

WSR 23-01-091

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 16, 2022, 1:56 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: This rule making order amends chapter 16-662 WAC, Weights and measures—National handbooks, sale of motor fuel, and penalties for violations. The department is making these amendments as required in chapter 238, Laws of 2021 (2SSB 5192), regarding electric vehicle supply equipment (EVSE). The amendments include:

- Updating the chapter title to reflect that the sale of electric vehicle fuel is now regulated under this chapter.
- Establishing EVSE compliance dates and creating an exemption for EVSE installed prior to January 1, 2024, that are clearly marked.
- Requiring all electric vehicle service providers make available multiple payment methods at all publicly available Level 2 EVSE or direct current fast charger (DCFC) EVSE installed in Washington and establishing minimum required payment methods.
- Requiring electric vehicle service providers (EVSP) to provide means for conducting a charging session in at least one language other than English.
- Establishing requirements for all EVSP to, at a minimum, meet and maintain nonproprietary interoperability standards for publicly available Level 2 and DCFC EVSE.

Citation of Rules Affected by this Order: New WAC 16-662-200, 16-662-210, 16-662-215, and 16-662-220.

Statutory Authority for Adoption: Chapter 238, Laws of 2021 (2SSB 5192); RCW 19.94.010, 19.94.190, 19.94.555, 19.94.565, 19.94.570, 19.94.575.

Adopted under notice filed as WSR 22-18-093 on September 7, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 16, 2022.

Derek I. Sandison
Director

OTS-4013.2

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS, SALE OF MOTOR FUEL, ELECTRIC VEHICLE SUPPLY EQUIPMENT, AND PENALTIES FOR VIOLATIONSNEW SECTION

WAC 16-662-200 Electric vehicle supply equipment compliance dates. (1) Any publicly available electric vehicle supply equipment, including both level 2 and direct current fast chargers, installed and placed into service before January 1, 2024, is exempt from the requirements in WAC 16-662-210 through 16-662-220 until January 1, 2034. Equipment that is replaced or retrofitted with new hardware on or after January 1, 2024, is considered to have been installed and placed into service after January 1, 2024, and must comply with the requirements in WAC 16-662-210 through 16-662-220 upon installation.

(2) Publicly available electric vehicle supply equipment that is exempt as described in subsection (1) of this section must be clearly marked with the date of installation in a conspicuous location that is easily seen during normal use by the public. Acceptable ways to clearly mark the installation date may include:

(a) A sign, sticker, or plaque; or

(b) Any other visible marker that is readable, such as a digital display showing the installation date on the home screen or through a menu that is intuitive, making the installation date easily identified.

(c) When dates are located on a kiosk, the installation date of each electric vehicle supply equipment serviced by that kiosk shall be clearly identified.

(3) If the installation date is not clearly marked, the device will be considered to have been installed and placed into service after January 1, 2024, and will be subject to the requirements in WAC 16-662-210 through 16-662-220.

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NEW SECTION

WAC 16-662-210 Electric vehicle supply equipment payment method and fee disclosure requirements. (1) All publicly available electric vehicle supply equipment installed in Washington that requires payment shall meet the following requirements:

(a) Have a credit card reader device physically located on either the electric vehicle supply equipment unit or a kiosk used to service that electric vehicle supply equipment. The credit card reader device shall comply with all of the following requirements:

(i) The credit card reader device shall accept, at a minimum, the Euro MasterCard Visa (EMV) chip and, at a minimum, one of the following credit card types: Visa, MasterCard, or American Express; and

(ii) The credit card reader device shall be nonlocking and shall always permit customers to remove their credit card without damage to the card, including during a fault situation or power failure.

(b) All electric vehicle supply equipment subject to this section shall have a mobile payment device physically located on the electric vehicle supply equipment or kiosk used to service that electric vehicle supply equipment; and

(c) The electric vehicle service provider shall provide and display a toll-free number on each electric vehicle supply equipment or kiosk used to service that electric vehicle supply equipment that provides the user with the option to initiate a charging session and submit payment at any time that the electric vehicle supply equipment is operational and publicly available.

(2) At a minimum, the electric vehicle service provider shall disclose to the user, at the point of sale, the following minimum information, if applicable:

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

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

(c) The price to refuel in United States dollars per kilowatt-hour or mega joule;

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

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

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

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

(5) The requirements of this section shall not apply to electric vehicle supply equipment exempted under RCW 19.94.555.

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NEW SECTION

WAC 16-662-215 Electric vehicle supply equipment language requirements. (1) The electric vehicle supply equipment must provide means for conducting a charging session in at least one language other than English. The electric vehicle service provider shall consider the demographics of the area in which the unit will be installed, and the language(s) most commonly spoken in that location, when determining the alternative language(s) provided. At a minimum, electric vehicle service providers shall consult data published from the American Community Survey (ACS).

(2) The requirements of this section shall not apply to electric vehicle supply equipment exempted under RCW 19.94.555.

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NEW SECTION

WAC 16-662-220 Interoperability requirements related to electric vehicle supply equipment. (1) All publicly available electric vehicle supply equipment must be in compliance with the following interoperability requirements:

(a) The electric vehicle service provider shall, at a minimum, use Open Charge Point Interface (OCPI) version 2.1.1 or 2.2 standards.

(b) All networked electric vehicle supply equipment shall be compliant with Open Charge Point Protocol (OCPP) version 1.6 or 2.0.1 standards.

(2) Upon request, electric vehicle service providers shall provide the department with documentation that demonstrates compliance with the requirements of this section. If a certification is available for a standard, the documentation to be provided shall include the certification, otherwise acceptable documentation may include a self-attestation by the service provider. The service provider must provide additional documentation as the department may require to demonstrate compliance.

(3) The requirements of this section shall not apply to:

(a) Electric vehicle supply equipment exempted under RCW 19.94.555.

(b) Publicly available electric vehicle supply equipment provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.

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