

---

## Appropriations Committee

---

### 2SSB 5192

**Brief Description:** Supporting access to electric vehicle supply equipment.

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

#### Brief Summary of Second Substitute Bill

- Requires electric vehicle service providers to clearly disclose the costs of using publicly available electric vehicle supply equipment.
- Requires the Department of Agriculture, in consultation with the Department of Commerce and the Utilities and Transportation Commission, to adopt rules for certain publicly available electric vehicle supply equipment regarding payment methods, interoperability, and the sale of electricity as a vehicle fuel.
- Establishes registration fees and penalties related to electric vehicle supply equipment.

**Hearing Date:**

**Staff:** Dan Jones (786-7118).

**Background:**

Weights and Measures Program.

The Washington State Department of Agriculture administers a Weights and Measures Program (Program), which tests and inspects commercial weighing and measuring devices such as gas pumps and grocery scales. Revenue collected by the Program is deposited in the Agricultural Local Fund.

---

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

### Alternative Fuels Data Center.

The Alternative Fuels Data Center (AFDC) is a repository of alternative fuel vehicle performance data administered through the Office of Energy Efficiency and Renewable Energy at the United States Department of Energy. Information provided by the AFDC includes fuel properties, production, distribution, prices, and station locations.

### Electric Vehicle Account.

The Electric Vehicle Account is an account in the State Treasury that may be used, among other things, for Department of Transportation grants and loans for alternative fuel vehicle charging infrastructure.

### **Summary of Second Substitute Bill:**

#### Requirements for Electric Vehicle Service Providers.

By January 1, 2023, electric vehicle service providers are required to ensure all publicly available electric vehicle supply equipment is clearly marked and discloses all associated costs prior to a charging session. Electric vehicle service providers may not require a subscription, membership, or account to use a Level 2 (capable of supplying 208 to 240 volts alternating current) or direct current fast charger electric vehicle supply equipment.

Electric vehicle supply equipment is considered publicly available and subject to the requirements of the act if the equipment is only available to customers or visitors of a business or charging network, or is available to the public in a parking garage or gated facility (whether free or paid). Electric vehicle supply equipment made available to the public for limited time periods is considered publicly available electric vehicle supply equipment only during those limited time periods.

Certain electric vehicle supply equipment is exempted from the requirements of the act, including equipment that is available to the public at no cost or exclusively used by a workplace, private residence, common interest community, or vehicle dealer. The Director of the Washington State Department of Agriculture (WSDA) may subject or exempt other electric vehicle supply equipment to the requirements of the act by rule.

By January 1, 2023, electric vehicle service providers must annually report inventory and payment method information to the Alternative Fuels Data Center at the United States Department of Energy.

If Second Substitute Senate Bill 5062 (Data) is not enacted by June 30, 2021, and an electric vehicle service provider intends to sell consumer data collected from a charging session, the service provider must disclose data collected to the consumer.

### Rulemaking for Electric Vehicle Supply Equipment.

By July 1, 2022, the WSDA, in consultation with the Department of Commerce and the Utilities and Transportation Commission, must adopt rules concerning publicly available Level 2 or direct current fast charger electric vehicle supply equipment. These rules must require electric vehicle service providers to make available multiple payment methods and meet nonproprietary interoperability standards. If necessary, the rules may be amended every two years to maintain consistency with evolving technology.

The WSDA rulemaking related to the sale of electricity sold as a vehicle fuel and electric vehicle fueling systems may be modified to maintain consistency with evolving technology. These rules may take effect no earlier than January 1, 2024.

### Fees and Penalties.

Annual registration fees of \$20 for Level 2 electric vehicle supply equipment ports and \$40 for direct current fast charger electric vehicle supply equipment ports are established. The WSDA may establish additional fees by rule to cover remaining costs of enforcing the act.

Penalties of \$200 for a first violation and \$500 for a second or subsequent violation within one year are established for electric vehicle service providers for the following situations:

- the WSDA or a city sealer finds an electric vehicle fuel measuring instrument to be incorrect to the benefit of the owner and detriment of the customer; or
- the service provider fails to meet the fee disclosure, payment availability, or interoperability standards established either in the act or by rule.

The penalties for failure to comply with the standards of the act must first be used to cover the WSDA's enforcement costs, with any remaining funds deposited into the Electric Vehicle Account.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, section 13, regarding disclosure of consumer data, only takes effect if Substitute Senate Bill 5062 (Data) is not enacted by June 30, 2021.