

Senate Bill No. 454

Passed the Senate September 10, 2013

Secretary of the Senate

Passed the Assembly September 9, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 8.7 (commencing with Section 44268) to Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, Corbett. Public resources: electric vehicle charging stations.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, which authorizes, among other things, upon appropriation by the Legislature, a grant program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources that include a residential plug-in electric vehicle charging station.

Existing law also creates a grant program for the purchase and lease of zero-emission vehicles, as defined, in the state to be developed and administered by the State Air Resources Board in conjunction with the commission. The program provides grants to specified recipients in an amount equal to 90% of the incremental cost above \$1,000 of an eligible new zero-emission light-duty car or truck, as defined.

This bill would create the Electric Vehicle Charging Stations Open Access Act, which would prohibit the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and would prohibit a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The bill would require the total actual charges for the use of an electric vehicle charging station to be disclosed to the public at the point of sale. The bill would require an electric vehicle charging station to provide to the general public 2 specified options of payment.

This bill would require the service provider of electric vehicle service equipment, as defined, at an electric vehicle charging station, as defined, to disclose to the National Renewable Energy

Laboratory the charging station's geographic location, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any.

This bill, if no interoperability billing standards have been adopted by a national standards organization by January 1, 2015, would authorize the state board to adopt interoperability billing standards, as defined, for network roaming payment methods for electric vehicle charging stations, and would require, if the state board adopts standards, all electric vehicle charging stations that require payment to meet those standards within one year.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is the nation's largest market for cars and light-duty trucks.

(b) The transportation sector is the biggest contributor to California's greenhouse gas emissions and accounts for approximately 40 percent of these emissions.

(c) California should encourage the development and success of zero-emission vehicles to protect the environment, stimulate economic growth, and improve the quality of life in the state.

(d) California should encourage and support the development of infrastructure for open and accessible public charging stations.

(e) In order to reach the goal of 1.5 million electric drive vehicles in California by 2025, electric vehicle (EV) consumers need confidence that they can access a robust network of publicly available EV charging stations. Any EV driver should be able to access any publicly available EV charging station, regardless of the system provider.

(f) EV consumers and drivers need to be able to find the stations and know how much they cost.

(g) It is the intent of the Legislature to (1) promote a positive driving experience by assisting in the widespread deployment of electric vehicles, (2) not limit the ability of a property owner or lessee of publicly available parking spaces, as defined in Section 44268, to restrict use of or access to those parking spaces to its customers, and (3) facilitate expanded EV driver access to electric vehicle charging stations in public places.

SEC. 2. Chapter 8.7 (commencing with Section 44268) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN ACCESS ACT

44268. As used in this chapter, the following terms have the following meanings:

(a) “Battery” means an electrochemical energy storage system powered directly by electrical current.

(b) “Electric vehicle” means a vehicle that uses a plug-in battery to provide all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

(c) “Electric vehicle charging station” means one or more publicly available parking spaces served by electric vehicle service equipment.

(d) “Electric vehicle service equipment” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

(e) “Interoperability billing standards” means the ability for a member of one electric charging station billing network to use another billing network.

(f) “Network roaming” means the act of a member of one electric vehicle charging station billing network using a charging station that is outside of the member’s billing network with his or her billing network account information.

(g) “Publicly available parking space” means a parking space that has been designated by a property owner or lessee to be available to, and accessible by, the public and may include on-street parking spaces and parking spaces in surface lots or parking garages. “Publicly available parking space” shall not include a parking space that is part of, or associated with, a private residence, a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building, or a parking space provided by a producer of electric vehicles as a service. Nothing in this article limits the ability of an owner or lessee of a

publicly available parking space whose primary business is other than electric vehicle charging from restricting use of the parking space, such as limiting use to customers and visitors of the business.

44268.2. (a) (1) Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. The total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, shall be disclosed to the public at the point of sale. An electric vehicle charging station that requires payment of a fee shall allow a person desiring to use the station to pay via credit card or mobile technology, or both.

(2) Notwithstanding paragraph (1), an electric vehicle charging station may offer services on a subscription- or membership-only basis provided those electric vehicle charging stations allow nonsubscribers or nonmembers the ability to use the electric vehicle charging station through the payment options detailed in paragraph (1).

(b) The service provider of electric vehicle service equipment at an electric vehicle charging station or its designee shall disclose to the National Renewable Energy Laboratory the electric vehicle charging station's geographic location, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any.

(c) Electric vehicle charging stations shall be labeled in accordance with Part 309 of Title 16 of the Code of Federal Regulations, and, where commercially reasonable and feasible, may be clearly marked with appropriate directional signage in the parking area or facility where they are located.

(d) If no interoperability billing standards have been adopted by a national standards organization by January 1, 2015, the state board may adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations. If the state board adopts interoperability billing standards, all electric vehicle charging stations that require payment shall meet those standards within one year. Any standards adopted by the state board shall consider other governmental or industry-developed

interoperability billing standards and may adopt interoperability billing standards promulgated by an outside authoritative body.

Approved _____, 2013

Governor