

2SSB 5192 - S AMD 532

By Senator Liias

NOT ADOPTED 04/06/2021

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.

31 (f) "Department" means the department of agriculture of the state  
32 of Washington.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (v) "Clearly marked" means, at a minimum, a sign, sticker,  
29 plaque, or any other visible marker that is readable, which may  
30 include standards from the Americans with disabilities act of 1990,  
31 2010 standards for accessible design.

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

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

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

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

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

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

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

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

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

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

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  
13 located in a parking garage or gated facility for free or through  
14 payment of a fee; 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) This chapter does 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, and that is available for use at no cost;

1 (b) Electric vehicle supply equipment and associated parking  
2 spaces reserved exclusively and available for use at no cost for  
3 residents, tenants, visitors, or employees of a private residence or  
4 common interest community; or a residential building adjacent to a  
5 private residence;

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

11 (d) Electric vehicle supply equipment and associated parking  
12 spaces provided by a vehicle dealer licensed under chapter 46.70 RCW  
13 at its established place of business that meets the requirements of  
14 subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

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

12 (1) By July 1, 2022, the department, in consultation with the  
13 department of commerce and the Washington utilities and  
14 transportation commission, must adopt rules requiring all electric  
15 vehicle service providers make available multiple payment methods at  
16 all publicly available level 2 electric vehicle supply equipment or  
17 direct current fast charger electric vehicle supply equipment  
18 installed in Washington and may review and, if necessary, amend the  
19 rules every two years, to maintain consistency with evolving  
20 technology. At a minimum, the rules must include:

21 (a) Deadlines for electric vehicle service provider compliance  
22 for publicly available level 2 electric vehicle supply equipment and  
23 direct current fast charger electric vehicle supply equipment  
24 installed prior to a specific date;

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

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

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

38 (ii) A toll-free number on each electric vehicle supply equipment  
39 and kiosk used to service that electric vehicle supply equipment that

1 provides the user with the option to initiate a charging session and  
2 submit payment at any time that the electric vehicle supply equipment  
3 is operational and publicly available;

4 (iii) A mobile payment option used to initiate a charging  
5 session;

6 (d) Means for conducting a charging session in languages other  
7 than English;

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

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

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

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

19 (1) Interoperability standards provide safeguards to consumers  
20 and support access to electric vehicle supply equipment. In order for  
21 Washington to have reliable, accessible, and competitive markets for  
22 electric vehicle supply equipment that are necessary for the movement  
23 of goods and people by electric vehicles, interoperability standards  
24 that align with national and international best practices or  
25 standards are necessary.

26 (2) 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 establishing requirements  
29 for all electric vehicle service providers to, at a minimum, meet and  
30 maintain nonproprietary interoperability standards for publicly  
31 available level 2 electric vehicle supply equipment and direct  
32 current fast charger electric vehicle supply equipment and may review  
33 and, if necessary, amend the rules every two years, to maintain  
34 consistency with evolving technology. The requirements shall not  
35 provide that any charging provider must purchase or license  
36 proprietary technology or software from any other company, and shall  
37 not require that companies maintain interoperability agreements with  
38 other companies.



1 (3) For the purpose of this section, "interoperability" means the  
2 ability of hardware, software, or a communications network provided  
3 by one party, vendor, or service provider to interact with or  
4 exchange and make use of information, including payment information,  
5 between hardware, software, or a communications network provided by a  
6 different party, vendor, or service provider.

7 (4) The requirements of this section shall not apply to publicly  
8 available electric vehicle supply equipment provided by a  
9 manufacturer of electric vehicles for the exclusive use by vehicles  
10 it manufactures.

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

13 (1) This section applies to all electric vehicle service  
14 providers operating one or more publicly available level 2 electric  
15 vehicle supply equipment or direct current fast charger electric  
16 vehicle supply equipment installed in Washington. If an electric  
17 vehicle service provider also operates electric vehicle supply  
18 equipment that is not available to the public, the requirements of  
19 this section apply only to that electric vehicle service provider's  
20 publicly available level 2 electric vehicle supply equipment or  
21 direct current fast charger electric vehicle supply equipment  
22 installed in Washington.

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

28 (a) Electric vehicle service provider information;

29 (b) Electric vehicle supply equipment inventory for both active  
30 and retired, decommissioned, or removed electric vehicle supply  
31 equipment in Washington;

32 (c) Electric vehicle supply equipment payment method information.

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

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

1	(a) Weighing devices:		
2	(i) Small scales "zero to four		
3	hundred pounds capacity" . . .	\$	16.00
4	(ii) Intermediate scales "four		
5	hundred one pounds to five		
6	thousand pounds capacity" . .	\$	60.00
7	(iii) Large scales "over five		
8	thousand pounds capacity" . .	\$	120.00
9	(iv) Railroad track scales . . . . .	\$	1,200.00
10	(b) Liquid fuel metering devices:		
11	(i) Motor fuel meters with flows		
12	of twenty gallons or less per		
13	minute . . . . .	\$	16.00
14	(ii) Motor fuel meters with flows		
15	of more than twenty but not		
16	more than one hundred fifty		
17	gallons per minute . . . . .	\$	50.00
18	(iii) Motor fuel meters with flows		
19	over one hundred fifty gallons		
20	per minute . . . . .	\$	75.00
21	(c) Liquid petroleum gas meters:		
22	(i) With one inch diameter or		
23	smaller dispensers . . . . .	\$	40.00
24	(ii) With greater than one inch		
25	diameter dispensers . . . . .	\$	80.00
26	(d) Fabric meters . . . . .	\$	15.00
27	(e) Cordage meters . . . . .	\$	15.00
28	(f) Mass flow meters . . . . .	\$	300.00
29	(g) Taxi meters . . . . .	\$	40.00
30	(h) <u>Level 2 electric vehicle supply</u>		
31	<u>equipment port . . . . .</u>	\$	<u>20.00</u>
32	(i) <u>Direct current fast charger</u>		
33	<u>electric vehicle supply</u>		
34	<u>equipment port . . . . .</u>	\$	<u>40.00</u>

35       (2) Pursuant to RCW 19.94.015, a reasonable registration fee for  
36 electric vehicle supply equipment, in addition to the fees  
37 established in subsection (1) of this section, may be established

1 through rule making to cover the remaining costs associated with  
2 enforcing this chapter on electric vehicle supply equipment. The  
3 department may consider differential fees to reduce the potential  
4 burden of the registration fee for electric vehicle service providers  
5 operating less than 25 publicly available electric vehicle supply  
6 equipment in Washington.

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

11 (~~(3)~~) (4) The department or a city sealer may establish  
12 reasonable inspection and testing fees for each type or class of  
13 weighing or measuring instrument or device specially requested to be  
14 inspected or tested by the device owner. These inspection and testing  
15 fees shall be limited to those amounts necessary for the department  
16 or city sealer to cover the direct costs associated with such  
17 inspection and testing. The fees shall not be set so as to compete  
18 with service agents normally engaged in such services.

19 (~~(4)~~) (5) The weights and measures advisory group within the  
20 department must review the fees in subsection (1) of this section and  
21 report to stakeholders on the financial status of the program  
22 supported by the fees by September 1, 2024, and September 1st every  
23 five years thereafter.

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

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

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

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

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

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

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

7 (c) The establishment of technical test procedures, reporting  
8 procedures, and any necessary record and reporting forms to be used  
9 by service agents when testing and inspecting instruments or devices  
10 under RCW 19.94.255(3) or when otherwise installing, repairing,  
11 inspecting, or standardizing the graduations of any weighing or  
12 measuring instruments or devices;

13 (d) The establishment of exemptions from the marking or tagging  
14 requirements of RCW 19.94.250 with respect to weighing or measuring  
15 instruments or devices of such a character or size that the marking  
16 or tagging would be inappropriate, impracticable, or damaging to the  
17 apparatus in question;

18 (e) The establishment of exemptions from the inspection and  
19 testing requirements of RCW 19.94.163 with respect to classes of  
20 weighing or measuring instruments or devices found to be of such a  
21 character that periodic inspection and testing is unnecessary to  
22 ensure continued accuracy;

23 (f) The establishment of inspection and approval techniques, if  
24 any, to be used with respect to classes of weighing or measuring  
25 instruments or devices that are designed specifically to be used  
26 commercially only once and then discarded, or are uniformly  
27 mass-produced by means of a mold or die and are not individually  
28 adjustable;

29 (g) The establishment of inspection and testing procedures to be  
30 used for classes of weighing or measuring instruments or devices  
31 found to be few in number, highly complex, and of such character that  
32 differential or special inspection and testing is necessary,  
33 including railroad track scales. The department's procedures shall  
34 include requirements for the provision, maintenance, and transport of  
35 any weight or measure necessary for the inspection and testing at no  
36 expense to the state;

37 (h) Specifications, tolerances, and other technical requirements  
38 for commercial weighing and measuring instruments or devices that  
39 must be consistent with the most recent edition of the national

1 institute of standards and technology handbook 44 except where  
2 modified to achieve state objectives; and

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

8 (5) Rules adopted under this section must also include  
9 specifications and tolerances for the acceptable range of accuracy  
10 required of weighing or measuring instruments or devices and must be  
11 designed to eliminate from use, without prejudice to weighing or  
12 measuring instruments or devices that conform as closely as  
13 practicable to official specifications and tolerances, those that:  
14 (a) Are of such construction that they are faulty, that is, that are  
15 not reasonably permanent in their adjustment or will not repeat their  
16 indications correctly; or (b) facilitate the perpetration of fraud.

17 (6) Rules adopted by the director related to the sale of  
18 electricity sold as a vehicle fuel and electric vehicle fueling  
19 systems may be modified to achieve state objectives, reviewed, and,  
20 if necessary, amended, to maintain consistency with evolving  
21 technology. These rules may take effect no earlier than January 1,  
22 2024. To ensure existing infrastructure may continue operating  
23 without substantial equipment replacement or alteration, electric  
24 vehicle supply equipment installed and placed into service before  
25 January 1, 2024, is exempt from the rules of this section until  
26 January 1, 2034. Electric vehicle supply equipment that is replaced  
27 or retrofitted with new hardware after January 1, 2024, must be  
28 considered as having been installed and placed into service after  
29 January 1, 2024.

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

32 (1) Whenever the department or a city sealer tests or inspects a  
33 weighing or measuring instrument or device and finds the instrument  
34 or device to be incorrect to the economic benefit of the owner/  
35 operator of the weighing or measuring instrument or device and to the  
36 economic detriment of the customer, the owner of the weighing or  
37 measuring instrument or device is subject to the following civil  
38 penalties:

1 Device deviations outside the tolerances stated in  
2 Handbook 44.

3 Penalty

4 Small weighing or measuring instruments or devices:

5	First violation . . . . .	\$	200.00
6	Second or subsequent		
7	violation within one year		
8	of first violation . . . . .	\$	500.00

9 Medium weighing or measuring instruments or devices:

10	First violation . . . . .	\$	400.00
11	Second or subsequent		
12	violation within one year		
13	of first violation . . . . .	\$	1,000.00

14 Large weighing or measuring instruments or devices:

15	First violation . . . . .	\$	500.00
16	Second or subsequent		
17	violation within one year		
18	of first violation . . . . .	\$	2,000.00

19 Electric vehicle fuel measuring instruments or devices:

20	<u>First violation . . . . .</u>	<u>\$</u>	<u>200.00</u>
21	<u>Second or subsequent</u>		
22	<u>violation within one year</u>		
23	<u>of first violation . . . . .</u>	<u>\$</u>	<u>500.00</u>

24 (2) For the purposes of this section:

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

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

34 (c) The following are large weighing or measuring instruments or  
35 devices: Liquid petroleum gas meters with greater than one inch  
36 diameter dispensers, liquid fuel metering devices with flows over one  
37 hundred fifty gallons per minute, and scales of more than five

1 thousand pounds capacity and scales of more than five thousand pounds  
2 capacity with supplemental devices.

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

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

7 (1) An electric vehicle service provider that fails to meet the  
8 requirements established under sections 4 through 6 of this act, or  
9 any rule adopted pursuant to the authority granted to the department  
10 under sections 4 through 6 of this act, is subject to a civil penalty  
11 of \$200 per electric vehicle supply equipment for the first violation  
12 and \$500 per electric vehicle supply equipment for each subsequent  
13 violation within one year of the first violation.

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

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

20 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~  
21 ~~station))~~ supply equipment must be indicated by vertical signage  
22 identifying the station as ~~((an))~~ publicly available electric vehicle  
23 ~~((charging station))~~ supply equipment and indicating that it is only  
24 for electric vehicle charging. The signage must be consistent with  
25 the manual on uniform traffic control devices, as adopted by the  
26 department of transportation under RCW 47.36.030, and contain the  
27 information required in section 4 of this act. ~~((Additionally, the~~  
28 ~~electric vehicle charging station must be indicated by green pavement~~  
29 ~~markings.))~~ Supplementary signage may be posted to provide additional  
30 information including, but not limited to, the amount of the monetary  
31 penalty under subsection (2) of this section for parking in the  
32 station while not connected to the charging equipment.

33 (2) It is a parking infraction, with a monetary penalty of one  
34 hundred twenty-four dollars, for any person to park a vehicle in ~~((an~~  
35 ~~electric vehicle charging station provided on public or private~~  
36 ~~property))~~ a parking space served by publicly available electric  
37 vehicle supply equipment if the vehicle is not connected to the  
38 charging equipment. The parking infraction must be processed as

1 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and  
2 46.20.270(~~(+3)~~) (2).

3 (3) For purposes of this section, "publicly available electric  
4 vehicle (~~(charging station" means a public or private parking space~~  
5 ~~that is served by charging equipment that has as its primary purpose~~  
6 ~~the transfer of electric energy to a battery or other energy storage~~  
7 ~~device in an electric vehicle)) supply equipment" has the same  
8 meaning as provided in RCW 19.94.010 and described in sections 2 and  
9 3 of this act.~~

10 **Sec. 13.** RCW 19.28.211 and 2013 c 23 s 33 are each amended to  
11 read as follows:

12 (1) The department shall issue a certificate of competency to all  
13 applicants who have passed the examination provided in RCW 19.28.201,  
14 met the in-class education requirements of RCW 19.28.205 if  
15 applicable, and who have complied with RCW 19.28.161 through  
16 19.28.271 and the rules adopted under this chapter. The certificate  
17 may include a photograph of the holder. The certificate shall bear  
18 the date of issuance, and shall expire on the holder's birthday. The  
19 certificate shall be renewed every three years, upon application, on  
20 or before the holder's birthdate. A fee shall be assessed for each  
21 certificate and for each annual renewal.

22 (2) If the certificate holder demonstrates to the department that  
23 he or she has satisfactorily completed an annual eight-hour  
24 continuing education course, the certificate may be renewed without  
25 examination by appropriate application unless the certificate has  
26 been revoked, suspended, or not renewed within ninety days after the  
27 expiration date. For pump and irrigation or domestic pump specialty  
28 electricians, the continuing education course may combine both  
29 electrical and plumbing education provided that there is a minimum of  
30 four hours of electrical training in the course.

31 (a) The contents and requirements for satisfactory completion of  
32 the continuing education course shall be determined by the director  
33 and approved by the board.

34 (b) The department shall accept proof of a certificate holder's  
35 satisfactory completion of a continuing education course offered in  
36 another state as meeting the requirements for maintaining a current  
37 Washington state certificate of competency if the department is  
38 satisfied the course is comparable in nature to that required in  
39 Washington state for maintaining a current certificate of competency.



1 (3) If the certificate is not renewed before the expiration date,  
2 the individual shall pay twice the usual fee. The department shall  
3 set the fees by rule for issuance and renewal of a certificate of  
4 competency. The fees shall cover but not exceed the costs of issuing  
5 the certificates and of administering and enforcing the electrician  
6 certification requirements of this chapter.

7 (4) ((The)) Except for electric vehicle infrastructure training  
8 program certification requirements specified in section 14 of this  
9 act, the certificates of competency and temporary permits provided  
10 for in this chapter grant the holder the right to work in the  
11 electrical construction trade as a master electrician, journey level  
12 electrician, or specialty electrician in accordance with their  
13 provisions throughout the state and within any of its political  
14 subdivisions without additional proof of competency or any other  
15 license, permit, or fee to engage in such work.

16 NEW SECTION. **Sec. 14.** A new section is added to chapter 19.28  
17 RCW to read as follows:

18 (1) The legislature finds that consistent training standards for  
19 installers of electric vehicle supply equipment is necessary to  
20 ensure interoperability, consumer access, and reliability of electric  
21 vehicle supply equipment.

22 (2) Effective July 1, 2023, all electric vehicle supply equipment  
23 intended to be available for public use and located on the customer  
24 side of the electric utility service point as defined in the 2020  
25 national electrical code must be installed by appropriately licensed  
26 electrical contractors and appropriately certified electricians  
27 meeting the following qualifications:

28 (a) On each jobsite where such electric vehicle supply equipment  
29 is being installed or maintained, at least one appropriately  
30 certified electrician must be present, at any given time, who holds  
31 an electric vehicle infrastructure training program certification as  
32 specified by rule of the department; and

33 (b) On each jobsite where such electric vehicle supply equipment  
34 includes one or more charging ports intended for supplying 25  
35 kilowatts or more to a vehicle are being installed, at least 25  
36 percent of the total certified electricians present on the jobsite at  
37 any given time must hold an electric vehicle infrastructure training  
38 program certification as specified by rule of the department.

1 (3) Exemptions from electrical contractor licensing and  
2 electrician certification laws in this chapter do not apply to work  
3 described in this section.

4 (4) Subsection (2) of this section does not apply to electric  
5 vehicle charging infrastructure and electric vehicle supply equipment  
6 that are subject to any agreements or contracts with any public  
7 agency entered into prior to January 1, 2022, even if it is funded or  
8 authorized after January 1, 2022.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 19.94  
10 RCW to read as follows:

11 If an electric vehicle service provider sells or intends to sell  
12 consumer data collected during or associated with a charging session,  
13 the electric vehicle service provider shall disclose all types of  
14 data collected to the consumer.

15 NEW SECTION. **Sec. 16.** Section 15 of this act takes effect only  
16 if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is  
17 not enacted by June 30, 2021."

**2SSB 5192 - S AMD 532**  
By Senator Liiias

**NOT ADOPTED 04/06/2021**

18 On page 1, line 2 of the title, after "equipment;" strike the  
19 remainder of the title and insert "amending RCW 19.94.010, 19.94.175,  
20 19.94.190, 19.94.517, 46.08.185, and 19.28.211; adding new sections  
21 to chapter 19.94 RCW; adding a new section to chapter 19.28 RCW;  
22 prescribing penalties; and providing a contingent effective date."

EFFECT: Requires that all electric vehicle supply equipment  
intended to be available for public use and located on the customer  
side of the electric utility service point must be installed by  
appropriately licensed electrical contractors and appropriately  
certified electricians.

Requires, that a certified electrician who holds an Electric  
Vehicle Infrastructure Training Program certification must be present  
at each jobsite.

Specifies if the installation involves more than one charging  
port intended for supplying twenty-five kilowatts to a vehicle, at  
least twenty-five percent of the total certified electricians present  
on the jobsite at any given time must hold an Electric Vehicle  
Infrastructure Training Program certification.

Stipulates that exemptions from electrical contractor licensing and electrician certification laws in chapter 19.28 RCW do not apply to electric vehicle supply equipment installation work.

Provides that the electrical licensure and certification requirements for EVSE installation work provided in this act do not apply to EVSE under contract with a public agency prior to January 1, 2022.

Clarifies the vehicle dealer exemption requires that the EVSE be available at all times at no cost and be clearly marked as such.

--- END ---