
SUBSTITUTE SENATE BILL 5446

State of Washington

64th Legislature

2015 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Hobbs, Lias, Mullet, Litzow, Pedersen, Fain, Frockt, McAuliffe, Benton, Chase, and Jayapal; by request of Governor Inslee)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to requiring incentives for electric vehicle
2 readiness in buildings; amending RCW 35.63.126, 35.63.127,
3 35A.63.107, 36.70.695, and 36.70A.695; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the development
6 of electric vehicle infrastructure is a critical step in creating
7 jobs, fostering economic growth, reducing greenhouse gas emissions,
8 and spurring electric vehicle usage across the state. Limited driving
9 distance between battery charges is a fundamental disadvantage and
10 obstacle to broad consumer adoption of vehicles powered by
11 electricity. To eliminate this fundamental disadvantage and
12 dramatically increase consumer usage of electric vehicles, it is
13 essential that an infrastructure of convenient electric vehicle
14 charging opportunities be developed. It is the intent of the
15 legislature with this act to encourage the transition to electric
16 vehicle use and to expedite the establishment of a convenient, cost-
17 effective electric vehicle infrastructure that such a transition
18 necessitates.

19 **Sec. 2.** RCW 35.63.126 and 2009 c 459 s 9 are each amended to
20 read as follows:

1 (1) ~~((By July 1, 2010, the development regulations of any~~
2 ~~jurisdiction:~~

3 ~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or~~
4 ~~state route number 520, with a population over twenty thousand, and~~
5 ~~located in a county with a population over one million five hundred~~
6 ~~thousand; or~~

7 ~~(b) Adjacent to Interstate 5 and located in a county with a~~
8 ~~population greater than six hundred thousand; or~~

9 ~~(c) Adjacent to Interstate 5 and located in a county with a state~~
10 ~~capitol within its borders;~~

11 ~~planning under this chapter must allow electric vehicle~~
12 ~~infrastructure as a use in all areas except those zoned for~~
13 ~~residential or resource use or critical areas. A jurisdiction may~~
14 ~~adopt and apply other development regulations that do not have the~~
15 ~~effect of precluding the siting of electric vehicle infrastructure in~~
16 ~~areas where that use is allowed.~~

17 ~~(2) By July 1, 2011, or six months after the distribution~~
18 ~~required under RCW 43.31.970 occurs, whichever is later,))~~ The
19 development regulations of any jurisdiction adjacent to Interstate 5,
20 Interstate 90, Interstate 405, or state route number 520 planning
21 under this chapter must allow noncommercial electric vehicle
22 infrastructure as a use in all areas, including areas zoned for
23 multifamily residences, except those areas zoned for ((residential
24 ~~or~~)) resource use or critical areas. A jurisdiction may adopt and
25 apply other development regulations that do not have the effect of
26 precluding the siting of electric vehicle infrastructure in areas
27 where that use is allowed.

28 ~~((3) By July 1, 2011, or six months after the distribution~~
29 ~~required under RCW 43.31.970 occurs, whichever is later,))~~ (2) The
30 development regulations of any jurisdiction planning under this
31 chapter must allow battery charging stations as a use in all areas,
32 including areas zoned for multifamily residences, except those areas
33 zoned for ((residential or)) resource use or critical areas. A
34 jurisdiction may adopt and apply other development regulations that
35 do not have the effect of precluding the siting of electric vehicle
36 infrastructure in areas where that use is allowed.

37 ~~((4))~~ (3) Cities are authorized to adopt incentive programs to
38 encourage the fitting of new structures and the retrofitting of
39 existing structures with the rapid charging station electrical
40 outlets capable of charging electric vehicles. Incentives may include

1 bonus height, site coverage, floor area ratio, and transferable
2 development rights for use in urban growth areas.

3 ~~((+5))~~ (4) The definitions in this subsection apply throughout
4 this section unless the context clearly requires otherwise.

5 (a) "Battery charging station" means an electrical component
6 assembly or cluster of component assemblies designed specifically to
7 charge batteries within electric vehicles, which meet or exceed any
8 standards, codes, and regulations set forth by chapter 19.28 RCW and
9 consistent with rules adopted under RCW 19.27.540.

10 (b) "Battery exchange station" means a fully automated facility
11 that will enable an electric vehicle with a swappable battery to
12 enter a drive lane and exchange the depleted battery with a fully
13 charged battery through a fully automated process, which meets or
14 exceeds any standards, codes, and regulations set forth by chapter
15 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

16 (c) "Electric vehicle infrastructure" means structures,
17 machinery, and equipment necessary and integral to support an
18 electric vehicle, including battery charging stations, rapid charging
19 stations, and battery exchange stations.

20 (d) "Rapid charging station" means an industrial grade electrical
21 outlet that allows for faster recharging of electric vehicle
22 batteries through higher power levels, which meets or exceeds any
23 standards, codes, and regulations set forth by chapter 19.28 RCW and
24 consistent with rules adopted under RCW 19.27.540.

25 ~~((+6) If federal funding for public investment in electric
26 vehicles, electric vehicle infrastructure, or alternative fuel
27 distribution infrastructure is not provided by February 1, 2010,
28 subsection (1) of this section is null and void.))~~

29 **Sec. 3.** RCW 35.63.127 and 2009 c 459 s 13 are each amended to
30 read as follows:

31 (1) ~~((By July 1, 2010, the development regulations of any
32 jurisdiction with a population over six hundred thousand or with a
33 state capitol within its borders planning under this chapter must
34 allow electric vehicle infrastructure as a use in all areas within
35 one mile of Interstate 5, Interstate 90, Interstate 405, or state
36 route number 520, except those zoned for residential or resource use
37 or critical areas. A jurisdiction may adopt and apply other
38 development regulations that do not have the effect of precluding the~~

1 ~~siting of electric vehicle infrastructure in areas where that use is~~
2 ~~allowed.~~

3 ~~(2) By July 1, 2011, or six months after the distribution~~
4 ~~required under RCW 43.31.970 occurs, whichever is later,))~~ The
5 development regulations of any jurisdiction adjacent to Interstate 5,
6 Interstate 90, Interstate 405, or state route number 520 planning
7 under this chapter must allow noncommercial electric vehicle
8 infrastructure as a use in all areas, including areas zoned for
9 multifamily residences, except those areas zoned for (~~residential~~
10 ~~or~~) resource use or critical areas. A jurisdiction may adopt and
11 apply other development regulations that do not have the effect of
12 precluding the siting of electric vehicle infrastructure in areas
13 where that use is allowed.

14 ~~((3) By July 1, 2011, or six months after the distribution~~
15 ~~required under RCW 43.31.970 occurs, whichever is later,))~~ (2) The
16 development regulations of any jurisdiction planning under this
17 chapter must allow battery charging stations as a use in all areas,
18 including areas zoned for multifamily residences, except those areas
19 zoned for (~~residential~~~~or~~) resource use or critical areas. A
20 jurisdiction may adopt and apply other development regulations that
21 do not have the effect of precluding the siting of electric vehicle
22 infrastructure in areas where that use is allowed.

23 ~~((4))~~ (3) Counties are authorized to adopt incentive programs
24 to encourage the fitting of new structures and the retrofitting of
25 existing structures with the rapid charging station electrical
26 outlets capable of charging electric vehicles. Incentives may include
27 bonus height, site coverage, floor area ratio, and transferable
28 development rights for use in urban growth areas.

29 ~~((5))~~ (4) The definitions in this subsection apply throughout
30 this section unless the context clearly requires otherwise.

31 (a) "Battery charging station" means an electrical component
32 assembly or cluster of component assemblies designed specifically to
33 charge batteries within electric vehicles, which meet or exceed any
34 standards, codes, and regulations set forth by chapter 19.28 RCW and
35 consistent with rules adopted under RCW 19.27.540.

36 (b) "Battery exchange station" means a fully automated facility
37 that will enable an electric vehicle with a swappable battery to
38 enter a drive lane and exchange the depleted battery with a fully
39 charged battery through a fully automated process, which meets or

1 exceeds any standards, codes, and regulations set forth by chapter
2 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

3 (c) "Electric vehicle infrastructure" means structures,
4 machinery, and equipment necessary and integral to support an
5 electric vehicle, including battery charging stations, rapid charging
6 stations, and battery exchange stations.

7 (d) "Rapid charging station" means an industrial grade electrical
8 outlet that allows for faster recharging of electric vehicle
9 batteries through higher power levels, which meets or exceeds any
10 standards, codes, and regulations set forth by chapter 19.28 RCW and
11 consistent with rules adopted under RCW 19.27.540.

12 ~~((6) If federal funding for public investment in electric
13 vehicles, electric vehicle infrastructure, or alternative fuel
14 distribution infrastructure is not provided by February 1, 2010,
15 subsection (1) of this section is null and void.))~~

16 **Sec. 4.** RCW 35A.63.107 and 2009 c 459 s 10 are each amended to
17 read as follows:

18 (1) ~~((By July 1, 2010, the development regulations of any
19 jurisdiction:~~

20 ~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or
21 state route number 520, with a population over twenty thousand, and
22 located in a county with a population over one million five hundred
23 thousand; or~~

24 ~~(b) Adjacent to Interstate 5 and located in a county with a
25 population greater than six hundred thousand; or~~

26 ~~(c) Adjacent to Interstate 5 and located in a county with a state
27 capitol within its borders;~~

28 ~~planning under this chapter must allow electric vehicle
29 infrastructure as a use in all areas except those zoned for
30 residential or resource use or critical areas. A jurisdiction may
31 adopt and apply other development regulations that do not have the
32 effect of precluding the siting of electric vehicle infrastructure in
33 areas where that use is allowed.~~

34 ~~(2) By July 1, 2011, or six months after the distribution
35 required under RCW 43.31.970 occurs, whichever is later,))~~ The
36 development regulations of any jurisdiction adjacent to Interstate 5,
37 Interstate 90, Interstate 405, or state route number 520 planning
38 under this chapter must allow noncommercial electric vehicle
39 infrastructure as a use in all areas, including areas zoned for

1 multifamily residences, except those areas zoned for (~~residential~~
2 ~~or~~) resource use or critical areas. A jurisdiction may adopt and
3 apply other development regulations that do not have the effect of
4 precluding the siting of electric vehicle infrastructure in areas
5 where that use is allowed.

6 (~~(3) By July 1, 2011, or six months after the distribution~~
7 ~~required under RCW 43.31.970 occurs, whichever is later,~~) (2) The
8 development regulations of any jurisdiction planning under this
9 chapter must allow battery charging stations as a use in all areas,
10 including areas zoned for multifamily residences, except those areas
11 zoned for (~~residential~~~~or~~) resource use or critical areas. A
12 jurisdiction may adopt and apply other development regulations that
13 do not have the effect of precluding the siting of electric vehicle
14 infrastructure in areas where that use is allowed.

15 (~~(4)~~) (3) Cities are authorized to adopt incentive programs to
16 encourage the fitting of new structures and the retrofitting of
17 existing structures with the rapid charging station electrical
18 outlets capable of charging electric vehicles. Incentives may include
19 bonus height, site coverage, floor area ratio, and transferable
20 development rights for use in urban growth areas.

21 (~~(5)~~) (4) The definitions in this subsection apply throughout
22 this section unless the context clearly requires otherwise.

23 (a) "Battery charging station" means an electrical component
24 assembly or cluster of component assemblies designed specifically to
25 charge batteries within electric vehicles, which meet or exceed any
26 standards, codes, and regulations set forth by chapter 19.28 RCW and
27 consistent with rules adopted under RCW 19.27.540.

28 (b) "Battery exchange station" means a fully automated facility
29 that will enable an electric vehicle with a swappable battery to
30 enter a drive lane and exchange the depleted battery with a fully
31 charged battery through a fully automated process, which meets or
32 exceeds any standards, codes, and regulations set forth by chapter
33 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

34 (c) "Electric vehicle infrastructure" means structures,
35 machinery, and equipment necessary and integral to support an
36 electric vehicle, including battery charging stations, rapid charging
37 stations, and battery exchange stations.

38 (d) "Rapid charging station" means an industrial grade electrical
39 outlet that allows for faster recharging of electric vehicle
40 batteries through higher power levels, which meets or exceeds any

1 standards, codes, and regulations set forth by chapter 19.28 RCW and
2 consistent with rules adopted under RCW 19.27.540.

3 ~~((6) If federal funding for public investment in electric
4 vehicles, electric vehicle infrastructure, or alternative fuel
5 distribution infrastructure is not provided by February 1, 2010,
6 subsection (1) of this section is null and void.))~~

7 **Sec. 5.** RCW 36.70.695 and 2009 c 459 s 11 are each amended to
8 read as follows:

9 (1) ~~((By July 1, 2010, the development regulations of any
10 jurisdiction with a population over six hundred thousand or with a
11 state capitol within its borders planning under this chapter must
12 allow electric vehicle infrastructure as a use in all areas within
13 one mile of Interstate 5, Interstate 90, Interstate 405, or state
14 route number 520, except those zoned for residential or resource use
15 or critical areas. A jurisdiction may adopt and apply other
16 development regulations that do not have the effect of precluding the
17 siting of electric vehicle infrastructure in areas where that use is
18 allowed.~~

19 ~~(2) By July 1, 2011, or six months after the distribution
20 required under RCW 43.31.970 occurs, whichever is later,))~~ The
21 development regulations of any jurisdiction planning under this
22 chapter must allow noncommercial electric vehicle infrastructure as a
23 use in all areas, including areas zoned for multifamily residences,
24 within one mile of Interstate 5, Interstate 90, Interstate 405, or
25 state route number 520, except those areas zoned for ~~((residential
26 or))~~ resource use or critical areas. A jurisdiction may adopt and
27 apply other development regulations that do not have the effect of
28 precluding the siting of electric vehicle infrastructure in areas
29 where that use is allowed.

30 ~~((3) By July 1, 2011, or six months after the distribution
31 required under RCW 43.31.970 occurs, whichever is later,))~~ (2) The
32 development regulations of any jurisdiction planning under this
33 chapter must allow battery charging stations as a use in all areas,
34 including areas zoned for multifamily residences, except those areas
35 zoned for ~~((residential or))~~ resource use or critical areas. A
36 jurisdiction may adopt and apply other development regulations that
37 do not have the effect of precluding the siting of electric vehicle
38 infrastructure in areas where that use is allowed.

1 ~~((4))~~ (3) Counties are authorized to adopt incentive programs
2 to encourage the fitting of new structures and the retrofitting of
3 existing structures with the rapid charging station electrical
4 outlets capable of charging electric vehicles. Incentives may include
5 bonus height, site coverage, floor area ratio, and transferable
6 development rights for use in urban growth areas.

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9 (a) "Battery charging station" means an electrical component
10 assembly or cluster of component assemblies designed specifically to
11 charge batteries within electric vehicles, which meet or exceed any
12 standards, codes, and regulations set forth by chapter 19.28 RCW and
13 consistent with rules adopted under RCW 19.27.540.

14 (b) "Battery exchange station" means a fully automated facility
15 that will enable an electric vehicle with a swappable battery to
16 enter a drive lane and exchange the depleted battery with a fully
17 charged battery through a fully automated process, which meets or
18 exceeds any standards, codes, and regulations set forth by chapter
19 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

20 (c) "Electric vehicle infrastructure" means structures,
21 machinery, and equipment necessary and integral to support an
22 electric vehicle, including battery charging stations, rapid charging
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24 (d) "Rapid charging station" means an industrial grade electrical
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26 batteries through higher power levels, which meets or exceeds any
27 standards, codes, and regulations set forth by chapter 19.28 RCW and
28 consistent with rules adopted under RCW 19.27.540.

29 ~~((6) If federal funding for public investment in electric
30 vehicles, electric vehicle infrastructure, or alternative fuel
31 distribution infrastructure is not provided by February 1, 2010,
32 subsection (1) of this section is null and void.))~~

33 **Sec. 6.** RCW 36.70A.695 and 2009 c 459 s 12 are each amended to
34 read as follows:

35 (1) ~~((By July 1, 2010, the development regulations of any
36 jurisdiction:~~

37 ~~(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or
38 state route number 520, with a population over twenty thousand, and~~

1 ~~located in a county with a population over one million five hundred~~
2 ~~thousand; or~~

3 ~~(b) Adjacent to Interstate 5 and located in a county with a~~
4 ~~population greater than six hundred thousand; or~~

5 ~~(c) Adjacent to Interstate 5 and located in a county with a state~~
6 ~~capitol within its borders;~~

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11 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

12 (c) "Electric vehicle infrastructure" means structures,
13 machinery, and equipment necessary and integral to support an
14 electric vehicle, including battery charging stations, rapid charging
15 stations, and battery exchange stations.

16 (d) "Rapid charging station" means an industrial grade electrical
17 outlet that allows for faster recharging of electric vehicle
18 batteries through higher power levels, which meets or exceeds any
19 standards, codes, and regulations set forth by chapter 19.28 RCW and
20 consistent with rules adopted under RCW 19.27.540.

21 ~~((6) If federal funding for public investment in electric
22 vehicles, electric vehicle infrastructure, or alternative fuel
23 distribution infrastructure is not provided by February 1, 2010,
24 subsection (1) of this section is null and void.))~~

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