director" means the director of the department or duly
4 authorized representative acting under the instructions and at the
5 direction of the director.

6 (h) "Fish" means any waterbreathing animal, including shellfish,
7 such as, but not limited to, lobster, clam, crab, or other mollusca
8 that is prepared, processed, sold, or intended for sale.

9 (i) "Net weight" means the weight of a commodity excluding any
10 materials, substances, or items not considered to be part of such
11 commodity. Materials, substances, or items not considered to be part
12 of a commodity shall include, but are not limited to, containers,
13 conveyances, bags, wrappers, packaging materials, labels, individual
14 piece coverings, decorative accompaniments, and coupons.

15 (j) "Nonconsumer package" or "package of nonconsumer commodity"
16 means a commodity in package form other than a consumer package and
17 particularly a package designed solely for industrial or
18 institutional use or for wholesale distribution only.

19 (k) "Meat" means and shall include all animal flesh, carcasses,
20 or parts of animals, and shall also include fish, shellfish, game,
21 poultry, and meat food products of every kind and character, whether
22 fresh, frozen, cooked, cured, or processed.

23 (l) "Official seal of approval" means the seal or certificate
24 issued by the director or city sealer which indicates that a
25 secondary weights and measures standard or a weighing or measuring
26 instrument or device conforms with the specifications, tolerances,
27 and other technical requirements adopted in RCW 19.94.190.

28 (m) "Person" means any individual, receiver, administrator,
29 executor, assignee, trustee in bankruptcy, trust, estate, firm,
30 copartnership, joint venture, club, company, business trust,
31 corporation, association, society, or any group of individuals acting
32 as a unit, whether mutual, cooperative, fraternal, nonprofit, or
33 otherwise.

34 (n) "Poultry" means all fowl, domestic or wild, that is prepared,
35 processed, sold, or intended or offered for sale.

36 (o) "Service agent" means a person who for hire, award,
37 commission, or any other payment of any kind, installs, tests,
38 inspects, checks, adjusts, repairs, reconditions, or systematically
39 standardizes the graduations of a weighing or measuring instrument or
40 device.

1 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

2 (q) "Weighing or measuring instrument or device" means any
3 equipment or apparatus used commercially to establish the size,
4 quantity, capacity, count, extent, area, heaviness, or measurement of
5 quantities, things, produce, or articles for distribution or
6 consumption, that are purchased, offered or submitted for sale, hire,
7 or award on the basis of weight, measure or count, including any
8 accessory attached to or used in connection with a weighing or
9 measuring instrument or device when such accessory is so designed or
10 installed that its operation affects, or may effect, the accuracy or
11 indication of the device. This definition shall be strictly limited
12 to those weighing or measuring instruments or devices governed by
13 Handbook 44 as adopted under RCW 19.94.190.

14 (r) "Weight" means net weight as defined in this section.

15 (s) "Weights and measures" means the recognized standards or
16 units of measure used to indicate the size, quantity, capacity,
17 count, extent, area, heaviness, or measurement of any consumable
18 commodity.

19 (t) "Secondary weights and measures standard" means the physical
20 standards that are traceable to the primary standards through
21 comparisons, used by the director, a city sealer, or a service agent
22 that under specified conditions defines or represents a recognized
23 weight or measure during the inspection, adjustment, testing, or
24 systematic standardization of the graduations of any weighing or
25 measuring instrument or device.

26 (u) "Charging session" means an event starting when a user or a
27 vehicle initiates a refueling event and stops when a user or a
28 vehicle ends a refueling event.

29 (v) "Clearly marked" means, at a minimum, a sign, sticker,
30 plaque, or any other visible marker that is readable.

31 (w) "Common interest community" has the same meaning as defined
32 in RCW 64.90.010.

33 (x) "Direct current fast charger" means electric vehicle supply
34 equipment capable of supplying direct current electricity to a
35 vehicle fitted with the appropriate connection to support refueling
36 the vehicle's energy storage battery.

37 (y) "Electric vehicle service provider" means the entity
38 responsible for operating one or more networked or nonnetworked
39 electric vehicle supply equipment. Operating includes, but is not
40 limited to: Sending commands or messages to a networked electric

1 vehicle supply equipment; receiving commands or messages from a
2 networked electric vehicle supply equipment; or providing billing,
3 maintenance, reservations, or other services to a nonnetworked or
4 networked electric vehicle supply equipment. An electric vehicle
5 service provider may designate another entity to act as the electric
6 vehicle service provider for purposes of this chapter. A state
7 agency, an electric utility as defined in RCW 19.405.020, or a
8 municipal corporation as defined in RCW 39.69.010 is considered an
9 electric vehicle service provider when responsible for operating one
10 or more publicly available electric vehicle supply equipment.

11 (z) "Electric vehicle supply equipment" means the unit
12 controlling the power supply to one or more vehicles during a
13 charging session including, but not limited to, level 2 electric
14 vehicle supply equipment and direct current fast chargers.

15 (aa) "Installed" means operational and made available for a
16 charging session.

17 (bb) "Kiosk" means a stand-alone physical unit that allows users
18 to pay for and initiate a charging session at one or more electric
19 vehicle supply equipment located at the same site as the kiosk.

20 (cc) "Level 2 electric vehicle supply equipment" means electric
21 vehicle supply equipment capable of supplying 208 to 240 volt
22 alternating current.

23 (dd) "Networked electric vehicle supply equipment" means electric
24 vehicle supply equipment capable of receiving and sending commands or
25 messages remotely from an electric vehicle service provider,
26 including electric vehicle supply equipment with secondary systems
27 that provide remote communication capabilities that have been
28 installed.

29 (ee) "Nonnetworked electric vehicle supply equipment" means
30 electric vehicle supply equipment incapable of receiving and sending
31 commands or messages remotely from an electric vehicle service
32 provider, including electric vehicle supply equipment with remote
33 communication capabilities that have been disabled.

34 (ff) "Publicly available electric vehicle supply equipment" means
35 electric vehicle supply equipment and associated parking space or
36 spaces designated by a property owner or lessee to be available to,
37 and accessible by, the public.

38 (2) The director shall prescribe by rule other definitions as may
39 be necessary for the implementation of this chapter.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.94
2 RCW to read as follows:

3 (1) In addition to the definition of publicly available electric
4 vehicle supply equipment provided in RCW 19.94.010 and except for the
5 applicable exemptions in section 3 of this act, electric vehicle
6 supply equipment is considered publicly available and is subject to
7 the requirements of this chapter if:

8 (a) A lessee, electric vehicle service provider, or a property
9 owner designates electric vehicle supply equipment to be available
10 only to customers or visitors of a business or charging network;

11 (b) Any member of the public can obtain vehicular access to
12 electric vehicle supply equipment and associated parking spaces for
13 free or through payment of a fee, including electric vehicle supply
14 equipment located in a parking garage or gated facility; or

15 (c) The electric vehicle supply equipment and associated parking
16 spaces are made available to the public for only limited time
17 periods, then the electric vehicle supply equipment and associated
18 parking spaces are considered publicly available electric vehicle
19 supply equipment during those limited time periods only.

20 (2) The director may by rule subject additional types of electric
21 vehicle supply equipment to the requirements of this chapter to
22 benefit the public and provide protections to consumers.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.94
24 RCW to read as follows:

25 (1) Publicly available electric vehicle supply equipment is
26 exempt from compliance with the requirements of sections 4 through 6
27 of this act if:

28 (a) Members of the public may use the electric vehicle supply
29 equipment at no cost, including no charges, fees, memberships,
30 minimum balance on an account, and other cost at all times; and

31 (b) It is clearly marked that the electric vehicle supply
32 equipment is available for use at no cost at all times.

33 (2) Sections 4 through 7 of this act do not apply to:

34 (a) Workplace electric vehicle supply equipment and its
35 associated parking spaces if it is clearly marked and operated as
36 available exclusively to employees or contracted drivers, regardless
37 of the physical accessibility of the electric vehicle supply
38 equipment to the public;

1 (b) Electric vehicle supply equipment and associated parking
2 spaces reserved exclusively for residents, tenants, visitors, or
3 employees of a private residence or common interest community; or a
4 residential building adjacent to a private residence;

5 (c) Level 2 electric vehicle supply equipment located on or near
6 the curb of a residential electric utility customer's property,
7 directly connected to that residential electric utility customer's
8 meter, and intended to serve only that residential electric utility
9 customer;

10 (d) Electric vehicle supply equipment and associated parking
11 spaces provided by a vehicle dealer licensed under chapter 46.70 RCW
12 at its established place of business.

13 (3) The director may by rule provide exemptions from compliance
14 with some or all requirements of this chapter to benefit the public
15 and provide protections to consumers, including electric vehicle
16 supply equipment that is not available or intended for use by the
17 public but where charges, fees, or other costs are required to
18 initiate a charging session.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.94
20 RCW to read as follows:

21 (1) By January 1, 2023, the electric vehicle service provider
22 must ensure all publicly available electric vehicle supply equipment
23 is clearly marked and discloses all charges, fees, and costs
24 associated with a charging session at the point of sale and prior to
25 a user or a vehicle initiating a charging session. At a minimum, the
26 electric vehicle service provider must disclose to the user the
27 following information at the point of sale, if applicable:

28 (a) A fee for use of the parking space;

29 (b) A nonmember plug-in fee from the electric vehicle service
30 provider;

31 (c) Price to refuel in United States dollars per kilowatt-hour or
32 megajoule;

33 (d) Any potential changes in the price to refuel, in United
34 States dollars per kilowatt-hour or megajoule, due to variable
35 pricing; and

36 (e) Any other fees charged for a charging session.

37 (2) If the charging session or portion of a charging session is
38 offered at no cost, it must be disclosed at the location where the

1 charging session is initiated and prior to a user or a vehicle
2 initiating a charging session.

3 (3) For the purpose of this section, "point of sale" means the
4 location where the charging session and associated commercial
5 transaction is initiated including, but not limited to, electric
6 vehicle supply equipment or kiosk used to service that electric
7 vehicle supply equipment.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.94
9 RCW to read as follows:

10 (1) By January 1, 2023, the department, in consultation with the
11 department of commerce and the Washington utilities and
12 transportation commission, must adopt rules requiring all electric
13 vehicle service providers make available multiple payment methods at
14 all publicly available level 2 electric vehicle supply equipment or
15 direct current fast charger electric vehicle supply equipment
16 installed in Washington and may review and, if necessary, amend the
17 rules every two years, to maintain consistency with evolving
18 technology. At a minimum, the rules must include:

19 (a) Deadlines for electric vehicle service provider compliance
20 for publicly available direct current fast charger electric vehicle
21 supply equipment installed prior to a specific date;

22 (b) Deadlines for electric vehicle service provider compliance
23 for publicly available level 2 electric vehicle supply equipment
24 installed prior to a specific date;

25 (c) Deadlines for electric vehicle service provider compliance
26 for publicly available direct current fast charger electric vehicle
27 supply equipment installed on or after a specific date;

28 (d) Deadlines for electric vehicle service provider compliance
29 for publicly available level 2 electric vehicle supply equipment
30 installed on or after a specific date;

31 (e) Minimum required payment methods that are convenient and
32 reasonably support access for all current and future users at
33 publicly available level 2 electric vehicle supply equipment and
34 direct current fast charger electric vehicle supply equipment
35 installed in Washington. Payment methods may include, but are not
36 limited to:

37 (i) A credit card reader device physically located on or in
38 either the electric vehicle supply equipment unit or a kiosk used to
39 service that electric vehicle supply equipment. Contactless credit

1 card reader devices may be used as an option to meet the requirements
2 of this subsection;

3 (ii) A toll-free number on each electric vehicle supply equipment
4 and kiosk used to service that electric vehicle supply equipment that
5 provides the user with the option to initiate a charging session and
6 submit payment at any time that the electric vehicle supply equipment
7 is operational and publicly available;

8 (iii) A mobile payment option used to initiate a charging
9 session;

10 (f) Means for conducting a charging session in languages other
11 than English;

12 (g) Means for facilitating charging sessions for consumers who
13 are unbanked, underbanked, or low-moderate income, such as accepting
14 prepaid cards through a card reader device. Methods established in
15 (e) of this subsection may be used to meet this requirement if they
16 adequately facilitate charging sessions for these consumers.

17 (2) In adopting the rules required under subsection (1) of this
18 section, the department must seek to minimize costs and maximize
19 benefits to the public.

20 (3) The electric vehicle service provider may not require a
21 subscription, membership, or account or a minimum balance on an
22 account in order to initiate a charging session at electric vehicle
23 supply equipment subject to this section.

24 (4) For the purpose of this section, "mobile payment" means an
25 electronic fund transfer initiated through a mobile phone or device.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.94
27 RCW to read as follows:

28 (1) Interoperability standards provide safeguards to consumers
29 and support access to electric vehicle supply equipment. In order for
30 Washington to have reliable, accessible, and competitive markets for
31 electric vehicle supply equipment that are necessary for the movement
32 of goods and people by electric vehicles, interoperability standards
33 that align with national and international best practices or
34 standards are necessary.

35 (2) By January 1, 2023, the department, in consultation with the
36 department of commerce and the Washington utilities and
37 transportation commission, must adopt rules establishing requirements
38 for all electric vehicle service providers to, at a minimum, meet and
39 maintain nonproprietary interoperability standards for publicly

1 available level 2 electric vehicle supply equipment and direct
2 current fast charger electric vehicle supply equipment and may review
3 and, if necessary, amend the rules every two years, to maintain
4 consistency with evolving technology. The requirements shall not
5 provide that any charging provider must purchase or license
6 proprietary technology or software from any other company, and shall
7 not require that companies maintain interoperability agreements with
8 other companies.

9 (3) For the purpose of this section, "interoperability" means the
10 ability of hardware, software, or a communications network provided
11 by one party, vendor, or service provider to interact with or
12 exchange and make use of information, including payment information,
13 between hardware, software, or a communications network provided by a
14 different party, vendor, or service provider.

15 (4) The requirements of this section shall not apply to publicly
16 available electric vehicle supply equipment provided by a
17 manufacturer of electric vehicles for the exclusive use by vehicles
18 it manufactures.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.94
20 RCW to read as follows:

21 (1) This section applies to all electric vehicle service
22 providers operating one or more publicly available level 2 electric
23 vehicle supply equipment or direct current fast charger electric
24 vehicle supply equipment installed in Washington. If an electric
25 vehicle service provider also operates electric vehicle supply
26 equipment that is not available to the public, the requirements of
27 this section apply only to that electric vehicle service provider's
28 publicly available level 2 electric vehicle supply equipment or
29 direct current fast charger electric vehicle supply equipment
30 installed in Washington.

31 (2) By January 1, 2023, electric vehicle service providers must
32 report inventory and payment method information to the national
33 renewable energy laboratory, alternative fuels data center. The
34 information must be reported, at a minimum, annually and must
35 include, but is not limited to:

- 36 (a) Electric vehicle service provider information;
- 37 (b) Electric vehicle supply equipment inventory for both active
38 and retired, decommissioned, or removed electric vehicle supply
39 equipment in Washington;

1 (c) Electric vehicle supply equipment payment method information.
2 (3) The department may adopt additional reporting requirements to
3 support compliance with this act.

4 **Sec. 8.** RCW 19.94.175 and 2019 c 96 s 3 are each amended to read
5 as follows:

6 (1) Pursuant to RCW 19.94.015, the following annual registration
7 fees shall be charged for each weighing or measuring instrument or
8 device used for commercial purposes in this state:

- 9 (a) Weighing devices:
 - 10 (i) Small scales "zero to four
11 hundred pounds capacity" ... \$ 16.00
 - 12 (ii) Intermediate scales "four
13 hundred one pounds to five
14 thousand pounds capacity" .. \$ 60.00
 - 15 (iii) Large scales "over five
16 thousand pounds capacity" .. \$ 120.00
 - 17 (iv) Railroad track scales \$ 1,200.00
- 18 (b) Liquid fuel metering devices:
 - 19 (i) Motor fuel meters with flows
20 of twenty gallons or less per
21 minute \$ 16.00
 - 22 (ii) Motor fuel meters with flows
23 of more than twenty but not
24 more than one hundred fifty
25 gallons per minute \$ 50.00
 - 26 (iii) Motor fuel meters with flows
27 over one hundred fifty gallons
28 per minute \$ 75.00
- 29 (c) Liquid petroleum gas meters:
 - 30 (i) With one inch diameter or
31 smaller dispensers \$ 40.00
 - 32 (ii) With greater than one inch
33 diameter dispensers \$ 80.00
- 34 (d) Fabric meters \$ 15.00
- 35 (e) Cordage meters \$ 15.00
- 36 (f) Mass flow meters \$ 300.00

1	(g) Taxi meters	\$	40.00
2	(h) <u>Level 2 electric vehicle supply</u>		
3	<u>equipment port.....</u>	\$	<u>20.00</u>
4	(i) <u>Direct current fast charger</u>		
5	<u>electric vehicle supply</u>		
6	<u>equipment port.....</u>	\$	<u>40.00</u>

7 (2) Pursuant to RCW 19.94.015, a reasonable registration fee for
8 electric vehicle supply equipment, in addition to the fees
9 established in subsection (1) of this section, may be established
10 through rule making to cover the remaining costs associated with
11 enforcing this chapter on electric vehicle supply equipment. The
12 department may consider differential fees to reduce the potential
13 burden of the registration fee for electric vehicle service providers
14 operating less than 25 publicly available electric vehicle supply
15 equipment in Washington.

16 (3) With the exception of subsection (~~((3))~~) (4) of this section,
17 no person shall be required to pay more than the annual registration
18 fee for any weighing or measuring instrument or device in any one
19 year.

20 (~~((3))~~) (4) The department or a city sealer may establish
21 reasonable inspection and testing fees for each type or class of
22 weighing or measuring instrument or device specially requested to be
23 inspected or tested by the device owner. These inspection and testing
24 fees shall be limited to those amounts necessary for the department
25 or city sealer to cover the direct costs associated with such
26 inspection and testing. The fees shall not be set so as to compete
27 with service agents normally engaged in such services.

28 (~~((4))~~) (5) The weights and measures advisory group within the
29 department must review the fees in subsection (1) of this section and
30 report to stakeholders on the financial status of the program
31 supported by the fees by September 1, 2024, and September 1st every
32 five years thereafter.

33 **Sec. 9.** RCW 19.94.190 and 2019 c 96 s 4 are each amended to read
34 as follows:

35 (1) The director and duly appointed city sealers must enforce the
36 provisions of this chapter.

1 (2) The department's enforcement proceedings under this chapter
2 are subject to the requirement to provide technical assistance in
3 chapter 43.05 RCW and the administrative procedure act, chapter 34.05
4 RCW. City sealers undertaking enforcement actions must provide
5 equivalent procedures.

6 (3) In assessing the amount of a civil penalty, the department or
7 city must give due consideration to the gravity of the violation and
8 history of previous violations.

9 (4) The director must adopt rules for enforcing and carrying out
10 the purposes of this chapter including but not limited to the
11 following:

12 (a) Establishing state standards of weight, measure, or count,
13 and reasonable standards of fill for any commodity in package form;

14 (b) The establishment of technical test procedures to be
15 followed, any necessary report and record forms, and marks of
16 rejection to be used by the director and city sealers in the
17 discharge of their official duties as required by this chapter;

18 (c) The establishment of technical test procedures, reporting
19 procedures, and any necessary record and reporting forms to be used
20 by service agents when testing and inspecting instruments or devices
21 under RCW 19.94.255(3) or when otherwise installing, repairing,
22 inspecting, or standardizing the graduations of any weighing or
23 measuring instruments or devices;

24 (d) The establishment of exemptions from the marking or tagging
25 requirements of RCW 19.94.250 with respect to weighing or measuring
26 instruments or devices of such a character or size that the marking
27 or tagging would be inappropriate, impracticable, or damaging to the
28 apparatus in question;

29 (e) The establishment of exemptions from the inspection and
30 testing requirements of RCW 19.94.163 with respect to classes of
31 weighing or measuring instruments or devices found to be of such a
32 character that periodic inspection and testing is unnecessary to
33 ensure continued accuracy;

34 (f) The establishment of inspection and approval techniques, if
35 any, to be used with respect to classes of weighing or measuring
36 instruments or devices that are designed specifically to be used
37 commercially only once and then discarded, or are uniformly
38 mass-produced by means of a mold or die and are not individually
39 adjustable;

1 (g) The establishment of inspection and testing procedures to be
2 used for classes of weighing or measuring instruments or devices
3 found to be few in number, highly complex, and of such character that
4 differential or special inspection and testing is necessary,
5 including railroad track scales. The department's procedures shall
6 include requirements for the provision, maintenance, and transport of
7 any weight or measure necessary for the inspection and testing at no
8 expense to the state;

9 (h) Specifications, tolerances, and other technical requirements
10 for commercial weighing and measuring instruments or devices that
11 must be consistent with the most recent edition of the national
12 institute of standards and technology handbook 44 except where
13 modified to achieve state objectives; and

14 (i) Packaging, labeling, and method of sale of commodities that
15 must be consistent with the most recent edition of the national
16 institute of standards and technology handbook 44 and 130 (for legal
17 metrology and engine fuel quality) except where modified to achieve
18 state objectives.

19 (5) Rules adopted under this section must also include
20 specifications and tolerances for the acceptable range of accuracy
21 required of weighing or measuring instruments or devices and must be
22 designed to eliminate from use, without prejudice to weighing or
23 measuring instruments or devices that conform as closely as
24 practicable to official specifications and tolerances, those that:
25 (a) Are of such construction that they are faulty, that is, that are
26 not reasonably permanent in their adjustment or will not repeat their
27 indications correctly; or (b) facilitate the perpetration of fraud.

28 (6) Rules adopted by the director related to the sale of
29 electricity sold as a vehicle fuel and electric vehicle fueling
30 systems may take effect no earlier than January 1, 2024, and may be
31 modified to achieve state objectives, reviewed, and, if necessary,
32 amended, to maintain consistency with evolving technology. To ensure
33 existing infrastructure may continue operating without substantial
34 equipment replacement or alteration, electric vehicle supply
35 equipment installed and placed into service before January 1, 2024,
36 is exempt from the rules of this section until January 1, 2034.
37 Electric vehicle supply equipment that is replaced or retrofitted
38 with new hardware after January 1, 2024, must be considered as having
39 been installed and placed into service after January 1, 2024.

1 (a) Exempt electric vehicle supply equipment installed and placed
 2 into service before January 1, 2024, must:
 3 (i) Comply with RCW 19.94.175; and
 4 (ii) Be clearly marked, identifying the date of installation.
 5 (b) For the purpose of this subsection (6), "retrofitted" means a
 6 substantial modification outside of normal wear and tear maintenance.

7 **Sec. 10.** RCW 19.94.517 and 2019 c 96 s 19 are each amended to
 8 read as follows:

9 (1) Whenever the department or a city sealer tests or inspects a
 10 weighing or measuring instrument or device and finds the instrument
 11 or device to be incorrect to the economic benefit of the owner/
 12 operator of the weighing or measuring instrument or device and to the
 13 economic detriment of the customer, the owner of the weighing or
 14 measuring instrument or device is subject to the following civil
 15 penalties:

16 Device deviations outside the tolerances stated in
 17 Handbook 44.

18 Penalty

19 Small weighing or measuring instruments or devices:

20 First violation \$ 200.00
 21 Second or subsequent
 22 violation within one year
 23 of first violation \$ 500.00

24 Medium weighing or measuring instruments or devices:

25 First violation \$ 400.00
 26 Second or subsequent
 27 violation within one year
 28 of first violation \$ 1,000.00

29 Large weighing or measuring instruments or devices:

30 First violation \$ 500.00
 31 Second or subsequent
 32 violation within one year
 33 of first violation \$ 2,000.00

34 Electric vehicle fuel measuring instruments or devices:

35 First violation \$ 200.00

1 Second or subsequent
2 violation within one year
3 of first violation \$ 500.00

4 (2) For the purposes of this section:

5 (a) The following are small weighing or measuring instruments or
6 devices: Scales of zero to four hundred pounds capacity, liquid fuel
7 metering devices with flows of not more than twenty gallons per
8 minute, liquid petroleum gas meters with one inch in diameter or
9 smaller dispensers, fabric meters, cordage meters, and taxi meters.

10 (b) The following are medium weighing or measuring instruments or
11 devices: Scales of four hundred one to five thousand pounds capacity,
12 liquid fuel metering devices with flows of more than twenty but not
13 more than one hundred fifty gallons per minute, and mass flow meters.

14 (c) The following are large weighing or measuring instruments or
15 devices: Liquid petroleum gas meters with greater than one inch
16 diameter dispensers, liquid fuel metering devices with flows over one
17 hundred fifty gallons per minute, and scales of more than five
18 thousand pounds capacity and scales of more than five thousand pounds
19 capacity with supplemental devices.

20 (3) The weighing or measuring instrument or device owner may
21 appeal the civil penalty.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 19.94
23 RCW to read as follows:

24 (1) An electric vehicle service provider that fails to meet the
25 requirements established under sections 4 through 6 of this act, or
26 any rule adopted pursuant to the authority granted to the department
27 under sections 4 through 6 of this act, is subject to a civil penalty
28 of \$200 per electric vehicle supply equipment for the first violation
29 and \$500 per electric vehicle supply equipment for each subsequent
30 violation within one year of the first violation.

31 (2) Moneys collected under this section must first be used to
32 cover the department's costs to enforce this section. Any remaining
33 moneys must be deposited into the electric vehicle account created in
34 RCW 82.44.200.

35 **Sec. 12.** RCW 46.08.185 and 2013 c 60 s 1 are each amended to
36 read as follows:

1 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~
2 ~~station))~~ supply equipment must be indicated by vertical signage
3 identifying the station as ~~((an))~~ publicly available electric vehicle
4 ~~((charging station))~~ supply equipment and indicating that it is only
5 for electric vehicle charging. The signage must be consistent with
6 the manual on uniform traffic control devices, as adopted by the
7 department of transportation under RCW 47.36.030, and contain the
8 information required in section 4 of this act. ~~((Additionally, the~~
9 ~~electric vehicle charging station must be indicated by green pavement~~
10 ~~markings.))~~ Supplementary signage may be posted to provide additional
11 information including, but not limited to, the amount of the monetary
12 penalty under subsection (2) of this section for parking in the
13 station while not connected to the charging equipment.

14 (2) It is a parking infraction, with a monetary penalty of one
15 hundred twenty-four dollars, for any person to park a vehicle in ~~((an~~
16 ~~electric vehicle charging station provided on public or private~~
17 ~~property))~~ a parking space served by publicly available electric
18 vehicle supply equipment if the vehicle is not connected to the
19 charging equipment. The parking infraction must be processed as
20 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and
21 46.20.270 ~~((+3))~~ (2).

22 (3) For purposes of this section, "publicly available electric
23 vehicle ~~((charging station"~~ means a public or private parking space
24 ~~that is served by charging equipment that has as its primary purpose~~
25 ~~the transfer of electric energy to a battery or other energy storage~~
26 ~~device in an electric vehicle))~~ supply equipment" has the same
27 meaning as provided in RCW 19.94.010 and described in sections 2 and
28 3 of this act.

29 NEW SECTION. Sec. 13. A new section is added to chapter 19.94
30 RCW to read as follows:

31 If an electric vehicle service provider sells or intends to sell
32 consumer data collected during or associated with a charging session,
33 the electric vehicle service provider shall disclose all types of
34 data collected to the consumer.

35 NEW SECTION. Sec. 14. Section 13 of this act takes effect only
36 if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is
37 not enacted by June 30, 2021."

1 Correct the title.

EFFECT: Makes the following changes to the Second Substitute Senate Bill:

(1) Removes a reference to standards from the Americans with Disabilities Act from the definition of "clearly marked."

(2) States that certain references to electric vehicle supply equipment pertain to "publicly available" electric vehicle supply equipment.

(3) Amends one of the criteria for electric vehicle supply equipment that is subject to the act, from parking spaces located in a parking garage or gated facility to parking spaces, "including" equipment located in a parking garage or gated facility.

(4) Removes "available for use at no cost" as a criteria for certain exemptions from the act.

(5) Delays the deadline for Department of Agriculture rule making on payment methods and interoperability from July 1, 2022, to January 1, 2023.

(6) Requires that certain electric vehicle supply equipment that is exempt from rules related to the sale of electricity sold as a vehicle fuel be subject to annual registration fees.

(7) Makes other clarifying and technical changes.

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