

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5192**

Chapter 238, Laws of 2021

67th Legislature  
2021 Regular Session

ELECTRIC VEHICLE SUPPLY EQUIPMENT

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 22, 2021  
Yeas 30 Nays 19

DENNY HECK

**President of the Senate**

Passed by the House April 21, 2021  
Yeas 56 Nays 42

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved May 10, 2021 3:34 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5192** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 10, 2021

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5192**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**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.

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

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

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

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

30 (aa) "Installed" means operational and made available for a  
31 charging session.

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

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

38 (dd) "Networked electric vehicle supply equipment" means electric  
39 vehicle supply equipment capable of receiving and sending commands or  
40 messages remotely from an electric vehicle service provider,

1 including electric vehicle supply equipment with secondary systems  
2 that provide remote communication capabilities that have been  
3 installed.

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.

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

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

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

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

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

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

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

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

37 NEW SECTION. Sec. 3. A new section is added to chapter 19.94  
38 RCW to read as follows:

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

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

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

9 (2) Sections 4 through 7 of this act do not apply to:

10 (a) Workplace electric vehicle supply equipment and its  
11 associated parking spaces if it is clearly marked and operated as  
12 available exclusively to employees or contracted drivers, regardless  
13 of the physical accessibility of the electric vehicle supply  
14 equipment to the public;

15 (b) Electric vehicle supply equipment and associated parking  
16 spaces reserved exclusively for residents, tenants, visitors, or  
17 employees of a private residence or common interest community; or a  
18 residential building adjacent to a private residence;

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

24 (d) Electric vehicle supply equipment and associated parking  
25 spaces provided by a vehicle dealer licensed under chapter 46.70 RCW  
26 at its established place of business.

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

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

35 (1) By January 1, 2023, the electric vehicle service provider  
36 must ensure all publicly available electric vehicle supply equipment  
37 is clearly marked and discloses all charges, fees, and costs  
38 associated with a charging session at the point of sale and prior to  
39 a user or a vehicle initiating a charging session. At a minimum, the

1 electric vehicle service provider must disclose to the user the  
2 following information at the point of sale, if applicable:

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

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

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

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

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

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

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

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

23 (1) By January 1, 2023, the department, in consultation with the  
24 department of commerce and the Washington utilities and  
25 transportation commission, must adopt rules requiring all electric  
26 vehicle service providers make available multiple payment methods at  
27 all publicly available level 2 electric vehicle supply equipment or  
28 direct current fast charger electric vehicle supply equipment  
29 installed in Washington and may review and, if necessary, amend the  
30 rules every two years, to maintain consistency with evolving  
31 technology. At a minimum, the rules must include:

32 (a) Deadlines for electric vehicle service provider compliance  
33 for publicly available direct current fast charger electric vehicle  
34 supply equipment installed prior to a specific date;

35 (b) Deadlines for electric vehicle service provider compliance  
36 for publicly available level 2 electric vehicle supply equipment  
37 installed prior to a specific date;



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

4 (d) Deadlines for electric vehicle service provider compliance  
5 for publicly available level 2 electric vehicle supply equipment  
6 installed on or after a specific date;

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

13 (i) A credit card reader device physically located on or in  
14 either the electric vehicle supply equipment unit or a kiosk used to  
15 service that electric vehicle supply equipment. Contactless credit  
16 card reader devices may be used as an option to meet the requirements  
17 of this subsection;

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

23 (iii) A mobile payment option used to initiate a charging  
24 session;

25 (f) Means for conducting a charging session in languages other  
26 than English;

27 (g) Means for facilitating charging sessions for consumers who  
28 are unbanked, underbanked, or low-moderate income, such as accepting  
29 prepaid cards through a card reader device. Methods established in  
30 (e) of this subsection may be used to meet this requirement if they  
31 adequately facilitate charging sessions for these consumers.

32 (2) In adopting the rules required under subsection (1) of this  
33 section, the department must seek to minimize costs and maximize  
34 benefits to the public.

35 (3) The electric vehicle service provider may not require a  
36 subscription, membership, or account or a minimum balance on an  
37 account in order to initiate a charging session at electric vehicle  
38 supply equipment subject to this section.

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

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

3        (1) Interoperability standards provide safeguards to consumers  
4    and support access to electric vehicle supply equipment. In order for  
5    Washington to have reliable, accessible, and competitive markets for  
6    electric vehicle supply equipment that are necessary for the movement  
7    of goods and people by electric vehicles, interoperability standards  
8    that align with national and international best practices or  
9    standards are necessary.

10       (2) By January 1, 2023, the department, in consultation with the  
11    department of commerce and the Washington utilities and  
12    transportation commission, must adopt rules establishing requirements  
13    for all electric vehicle service providers to, at a minimum, meet and  
14    maintain nonproprietary interoperability standards for publicly  
15    available level 2 electric vehicle supply equipment and direct  
16    current fast charger electric vehicle supply equipment and may review  
17    and, if necessary, amend the rules every two years, to maintain  
18    consistency with evolving technology. The requirements shall not  
19    provide that any charging provider must purchase or license  
20    proprietary technology or software from any other company, and shall  
21    not require that companies maintain interoperability agreements with  
22    other companies.

23       (3) For the purpose of this section, "interoperability" means the  
24    ability of hardware, software, or a communications network provided  
25    by one party, vendor, or service provider to interact with or  
26    exchange and make use of information, including payment information,  
27    between hardware, software, or a communications network provided by a  
28    different party, vendor, or service provider.

29       (4) The requirements of this section shall not apply to publicly  
30    available electric vehicle supply equipment provided by a  
31    manufacturer of electric vehicles for the exclusive use by vehicles  
32    it manufactures.

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

35       (1) This section applies to all electric vehicle service  
36    providers operating one or more publicly available level 2 electric  
37    vehicle supply equipment or direct current fast charger electric  
38    vehicle supply equipment installed in Washington. If an electric  
39    vehicle service provider also operates electric vehicle supply

1 equipment that is not available to the public, the requirements of  
2 this section apply only to that electric vehicle service provider's  
3 publicly available level 2 electric vehicle supply equipment or  
4 direct current fast charger electric vehicle supply equipment  
5 installed in Washington.

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

- 11 (a) Electric vehicle service provider information;
- 12 (b) Electric vehicle supply equipment inventory for both active  
13 and retired, decommissioned, or removed electric vehicle supply  
14 equipment in Washington;
- 15 (c) Electric vehicle supply equipment payment method information.

16 (3) The department may adopt additional reporting requirements to  
17 support compliance with this act.

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

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

23	(a) Weighing devices:		
24	(i) Small scales "zero to four		
25	hundred pounds capacity" ...	\$	16.00
26	(ii) Intermediate scales "four		
27	hundred one pounds to five		
28	thousand pounds capacity" ..	\$	60.00
29	(iii) Large scales "over five		
30	thousand pounds capacity" ..	\$	120.00
31	(iv) Railroad track scales .....	\$	1,200.00
32	(b) Liquid fuel metering devices:		
33	(i) Motor fuel meters with flows		
34	of twenty gallons or less per		
35	minute .....	\$	16.00



1 inspected or tested by the device owner. These inspection and testing  
2 fees shall be limited to those amounts necessary for the department  
3 or city sealer to cover the direct costs associated with such  
4 inspection and testing. The fees shall not be set so as to compete  
5 with service agents normally engaged in such services.

6 ~~((4))~~ (5) The weights and measures advisory group within the  
7 department must review the fees in subsection (1) of this section and  
8 report to stakeholders on the financial status of the program  
9 supported by the fees by September 1, 2024, and September 1st every  
10 five years thereafter.

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

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

15 (2) The department's enforcement proceedings under this chapter  
16 are subject to the requirement to provide technical assistance in  
17 chapter 43.05 RCW and the administrative procedure act, chapter 34.05  
18 RCW. City sealers undertaking enforcement actions must provide  
19 equivalent procedures.

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

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

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

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

32 (c) The establishment of technical test procedures, reporting  
33 procedures, and any necessary record and reporting forms to be used  
34 by service agents when testing and inspecting instruments or devices  
35 under RCW 19.94.255(3) or when otherwise installing, repairing,  
36 inspecting, or standardizing the graduations of any weighing or  
37 measuring instruments or devices;

38 (d) The establishment of exemptions from the marking or tagging  
39 requirements of RCW 19.94.250 with respect to weighing or measuring

1 instruments or devices of such a character or size that the marking  
2 or tagging would be inappropriate, impracticable, or damaging to the  
3 apparatus in question;

4 (e) The establishment of exemptions from the inspection and  
5 testing requirements of RCW 19.94.163 with respect to classes of  
6 weighing or measuring instruments or devices found to be of such a  
7 character that periodic inspection and testing is unnecessary to  
8 ensure continued accuracy;

9 (f) The establishment of inspection and approval techniques, if  
10 any, to be used with respect to classes of weighing or measuring  
11 instruments or devices that are designed specifically to be used  
12 commercially only once and then discarded, or are uniformly  
13 mass-produced by means of a mold or die and are not individually  
14 adjustable;

15 (g) The establishment of inspection and testing procedures to be  
16 used for classes of weighing or measuring instruments or devices  
17 found to be few in number, highly complex, and of such character that  
18 differential or special inspection and testing is necessary,  
19 including railroad track scales. The department's procedures shall  
20 include requirements for the provision, maintenance, and transport of  
21 any weight or measure necessary for the inspection and testing at no  
22 expense to the state;

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

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

33 (5) Rules adopted under this section must also include  
34 specifications and tolerances for the acceptable range of accuracy  
35 required of weighing or measuring instruments or devices and must be  
36 designed to eliminate from use, without prejudice to weighing or  
37 measuring instruments or devices that conform as closely as  
38 practicable to official specifications and tolerances, those that:

39 (a) Are of such construction that they are faulty, that is, that are

1 not reasonably permanent in their adjustment or will not repeat their  
2 indications correctly; or (b) facilitate the perpetration of fraud.

3 (6) Rules adopted by the director related to the sale of  
4 electricity sold as a vehicle fuel and electric vehicle fueling  
5 systems may take effect no earlier than January 1, 2024, and may be  
6 modified to achieve state objectives, reviewed, and, if necessary,  
7 amended, to maintain consistency with evolving technology. To ensure  
8 existing infrastructure may continue operating without substantial  
9 equipment replacement or alteration, electric vehicle supply  
10 equipment installed and placed into service before January 1, 2024,  
11 is exempt from the rules of this section until January 1, 2034.  
12 Electric vehicle supply equipment that is replaced or retrofitted  
13 with new hardware after January 1, 2024, must be considered as having  
14 been installed and placed into service after January 1, 2024.

15 (a) Exempt electric vehicle supply equipment installed and placed  
16 into service before January 1, 2024, must:

17 (i) Comply with RCW 19.94.175; and

18 (ii) Be clearly marked, identifying the date of installation.

19 (b) For the purpose of this subsection (6), "retrofitted" means a  
20 substantial modification outside of normal wear and tear maintenance.

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

23 (1) Whenever the department or a city sealer tests or inspects a  
24 weighing or measuring instrument or device and finds the instrument  
25 or device to be incorrect to the economic benefit of the owner/  
26 operator of the weighing or measuring instrument or device and to the  
27 economic detriment of the customer, the owner of the weighing or  
28 measuring instrument or device is subject to the following civil  
29 penalties:

30 Device deviations outside the tolerances stated in  
31 Handbook 44.

32 Penalty

33 Small weighing or measuring instruments or devices:

34 First violation . . . . . \$ 200.00

35 Second or subsequent  
36 violation within one year

37 of first violation . . . . . \$ 500.00

38 Medium weighing or measuring instruments or devices:

1	First violation . . . . .	\$	400.00
2	Second or subsequent		
3	violation within one year		
4	of first violation . . . . .	\$	1,000.00
5	Large weighing or measuring instruments or devices:		
6	First violation . . . . .	\$	500.00
7	Second or subsequent		
8	violation within one year		
9	of first violation . . . . .	\$	2,000.00
10	<u>Electric vehicle fuel measuring instruments or devices:</u>		
11	<u>First violation . . . . .</u>	<u>\$</u>	<u>200.00</u>
12	<u>Second or subsequent</u>		
13	<u>violation within one year</u>		
14	<u>of first violation . . . . .</u>	<u>\$</u>	<u>500.00</u>

15 (2) For the purposes of this section:

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

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

25 (c) The following are large weighing or measuring instruments or  
26 devices: Liquid petroleum gas meters with greater than one inch  
27 diameter dispensers, liquid fuel metering devices with flows over one  
28 hundred fifty gallons per minute, and scales of more than five  
29 thousand pounds capacity and scales of more than five thousand pounds  
30 capacity with supplemental devices.

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

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

35 (1) An electric vehicle service provider that fails to meet the  
36 requirements established under sections 4 through 6 of this act, or  
37 any rule adopted pursuant to the authority granted to the department



1 under sections 4 through 6 of this act, is subject to a civil penalty  
2 of \$200 per electric vehicle supply equipment for the first violation  
3 and \$500 per electric vehicle supply equipment for each subsequent  
4 violation within one year of the first violation.

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

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

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

24 (2) It is a parking infraction, with a monetary penalty of one  
25 hundred twenty-four dollars, for any person to park a vehicle in ~~((an~~  
26 ~~electric vehicle charging station provided on public or private~~  
27 ~~property))~~ a parking space served by publicly available electric  
28 vehicle supply equipment if the vehicle is not connected to the  
29 charging equipment. The parking infraction must be processed as  
30 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and  
31 46.20.270 ~~((+3))~~ (2).

32 (3) For purposes of this section, "publicly available electric  
33 vehicle ~~((charging station"~~ means a public or private parking space  
34 ~~that is served by charging equipment that has as its primary purpose~~  
35 ~~the transfer of electric energy to a battery or other energy storage~~  
36 ~~device in an electric vehicle))~~ supply equipment" has the same  
37 meaning as provided in RCW 19.94.010 and described in sections 2 and  
38 3 of this act.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 19.94  
2    RCW to read as follows:

3        If an electric vehicle service provider sells or intends to sell  
4    consumer data collected during or associated with a charging session,  
5    the electric vehicle service provider shall disclose all types of  
6    data collected to the consumer.

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

      Passed by the Senate April 22, 2021.  
      Passed by the House April 21, 2021.  
      Approved by the Governor May 10, 2021.  
      Filed in Office of Secretary of State May 10, 2021.

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