

SENATE BILL 951

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4lr3115
CF HB 1028

By: **Senator Hettleman**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2024

CHAPTER _____

1 AN ACT concerning

2 ~~**Business Regulation**~~ **Electric Vehicle Supply Equipment Workgroup -**
3 ~~**Regulations for Retail Use**~~

4 FOR the purpose of ~~requiring the Comptroller to adopt regulations for the retail use of~~
5 ~~electric vehicle supply equipment in the State; requiring the Comptroller, in~~
6 ~~consultation with the Public Service Commission, to submit a report on the~~
7 ~~development and enforcement of the regulations adopted under this Act to the~~
8 ~~General Assembly on or before a certain date~~ establishing the Electric Vehicle
9 Supply Equipment Workgroup; and generally relating to electric vehicle supply
10 equipment the Electric Vehicle Supply Equipment Workgroup.

11 ~~BY adding to~~
12 ~~Article **Business Regulation**~~
13 ~~Section 19-1001 through 19-1003 to be under the new subtitle "Subtitle 10. Electric~~
14 ~~Vehicle Supply Equipment"~~
15 ~~Annotated Code of Maryland~~
16 ~~(2015 Replacement Volume and 2023 Supplement)~~

17 ~~BY repealing and reenacting, without amendments,~~
18 ~~Article **Public Utilities**~~
19 ~~Section 7-901(a), (b), and (c)~~
20 ~~Annotated Code of Maryland~~
21 ~~(2020 Replacement Volume and 2023 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That ~~the Laws of Maryland read as follows:~~

~~Article — Business Regulation~~

~~SUBTITLE 10. ELECTRIC VEHICLE SUPPLY EQUIPMENT.~~

~~19-1001.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.~~

~~(B) “DIRECT CURRENT FAST CHARGER” MEANS EV SUPPLY EQUIPMENT:~~

~~(1) CAPABLE OF SUPPLYING DIRECT CURRENT ELECTRICITY TO AN
ELECTRIC VEHICLE; AND~~

~~(2) FITTED WITH AN EV CHARGING CONNECTOR.~~

~~(C) “EV CHARGING CONNECTOR” MEANS A DEVICE THAT ATTACHES AN
ELECTRIC VEHICLE TO AN EV CHARGING PORT TO FACILITATE THE TRANSFER OF
ELECTRICITY TO AN ELECTRIC VEHICLE.~~

~~(D) “EV CHARGING PORT” MEANS THE PORTION OF AN EV CHARGING
STATION THAT ATTACHES AN EV CHARGING CONNECTOR WITH THE EV CHARGING
STATION.~~

~~(E) “EV CHARGING STATION” MEANS A CONNECTED POINT IN EV SUPPLY
EQUIPMENT:~~

~~(1) AT WHICH CURRENT IS TAKEN TO CHARGE A BATTERY OR ANY
OTHER ENERGY STORAGE DEVICE IN AN ELECTRIC VEHICLE; AND~~

~~(2) CAPABLE OF PROVIDING CHARGING THAT IS AT LEAST:~~

~~(I) LEVEL 2 CHARGING; OR~~

~~(II) DIRECT CURRENT FAST CHARGER CHARGING.~~

~~(F) “EV SERVICE PROVIDER” MEANS AN ENTITY RESPONSIBLE FOR
OPERATING ONE OR MORE EV SUPPLY EQUIPMENT UNITS, INCLUDING BEING
RESPONSIBLE FOR:~~

~~(1) SENDING OR RECEIVING COMMANDS OR MESSAGES TO AN EV CHARGING NETWORK AS DEFINED IN § 7-901 OF THE PUBLIC UTILITIES ARTICLE; AND~~

~~(2) PROVIDING BILLING, MAINTENANCE, RESERVATIONS, AND OTHER SERVICES FOR AN EV SUPPLY EQUIPMENT UNIT.~~

~~(G) "EV SUPPLY EQUIPMENT" MEANS A UNIT THAT CONTROLS THE POWER SUPPLY TO ONE OR MORE ELECTRIC VEHICLES AT AN EV CHARGING STATION.~~

~~(H) "LEVEL 2 CHARGING" HAS THE MEANING STATED IN § 7-901 OF THE PUBLIC UTILITIES ARTICLE.~~

~~(I) "UPTIME" MEANS THE AVAILABILITY AND CONSISTENCY OF AN EV CHARGING STATION TO SUCCESSFULLY DISPENSE ELECTRICITY AS DESIGNED, MEASURED AS A PERCENTAGE OF BOTH HOURS AND DAYS OF A CALENDAR YEAR.~~

~~19-1002.~~

~~THIS SUBTITLE DOES NOT APPLY TO:~~

~~(1) EV SUPPLY EQUIPMENT THAT IS USED FOR NONCOMMERCIAL PURPOSES; OR~~

~~(2) EV SUPPLY EQUIPMENT THAT SUPPLIES WHOLESALE ELECTRICITY.~~

~~19-1003.~~

~~(A) THE COMPTROLLER SHALL ADOPT REGULATIONS FOR THE RETAIL USE OF EV SUPPLY EQUIPMENT IN THE STATE.~~

~~(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE REGULATIONS SHALL:~~

~~(1) ESTABLISH DIFFERENT PAYMENT OPTIONS FOR THE RETAIL USE OF EV SUPPLY EQUIPMENT, INCLUDING:~~

~~(I) CREDIT CARD, MOBILE PHONE, AND TOLL-FREE NUMBER PAYMENT OPTIONS; AND~~

~~(II) OPTIONS FOR CUSTOMERS WITH DISABILITIES AND NON-ENGLISH-SPEAKING CUSTOMERS;~~

~~(2) PROHIBIT AN EV SERVICE PROVIDER FROM REQUIRING A
SUBSCRIPTION OR MEMBERSHIP TO INITIATE A CHARGING SESSION;~~

~~(3) AUTHORIZE AN EV SERVICE PROVIDER TO OFFER SERVICES ON A
SUBSCRIPTION OR MEMBERSHIP BASIS;~~

~~(4) ESTABLISH REQUIREMENTS FOR TRANSPARENT INFORMATION
REGARDING EV CHARGING STATIONS, INCLUDING CHARGING RATES, LOCATION,
ACCESSIBILITY, AND REAL TIME AVAILABILITY;~~

~~(5) ENABLE USERS WHO HAVE A SUBSCRIPTION OR MEMBERSHIP
WITH AN EV SERVICE PROVIDER TO USE AN EV CHARGING STATION THAT IS NOT
PART OF THE SUBSCRIPTION OR MEMBERSHIP;~~

~~(6) ESTABLISH EMPLOYEE TRAINING OR CERTIFICATION
REQUIREMENTS FOR INDIVIDUALS WHO INSTALL OR PERFORM MAINTENANCE ON
EV SUPPLY EQUIPMENT;~~

~~(7) ESTABLISH MINIMUM POWER OUTPUT LIMITS FOR EV SUPPLY
EQUIPMENT AND EV CHARGING STATIONS;~~

~~(8) ESTABLISH REGISTRATION AND CERTIFICATION REQUIREMENTS;~~

~~(9) REQUIRE THE SUBMISSION OF REPORTS ON EV SUPPLY
EQUIPMENT TO:~~

~~(i) THE OFFICE OF THE COMPTROLLER;~~

~~(ii) THE PUBLIC SERVICE COMMISSION; AND~~

~~(iii) THE ALTERNATIVE FUELS DATA CENTER IN THE U.S.
DEPARTMENT OF ENERGY;~~

~~(10) ESTABLISH LABELING REQUIREMENTS, INCLUDING LABELING
REQUIREMENTS FOR EV CHARGING STATION CHARGING RATES, CAPACITY, AND
VOLTAGE;~~

~~(11) REQUIRE AN UPTIME OF 97%;~~

~~(12) SPECIFY HOW UPTIME WILL BE MEASURED, INCLUDING:~~

~~(i) WHETHER UPTIME MUST BE CALCULATED PER EV
CHARGING PORT OR PER EV CHARGING CONNECTOR;~~

~~(H) THE DATE TO WHICH DOWNTIME IS BACKDATED; AND~~

~~(HH) WHETHER DOWNTIME INCLUDES EV CHARGING STATION
DISCONNECTION OR BROKEN INTERFACE FEATURES WHEN THE EV SUPPLY
EQUIPMENT CAN STILL OUTPUT ELECTRICITY;~~

~~(13) IF DETERMINED APPROPRIATE BY THE COMPTROLLER,
ESTABLISH EXEMPTIONS FROM THE UPTIME REQUIREMENT OF 97%;~~

~~(14) ESTABLISH CUSTOMER SUPPORT REQUIREMENTS, INCLUDING:~~

~~(I) LABELING REQUIREMENTS FOR PROVIDING CUSTOMER
SUPPORT INFORMATION ON AN EV CHARGING STATION; AND~~

~~(II) MINIMUM HOURS OF OPERATION FOR:~~

~~1. GENERAL CUSTOMER SERVICE NEEDS; AND~~

~~2. PROVIDING OR DISPATCHING CUSTOMER
ASSISTANCE;~~

~~(15) ESTABLISH MINIMUM HOURS OF OPERATION FOR EV CHARGING
STATIONS;~~

~~(16) REQUIRE PROACTIVE MONITORING OF EV SUPPLY EQUIPMENT
AND EV CHARGING STATIONS;~~

~~(17) ESTABLISH STANDARDS AND PROCEDURES FOR ACCURATE FIELD
STANDARDS IN ACCORDANCE WITH THE MOST RECENT EDITION OF THE NATIONAL
INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44;~~

~~(18) IF DETERMINED APPROPRIATE BY THE COMPTROLLER,
ESTABLISH STANDARDS FOR THE USE OF:~~

~~(I) COMBINED CHARGING SYSTEMS, UNDER WHICH A
STANDARD EV CHARGING CONNECTOR ALLOWS A DIRECT CURRENT FAST CHARGER
TO CONNECT TO, COMMUNICATE WITH, AND CHARGE AN ELECTRIC VEHICLE; OR~~

~~(II) NORTH AMERICAN CHARGING SYSTEMS, UNDER WHICH A
TESLA STANDARD EV CHARGING CONNECTOR ALLOWS A DIRECT CURRENT FAST
CHARGER TO CONNECT TO, COMMUNICATE WITH, AND CHARGE AN ELECTRIC
VEHICLE; AND~~

~~(19) ESTABLISH CIVIL PENALTIES FOR NONCOMPLIANCE WITH THE REGULATIONS.~~

~~(C) REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SECTION SHALL:~~

~~(1) COMPLY WITH THE FEDERAL HIGHWAY ADMINISTRATION'S NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE FORMULA PROGRAM; AND~~

~~(2) PROVIDE A DELAYED APPLICABILITY DATE FOR EV SUPPLY EQUIPMENT INSTALLED BEFORE THE DATE THE REGULATIONS ARE INITIALLY ADOPTED.~~

~~Article — Public Utilities~~

~~7-901.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) "EV charging network" means the total number of EV charging stations an electric company installs or maintains for public use.~~

~~(c) "Level 2 charging" means the ability to charge a battery or other energy storage device in an electric vehicle in a manner that:~~

~~(1) is capable of using an alternating current electrical service with a minimum of 208 volts; and~~

~~(2) meets applicable industry safety standards.~~

(a) (1) In this section the following words have the meanings indicated.

(2) "Direct current fast charger" means EV supply equipment:

(i) capable of supplying direct current electricity to an electric vehicle; and

(ii) fitted with an EV charging connector.

(3) "EV charging connector" means a device that attaches an electric vehicle to an EV charging port to facilitate the transfer of electricity to an electric vehicle.

(4) "EV charging port" means the portion of an EV charging station that attaches an EV charging connector with the EV charging station.

(5) "EV charging station" means a connected point in EV supply equipment:

1 (i) at which current is taken to charge a battery or any other energy
2 storage device in an electric vehicle; and

3 (ii) capable of providing, at a minimum:

4 1. Level 2 charging; or

5 2. direct current fast charger charging.

6 (6) “EV service provider” means an entity responsible for operating one or
7 more EV supply equipment units, including being responsible for:

8 (i) sending or receiving commands or messages to an EV charging
9 network as defined in § 7-901 of the Public Utilities Article; and

10 (ii) providing billing, maintenance, reservations, and other services
11 for an EV supply equipment unit.

12 (7) “EV supply equipment” means a unit that controls the power supply to
13 one or more electric vehicles at an EV charging station.

14 (8) “Level 2 charging” has the meaning stated in § 7-901 of the Public
15 Utilities Article.

16 (9) “Uptime” means the availability and consistency of an EV charging
17 station to successfully dispense electricity as designed, measured as a percentage of both
18 hours and days of a calendar year.

19 (b) There is an Electric Vehicle Supply Equipment Workgroup.

20 (c) The Workgroup consists of the following members:

21 (1) two members of the Senate of Maryland, appointed by the President of
22 the Senate;

23 (2) two members of the House of Delegates, appointed by the Speaker of
24 the House;

25 (3) one representative of the Department of Agriculture, designated by the
26 Secretary of Agriculture;

27 (4) one representative of the Public Service Commission, designated by the
28 Chairman of the Public Service Commission;

29 (5) one representative of the Office of the Comptroller, designated by the
30 Comptroller;

1 (6) one representative of the Maryland Department of Transportation,
2 designated by the Secretary of Transportation;

3 (7) one representative of the Maryland Energy Administration, designated
4 by the Director of the Maryland Energy Administration; and

5 (8) the following members, designated by the Public Service Commission:

6 (i) two representatives of the public interest sector who are
7 identified as nongovernment organization leaders in the electric vehicle industry in the
8 State and consumers of electric vehicles; and

9 (ii) two representatives of the private sector business partners who
10 are identified as leaders in the electric vehicle industry in the State.

11 (d) The Chair of the Public Service Commission shall designate the chair of the
12 Workgroup.

13 (e) The Public Service Commission shall provide staff for the Workgroup.

14 (f) A member of the Workgroup:

15 (1) may not receive compensation as a member of the Workgroup; but

16 (2) is entitled to reimbursement for expenses under the Standard State
17 Travel Regulations, as provided in the State budget.

18 (g) The Workgroup shall:

19 (1) develop a framework for reliability and reporting standards for EV
20 charging stations;

21 (2) study and make recommendations regarding which government
22 entities have responsibility for ensuring accountability regarding EV charging stations; and

23 (3) make recommendations regarding adopting and implementing
24 regulations that may:

25 (i) establish different payment options for the retail use of EV
26 supply equipment, including:

27 1. credit card, mobile phone, and toll-free number payment
28 options; and

29 2. options for customers with disabilities and non-English
30 speaking customers;

1 (ii) prohibit an EV service provider from requiring a subscription or
2 membership to initiate a charging session;

3 (iii) authorize an EV service provider to offer services on a
4 subscription or membership basis;

5 (iv) whether to establish requirements for transparent information
6 regarding EV charging stations, including charging rates, location, accessibility, and
7 real-time availability;

8 (v) enable users who have a subscription or membership with an EV
9 service provider to use an EV charging station that is not part of the subscription
10 membership;

11 (vi) establish employee training or certification requirements for
12 individuals who install or perform maintenance on EV supply equipment;

13 (vii) establishing minimum power output limits for EV supply
14 equipment and EV charging stations;

15 (viii) establish registration and certification requirements;

16 (ix) require the submission of reports on EV supply equipment to:

17 1. the Office of the Comptroller;

18 2. the Public Service Commission; and

19 3. the Alternative Fuels Data Center in the U.S. Department
20 of Energy;

21 (x) establish labeling requirements, including labeling requirements
22 for EV charging station charging rates, capacity, and voltage;

23 (xi) require an uptime of 97%;

24 (xii) specify how uptime will be measured, including:

25 1. whether uptime must be calculated per EV charging port
26 or per EV charging connector;

27 2. the date to which downtime is backdated; and

28 3. whether downtime includes EV charging station
29 disconnection or broken interface features when the EV supply equipment can still output
30 electricity;

(xiii) establish exemptions from the uptime requirement of 97%;

(xiv) establish customer support requirements, including:

1. labeling requirements for providing customer support information on an EV charging station; and

2. minimum hours of operation for:

A. general customer service needs; and

B. providing or dispatching customer assistance;

(xv) establish minimum hours of operation for EV charging stations;

(xvi) require proactive monitoring of EV supply equipment and EV charging stations;

(xvii) establish standards and procedures for accurate field standards in accordance with the most recent edition of the National Institute of Standards and Technology Handbook 44;

(xviii) establish standards for the use of:

1. combined charging systems, under which a standard EV charging connector allows a direct current fast charger to connect to, communicate with, and charge an electric vehicle; or

2. North American charging systems, under which a Tesla standard EV charging connector allows a direct current fast charge to connect to, communicate with, and charge an electric vehicle; and

(xix) establish civil penalties for noncompliance with the regulations.

(h) The recommendations made under subsection (g)(3) of this section shall:

(1) give deference to the Federal Highway Administration's National Electric Vehicle Infrastructure Formula Program, but may permit deviation for good cause;

(2) provide a delayed applicability date for EV supply equipment installed before the date the regulations are initially adopted; and

(3) exclude regulations that apply to:

(i) EV supply equipment that is used for noncommercial purposes;
and

1 (ii) EV supply equipment that supplies wholesale electricity.

2 (i) On or before November 1, 2024, the Workgroup shall report its framework and
3 recommendations to the Senate Education, Energy, and the Environment Committee and
4 the House Economic Matters Committee, in accordance with § 2-1257 of the State
5 Government Article.

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 15, 2025,~~
7 ~~the Comptroller, in consultation with the Public Service Commission, shall submit a report~~
8 ~~to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:~~

9 ~~(1) the progress made in developing the regulations required under Section~~
10 ~~1 of this Act; and~~

11 ~~(2) the resources required for the enforcement of the regulations required~~
12 ~~under Section 1 of this Act.~~

13 ~~SECTION 2.~~ SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2024. It shall remain effective for a period of 2 years and, at the end of June 30,
15 2026, this Act, with no further action required by the General Assembly, shall be abrogated
16 and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.