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**SECOND SUBSTITUTE SENATE BILL 5192**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.)

READ FIRST TIME 03/19/21.

1 AN ACT Relating to supporting access to electric vehicle supply  
2 equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517,  
3 and 46.08.185; adding new sections to chapter 19.94 RCW; prescribing  
4 penalties; and providing a contingent effective date.

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

6 **Sec. 1.** RCW 19.94.010 and 2019 c 96 s 1 are each amended to read  
7 as follows:

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

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

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

17 (c) "Commodity in package form" means a commodity put up or  
18 packaged in any manner in advance of sale in units suitable for  
19 either wholesale or retail sale, exclusive, however, of an auxiliary  
20 shipping container enclosing packages that individually conform to  
21 the requirements of this chapter. An individual item or lot of any

1 commodity not in packaged form, but on which there is marked a  
2 selling price based on established price per unit of weight or of  
3 measure, shall be construed to be a commodity in package form.

4 (d) "Consumer package" or "package of consumer commodity" means a  
5 commodity in package form that is customarily produced or distributed  
6 for sale through retail sales agencies or instrumentalities for  
7 consumption by persons, or used by persons for the purpose of  
8 personal care or in the performance of services ordinarily rendered  
9 in or about a household or in connection with personal possessions.

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

13 (f) "Department" means the department of agriculture of the state  
14 of Washington.

15 (g) "Director" means the director of the department or duly  
16 authorized representative acting under the instructions and at the  
17 direction of the director.

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

21 (i) "Net weight" means the weight of a commodity excluding any  
22 materials, substances, or items not considered to be part of such  
23 commodity. Materials, substances, or items not considered to be part  
24 of a commodity shall include, but are not limited to, containers,  
25 conveyances, bags, wrappers, packaging materials, labels, individual  
26 piece coverings, decorative accompaniments, and coupons.

27 (j) "Nonconsumer package" or "package of nonconsumer commodity"  
28 means a commodity in package form other than a consumer package and  
29 particularly a package designed solely for industrial or  
30 institutional use or for wholesale distribution only.

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

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

1 (m) "Person" means any individual, receiver, administrator,  
2 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
3 copartnership, joint venture, club, company, business trust,  
4 corporation, association, society, or any group of individuals acting  
5 as a unit, whether mutual, cooperative, fraternal, nonprofit, or  
6 otherwise.

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

9 (o) "Service agent" means a person who for hire, award,  
10 commission, or any other payment of any kind, installs, tests,  
11 inspects, checks, adjusts, repairs, reconditions, or systematically  
12 standardizes the graduations of a weighing or measuring instrument or  
13 device.

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

15 (q) "Weighing or measuring instrument or device" means any  
16 equipment or apparatus used commercially to establish the size,  
17 quantity, capacity, count, extent, area, heaviness, or measurement of  
18 quantities, things, produce, or articles for distribution or  
19 consumption, that are purchased, offered or submitted for sale, hire,  
20 or award on the basis of weight, measure or count, including any  
21 accessory attached to or used in connection with a weighing or  
22 measuring instrument or device when such accessory is so designed or  
23 installed that its operation affects, or may effect, the accuracy or  
24 indication of the device. This definition shall be strictly limited  
25 to those weighing or measuring instruments or devices governed by  
26 Handbook 44 as adopted under RCW 19.94.190.

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

28 (s) "Weights and measures" means the recognized standards or  
29 units of measure used to indicate the size, quantity, capacity,  
30 count, extent, area, heaviness, or measurement of any consumable  
31 commodity.

32 (t) "Secondary weights and measures standard" means the physical  
33 standards that are traceable to the primary standards through  
34 comparisons, used by the director, a city sealer, or a service agent  
35 that under specified conditions defines or represents a recognized  
36 weight or measure during the inspection, adjustment, testing, or  
37 systematic standardization of the graduations of any weighing or  
38 measuring instrument or device.

1       (u) "Charging session" means an event starting when a user or a  
2 vehicle initiates a refueling event and stops when a user or a  
3 vehicle ends a refueling event.

4       (v) "Clearly marked" means, at a minimum, a sign, sticker,  
5 plaque, or any other visible marker that is readable, which may  
6 include standards from the Americans with disabilities act of 1990,  
7 2010 standards for accessible design.

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

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

14       (y) "Electric vehicle service provider" means the entity  
15 responsible for operating one or more networked or nonnetworked  
16 electric vehicle supply equipment. Operating includes, but is not  
17 limited to: Sending commands or messages to a networked electric  
18 vehicle supply equipment; receiving commands or messages from a  
19 networked electric vehicle supply equipment; or providing billing,  
20 maintenance, reservations, or other services to a nonnetworked or  
21 networked electric vehicle supply equipment. An electric vehicle  
22 service provider may designate another entity to act as the electric  
23 vehicle service provider for purposes of this chapter. A state  
24 agency, an electric utility as defined in RCW 19.405.020, or a  
25 municipal corporation as defined in RCW 39.69.010 is considered an  
26 electric vehicle service provider when responsible for operating one  
27 or more networked or nonnetworked electric vehicle supply equipment.

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

32       (aa) "Installed" means operational and made available for a  
33 charging session.

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

37       (cc) "Level 2 electric vehicle supply equipment" means electric  
38 vehicle supply equipment capable of supplying 208 to 240 volt  
39 alternating current.

1        (dd) "Networked electric vehicle supply equipment" means electric  
2 vehicle supply equipment capable of receiving and sending commands or  
3 messages remotely from an electric vehicle service provider.

4        (ee) "Nonnetworked electric vehicle supply equipment" means  
5 electric vehicle supply equipment incapable of receiving and sending  
6 commands or messages remotely from an electric vehicle service  
7 provider, including electric vehicle supply equipment with remote  
8 communication capabilities that have been disabled or electric  
9 vehicle supply equipment with secondary systems that provide remote  
10 communication capabilities that have been installed.

11        (ff) "Publicly available electric vehicle supply equipment" means  
12 electric vehicle supply equipment and associated parking space or  
13 spaces designated by a property owner or lessee to be available to,  
14 and accessible by, the public.

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

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

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

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

27        (b) Any member of the public can obtain vehicular access to  
28 electric vehicle supply equipment and associated parking spaces  
29 located in a parking garage or gated facility for free or through  
30 payment of a fee; or

31        (c) The electric vehicle supply equipment and associated parking  
32 spaces are made available to the public for only limited time  
33 periods, then the electric vehicle supply equipment and associated  
34 parking spaces are considered publicly available electric vehicle  
35 supply equipment during those limited time periods only.

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

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

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

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

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

11        (2)    This chapter does not apply to:

12        (a)    Workplace electric vehicle supply equipment and its  
13   associated parking spaces if it is clearly marked and operated as  
14   available exclusively to employees or contracted drivers, regardless  
15   of the physical accessibility of the electric vehicle supply  
16   equipment to the public, and that is available for use at no cost;

17        (b)    Electric vehicle supply equipment and associated parking  
18   spaces reserved exclusively and available for use at no cost for  
19   residents, tenants, visitors, or employees of a private residence or  
20   common interest community; or a residential building adjacent to a  
21   private residence;

22        (c)    Level 2 electric vehicle supply equipment located on or near  
23   the curb of a residential electric utility customer's property,  
24   directly connected to that residential electric utility customer's  
25   meter, and intended to serve only that residential electric utility  
26   customer;

27        (d)    Electric vehicle supply and associated parking spaces  
28   provided by a vehicle dealer licensed under chapter 46.70 RCW at its  
29   established place of business.

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

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

38        (1)    By January 1, 2023, the electric vehicle service provider  
39   must ensure all publicly available electric vehicle supply equipment

1 is clearly marked and discloses all charges, fees, and costs  
2 associated with a charging session at the point of sale and prior to  
3 a user or a vehicle initiating a charging session. At a minimum, the  
4 electric vehicle service provider must disclose to the user the  
5 following information at the point of sale, if applicable:

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

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

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

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

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

15 (2) If the charging session or portion of a charging session is  
16 offered at no cost, it must be disclosed at the location where the  
17 charging session is initiated and prior to a user or a vehicle  
18 initiating a charging session.

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

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

26 (1) By July 1, 2022, the department, in consultation with the  
27 department of commerce and the Washington utilities and  
28 transportation commission, must adopt rules requiring all electric  
29 vehicle service providers make available multiple payment methods at  
30 all publicly available level 2 electric vehicle supply equipment or  
31 direct current fast charger electric vehicle supply equipment  
32 installed in Washington and may review and, if necessary, amend the  
33 rules every two years, to maintain consistency with evolving  
34 technology. At a minimum, the rules must include:

35 (a) Deadlines for electric vehicle service provider compliance  
36 for publicly available level 2 electric vehicle supply equipment and  
37 direct current fast charger electric vehicle supply equipment  
38 installed prior to a specific date;

1 (b) Deadlines for electric vehicle service provider compliance  
2 for publicly available level 2 electric vehicle supply equipment and  
3 direct current fast charger electric vehicle supply equipment  
4 installed on or after a specific date;

5 (c) Minimum required payment methods that are convenient and  
6 reasonably support access for all current and future users at  
7 publicly available level 2 electric vehicle supply equipment or  
8 direct current fast charger electric vehicle supply equipment  
9 installed in Washington. Payment methods may include, but are not  
10 limited to:

11 (i) A credit card reader device physically located on either the  
12 electric vehicle supply equipment unit or a kiosk used to service  
13 that electric vehicle supply equipment;

14 (ii) A toll-free number on each electric vehicle supply equipment  
15 and kiosk used to service that electric vehicle supply equipment that  
16 provides the user with the option to initiate a charging session and  
17 submit payment at any time that the electric vehicle supply equipment  
18 is operational and publicly available;

19 (iii) A mobile payment option used to initiate a charging  
20 session;

21 (d) Means for conducting a charging session in languages other  
22 than English;

23 (e) Means for facilitating charging sessions for consumers who  
24 are unbanked, underbanked, or low-moderate income, such as accepting  
25 prepaid cards through a card reader device.

26 (2) The electric vehicle service provider may not require a  
27 subscription, membership, or account or a minimum balance on an  
28 account in order to initiate a charging session at electric vehicle  
29 supply equipment subject to this section.

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

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

34 (1) Interoperability standards provide safeguards to consumers  
35 and support access to electric vehicle supply equipment. In order for  
36 Washington to have reliable, accessible, and competitive markets for  
37 electric vehicle supply equipment that are necessary for the movement  
38 of goods and people by electric vehicles, interoperability standards



1 that align with national and international best practices or  
2 standards are necessary.

3 (2) By July 1, 2022, the department, in consultation with the  
4 department of commerce and the Washington utilities and  
5 transportation commission, must adopt rules establishing requirements  
6 for all electric vehicle service providers to, at a minimum, meet and  
7 maintain nonproprietary interoperability standards for publicly  
8 available level 2 electric vehicle supply equipment and direct  
9 current fast charger electric vehicle supply equipment and may review  
10 and, if necessary, amend the rules every two years, to maintain  
11 consistency with evolving technology. The requirements shall not  
12 provide that any charging provider must purchase or license  
13 proprietary technology or software from any other company, and shall  
14 not require that companies maintain interoperability agreements with  
15 other companies.

16 (3) For the purpose of this section, "interoperability" means the  
17 ability of hardware, software, or a communications network provided  
18 by one party, vendor, or service provider to interact with or  
19 exchange and make use of information, including payment information,  
20 between hardware, software, or a communications network provided by a  
21 different party, vendor, or service provider.

22 (4) The requirements of this section shall not apply to publicly  
23 available electric vehicle supply equipment provided by a  
24 manufacturer of electric vehicles for the exclusive use by vehicles  
25 it manufactures.

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

28 (1) This section applies to all electric vehicle service  
29 providers operating one or more publicly available level 2 electric  
30 vehicle supply equipment or direct current fast charger electric  
31 vehicle supply equipment installed in Washington. If an electric  
32 vehicle service provider also operates electric vehicle supply  
33 equipment that is not available to the public, the requirements of  
34 this section apply only to that electric vehicle service provider's  
35 publicly available level 2 electric vehicle supply equipment or  
36 direct current fast charger electric vehicle supply equipment  
37 installed in Washington.

38 (2) By January 1, 2023, electric vehicle service providers must  
39 report inventory and payment method information to the national

1 renewable energy laboratory, alternative fuels data center. The  
2 information must be reported, at a minimum, annually and must  
3 include, but is not limited to:

- 4 (a) Electric vehicle service provider information;
- 5 (b) Electric vehicle supply equipment inventory for both active  
6 and retired, decommissioned, or removed electric vehicle supply  
7 equipment in Washington;
- 8 (c) Electric vehicle supply equipment payment method information.

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

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

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



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

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

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

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

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

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

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

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

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

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

38       (f) The establishment of inspection and approval techniques, if  
39 any, to be used with respect to classes of weighing or measuring  
40 instruments or devices that are designed specifically to be used

1 commercially only once and then discarded, or are uniformly  
2 mass-produced by means of a mold or die and are not individually  
3 adjustable;

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

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

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

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

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

1 or retrofitted with new hardware after January 1, 2024, must be  
2 considered as having been installed and placed into service after  
3 January 1, 2024.

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

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

13 Device deviations outside the tolerances stated in  
14 Handbook 44.

15 Penalty

16 Small weighing or measuring instruments or devices:

17 First violation . . . . . \$ 200.00

18 Second or subsequent  
19 violation within one year  
20 of first violation . . . . . \$ 500.00

21 Medium weighing or measuring instruments or devices:

22 First violation . . . . . \$ 400.00

23 Second or subsequent  
24 violation within one year  
25 of first violation . . . . . \$ 1,000.00

26 Large weighing or measuring instruments or devices:

27 First violation . . . . . \$ 500.00

28 Second or subsequent  
29 violation within one year  
30 of first violation . . . . . \$ 2,000.00

31 Electric vehicle fuel measuring instruments or devices:

32 First violation . . . . . \$ 200.00

33 Second or subsequent  
34 violation within one year  
35 of first violation . . . . . \$ 500.00

36 (2) For the purposes of this section:

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

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

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

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

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

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

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

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

33 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~  
34 ~~station))~~ supply equipment must be indicated by vertical signage  
35 identifying the station as ~~((an))~~ publicly available electric vehicle  
36 ~~((charging station))~~ supply equipment and indicating that it is only  
37 for electric vehicle charging. The signage must be consistent with  
38 the manual on uniform traffic control devices, as adopted by the

1 department of transportation under RCW 47.36.030, and contain the  
2 information required in section 4 of this act. (~~Additionally, the~~  
3 ~~electric vehicle charging station must be indicated by green pavement~~  
4 ~~markings.~~) Supplementary signage may be posted to provide additional  
5 information including, but not limited to, the amount of the monetary  
6 penalty under subsection (2) of this section for parking in the  
7 station while not connected to the charging equipment.

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

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

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

25 If an electric vehicle service provider sells or intends to sell  
26 consumer data collected during or associated with a charging session,  
27 the electric vehicle service provider shall disclose all types of  
28 data collected to the consumer.

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

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