

SENATE BILL REPORT

SB 5192

As of January 26, 2021

Title: An act relating to supporting access to electric vehicle supply equipment.

Brief Description: Supporting access to electric vehicle supply equipment.

Sponsors: Senators Das, Lovelett, Carlyle, Kuderer, Nguyen and Wilson, C..

Brief History:

Committee Activity: Transportation: 1/26/21.

Brief Summary of Bill

- Creates a regulatory framework for electric vehicle supply equipment (EVSE) that is available to the public for electric vehicle charging.
- Requires the Washington State Department of Agriculture (WSDA) to adopt rules specifying the deadlines for publicly available EVSE to be marked with signs indicating the costs and methods of payment for a charging session.
- Directs WSDA to also adopt rules regarding interoperability standards, electric vehicle fueling systems, the sale of electricity as a vehicle fuel and reporting requirements for electric vehicle service providers that operate publicly available EVSE.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kimberly Johnson (786-7472)

Background: There are currently over 63,000 electric vehicles (EVs) registered in Washington, 46,000 of which are battery electric vehicles powered solely by electric energy stored in batteries which must be re-charged by an external source.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Charging Stations. The most common electric vehicle charging stations for the traveling public are Level 2 and DC fast chargers. Level 2 charging generally uses 240 volt power and can typically provide 10 to 20 miles of range per hour of charge. DC fast charging provides compatible vehicles with an 80 percent charge in 30 to 60 minutes by converting high voltage AC power to DC power for direct storage in EV batteries. According to the U.S. Department of Energy's Alternative Fuels Data Center there are currently 1205 electric vehicle charging stations and 3589 charging ports in Washington, approximately 175 of which are DC fast chargers—614 ports. Ninety-three stations—259 ports—are reported as private.

Charging Station Sign and Markings. Under a state law adopted in 2013, an EV charging station must be identified using vertical signs indicating the station is only for EV charging. The sign must conform to the Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Safety Administration. The MUTCD provides guidance on a variety of traffic control devices to state and local traffic engineers and contains a standard sign for use by governments to indicate the location of an EV charging station. The EV charging station must also be identified by green pavement markings. Supplementary signs are permitted. It is currently a parking infraction, with a monetary penalty of \$124, for any person to park a vehicle in an EV charging station provided on public or private property if the vehicle is not connected to the charging equipment.

Weights and Measure Regulation. The WSDA Weights and Measures Program protects consumer rights and confidence in the marketplace by ensuring the accuracy in commercial transactions through testing and inspecting commercial devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

Summary of Bill: Definition of Publicly Available EVSE. Publicly available EV supply equipment is defined as the EVSE and associated parking space or spaces designated by a property owner to be available to the public. EVSE that meet any of the following criteria are also considered publicly available:

- EVSE designated by the property owner to be available only to customers or visitors of a business;
- EVSE that can be accessed by any member of the public located in a parking garage or gated facility regardless of whether a fee is charged to enter the garage or facility; or
- EVSE made available to the public during limited time periods, are considered publicly available only during those time periods.

WSDA may adopt additional criteria by rule that would make additional types of EVSE publicly available to benefit the public and provide protections to consumers.

Sign Requirements for Publicly Available EVSE. By January 1, 2023, EVSE providers must ensure that all publicly available EVSE are clearly marked with a sign that discloses

all charges, fees, and costs for a charging session at each EVSE kiosk. At a minimum the sign must include information related to:

- a fee for use of the parking space;
- a nonmember plug-in fee from the EVSE;
- price to refuel in US dollars per kilowatt hour or megajoule;
- any changes in price to refuel due to variable pricing;
- any other fees charged for a charging session; and
- disclosure if the charging session, or portion of the session, is offered at no cost.

Methods of Payment. By July 1, 2022, WSDA, with the Utilities and Transportation Commission (UTC) and Department of Commerce (Commerce), must adopt rules requiring all EVSE providers to make multiple payment methods available at all public Level 2 and DC fast chargers. At a minimum the rules must provide:

- deadlines for compliance for Level 2 and DC installed before a specific date;
- deadlines for compliance for Level 2 and DC installed after a specific date; and
- minimum required payment methods that are convenient and reasonably support access for all current and future users.

An EV service provider may not require a subscription, membership, or account to initiate a charging session for publicly available EVSE. If the electric vehicle service provider intends to sell consumer data collected during the charging session, the provider must disclose all types of data collected to the consumer.

Interoperability Standards. By July 1, 2022, the WSDA, in consultation with Commerce and UTC, must adopt rules establishing requirements for all EVSE to at a minimum meet and maintain interoperability standards for Level 2 and DC fast charger EVSE. Interoperability means the ability of hardware, systems, software, or a communications network provided by one service provider to interact with and exchange information, including payment information, between hardware, software, or communication network provided by a different service provider.

Reporting Requirements. By July 1, 2022, the WSDA, in consultation with Commerce and UTC, must adopt rules establishing inventory, payment, and reliability reporting requirements for EVSE providers. The rules at a minimum must include requirements for EVSE providers to collect and submit the following:

- EVSE contact information;
- EVSE model certification for each model operated in Washington;
- EVSE inventory for both active and retired, decommissioned, or removed EVSE in Washington;
- annual reports detailing EVSE payment information; and
- specifications for reporting data to the National Renewable Energy Laboratory alternative fuels data center.

Registration Fee. The WSDA may adopt a reasonable registration fee for EVSE by rule to

cover the costs associated with enforcing the EVSE accessibility rules.

Rules for Sale of Fuel as a Vehicle Fuel. By January 1, 2023, WSDA must adopt rules related to the sale of electricity sold as a vehicle fuel and EV fueling systems consistent with the most recent edition of the *National Institute of Standards and Technology Handbooks*, 130 and 44.

Enforcement and Civil Penalties. When WSDA or a city sealer tests or inspects a weighing or measuring instrument or device and finds it to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument and an economic detriment to the customer, the owner of the device is subject to a civil penalty. For EVSE, the civil penalty is set at \$200 dollars for the first violation, and \$500 dollars for the second or subsequent violation occurring within one year of the first violation.

Appropriation: None.

Fiscal Note: Requested on January 13, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Washingtonians are increasingly purchasing electric vehicles, which is a trend we hope to see continue. The issue now is not everyone has access to affordable charging for their vehicles. This bill creates standards that will create a reliable charging experience and protect consumers. There are so many different apps for different providers and also many fees that are often undisclosed. Standardization will help very much.

Auto dealers offer electric vehicles from over 14 manufacturers. We have installed well over 100 charging stations at our dealerships. The type of charger we install is dictated by the manufacturer, there is no common standard. We only provide the electric charging opportunities as part of the sale and service of electric vehicle purchase, it is not a revenue generating endeavor for us. We would appreciate an exemption for stations that are installed at a dealership to address the unique nature that auto dealers face.

This bill will provide for more reliable and equitable payment methods for all electric vehicle owners. When you go out to a gas station, you know exactly how much you will be charged and how you can pay for the fuel. This is how it should be for electric vehicle refueling too. Also, some people may not have the ability to have a credit card and are therefore cut out of the ability to re-fuel an EV.

The regulatory certainty provided in this bill will dispel range anxiety. The expansion of electric vehicle and charging stations will help support family wage jobs.

To do our part in emission reduction goals, we need a public charging system that is easily accessible and does not need a membership.

CON: We need a few points of flexibility added. We have stations that are already deployed and need something that will work for these stations. Section 5 and 6 gives too much authority to WSDA to mandate specific technology options. It needs to be outcome focused.

OTHER: Avista as part of a pilot project has installed over 450 charging stations in the north west has filed an electrification for transportation plan with the UTC and if approved Avista will likely construct 300 additional charging stations in the coming years. The business case for EV charging is uncertain right now. Adding costs to these efforts at this point in time may prove to be too much.

The long term goal of WSDA is to provide enforcement of the regulations on a fee based cost recovery basis, but there will be a need for some up front program development funds to support the staffing necessary to implement the bill. We are well suited to support the development of the weights and measure standards required under this bill.

We urge the committee to allow existing equipment to operate without substantial and costly changes.

We especially have concerns that the standards adopted in Washington not lead to a patchwork of different standards across the country. The timing set in the bill for the adoptions of certain standards may end up forcing WSDA to adopt standards before national standards which is problematic.

Persons Testifying: PRO: Senator Mona Das, Prime Sponsor; Matt Simerson, citizen; Annabel Drayton, NW Energy Coalition; Miles Muller, Natural Resources Defense Council; Scott Hazlegrove, Washington State Auto Dealers Association; Matthew Hepner, IBEW/ceww; Karen Messmer, Thurston Climate Action Team.

CON: Justin Wilson, ChargePoint.

OTHER: John Rothlin, Avista; Kelly McLain, Washington State Department of Agriculture; Andrew Dick, Electrify America; Jeff Gombosky, Tesla; Erick Karlen, Greenlots.

Persons Signed In To Testify But Not Testifying: No one.