## **SENATE BILL 951**

C2 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

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## 2 Business Regulation - Electric Vehicle Supply Equipment Workgroup - Regulations for Retail Use

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

11 BY adding to

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12 Article - Business Regulation

Section 19-1001 through 19-1003 to be under the new subtitle "Subtitle 10. Electric

14 Vehicle Supply Equipment"

15 Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

## 17 BY repealing and reenacting, without amendments,

Article - Public Utilities

19 Section 7-901(a), (b), and (e)

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.

<u>Underlining</u> indicates amendments to bill.

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

$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - Business Regulation
4	SUBTITLE 10. ELECTRIC VEHICLE SUPPLY EQUIPMENT.
5	<del>19-1001.</del>
6 7	(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
8	(B) "DIRECT CURRENT FAST CHARGER" MEANS EV SUPPLY EQUIPMENT:
9 10	(1) CAPABLE OF SUPPLYING DIRECT CURRENT ELECTRICITY TO AN ELECTRIC VEHICLE; AND
11	(2) FITTED WITH AN EV CHARGING CONNECTOR.
12 13	(C) "EV CHARGING CONNECTOR" MEANS A DEVICE THAT ATTACHES AN ELECTRIC VEHICLE TO AN EV CHARGING PORT TO FACILITATE THE TRANSFER OF
14	ELECTRICITY TO AN ELECTRIC VEHICLE.
15 16 17	(D) "EV CHARGING PORT" MEANS THE PORTION OF AN EV CHARGING STATION THAT ATTACHES AN EV CHARGING CONNECTOR WITH THE EV CHARGING STATION.
18 19	(E) "EV CHARGING STATION" MEANS A CONNECTED POINT IN EV SUPPLY EQUIPMENT:
20 21	(1) AT WHICH CURRENT IS TAKEN TO CHARGE A BATTERY OR ANY OTHER ENERGY STORAGE DEVICE IN AN ELECTRIC VEHICLE; AND
22	(2) CAPABLE OF PROVIDING CHARGING THAT IS AT LEAST:
23	(I) LEVEL 2 CHARGING; OR
24	(II) DIRECT CURRENT FAST CHARGER CHARGING.
25 26	(F) "EV SERVICE PROVIDER" MEANS AN ENTITY RESPONSIBLE FOR OPERATING ONE OR MORE EV SUPPLY EQUIPMENT UNITS, INCLUDING BEING
27	RESPONSIBLE FOR:

1	(1) SENDING OR RECEIVING COMMANDS OR MESSAGES TO AN EV
$\frac{1}{2}$	CHARGING NETWORK AS DEFINED IN § 7–901 OF THE PUBLIC UTILITIES ARTICLE;
	,
3	<del>AND</del>
4	(9) PROVIDING BILLING MAINTENANCE PECEPLIATIONS AND OTHER
4	(2) PROVIDING BILLING, MAINTENANCE, RESERVATIONS, AND OTHER
5	SERVICES FOR AN EV SUPPLY EQUIPMENT UNIT.
6	(G) "EV SUPPLY EQUIPMENT" MEANS A UNIT THAT CONTROLS THE POWER
7	SUPPLY TO ONE OR MORE ELECTRIC VEHICLES AT AN EV CHARGING STATION.
8	(H) "LEVEL 2 CHARGING" HAS THE MEANING STATED IN § 7-901 OF THE
9	Public Utilities Article.
10	(I) "UPTIME" MEANS THE AVAILABILITY AND CONSISTENCY OF AN EV
11	CHARGING STATION TO SUCCESSFULLY DISPENSE ELECTRICITY AS DESIGNED,
12	MEASURED AS A PERCENTAGE OF BOTH HOURS AND DAYS OF A CALENDAR YEAR.
13	<del>19-1002.</del>
14	This subtitle does not apply to:
15	(1) EV SUPPLY EQUIPMENT THAT IS USED FOR NONCOMMERCIAL
16	PURPOSES; OR
10	
17	(2) EV SUPPLY EQUIPMENT THAT SUPPLIES WHOLESALE
18	ELECTRICITY.
10	ELECTRICITI:
10	10, 1009
19	<del>19-1003.</del>
00	(A) THE COMPEDIATE CHAIL ADOPT DECLY ACTIONS FOR THE DECLY ASSE
20	(A) THE COMPTROLLER SHALL ADOPT REGULATIONS FOR THE RETAIL USE
21	OF EV SUPPLY EQUIPMENT IN THE STATE.
22	(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE REGULATIONS
23	SHALL:
24	(1) ESTABLISH DIFFERENT PAYMENT OPTIONS FOR THE RETAIL USE
25	OF EV SUPPLY EQUIPMENT, INCLUDING:
26	(I) CREDIT CARD, MOBILE PHONE, AND TOLL-FREE NUMBER
27	PAYMENT OPTIONS; AND
-	
28	(II) OPTIONS FOR CUSTOMERS WITH DISABILITIES AND
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NON-ENGLISH SPEAKING CUSTOMERS;

3 (3) AUTHORIZE AN EW SERVICE PROVIDER TO OFFER SERVICES ON A 4 SUBSCRIPTION OR MEMBERSHIP BASIS; 5 (4) ESTABLISH REQUIREMENTS FOR TRANSPARENT INFORMATION 6 REGARDING EV CHARGING STATIONS, INCLUDING CHARGING RATES, LOCATION, 7 ACCESSIBILITY, AND REAL TIME AVAILABILITY; 8 (5) ENABLE USERS WHO HAVE A SUBSCRIPTION OR MEMBERSHIP 9 WITH AN EV SERVICE PROVIDER TO USE AN EV CHARGING STATION THAT IS NOT 10 PART OF THE SUBSCRIPTION OR MEMBERSHIP; 11 (6) ESTABLISH EMPLOYEE TRAINING OR CERTIFICATION 12 REQUIREMENTS FOR INDIVIDUALS WHO INSTALL OR PERFORM MAINTENANCE ON 13 EV SUPPLY EQUIPMENT; 14 (7) ESTABLISH MINIMUM POWER OUTPUT LIMITS FOR EV SUPPLY 15 EQUIPMENT AND EV CHARGING STATIONS; 16 (8) ESTABLISH REGISTRATION AND CERTIFICATION REQUIREMENTS; 17 (9) REQUIRE THE SUBMISSION OF REPORTS ON EV SUPPLY 18 EQUIPMENT TO: 19 (H) THE OFFICE OF THE COMPTROLLER; 20 (H) THE PUBLIC SERVICE COMMISSION; AND 21 (HI) THE ALTERNATIVE FUELS DATA CENTER IN THE U.S. 22 DEPARTMENT OF ENERGY; 23 (10) ESTABLISH LABBLING REQUIREMENTS, INCLUDING LABBLING REQUIREMENTS FOR EV CHARGING STATION CHARGING RATES, CAPACITY, AND 25 VOLTAGE; 26 (11) REQUIRE AN UPTIME OF 97%; 27 (12) SPECIFY HOW UPTIME WILL BE MEASURED, INCLUDING: 28 (H) WHETHER UPTIME MUST BE CALCULATED PER EV	1	(2) PROHIBIT AN EV SERVICE PROVIDER FROM REQUIRING A
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28 (1) WHETHER UPTIME MUST BE CALCULATED PER EV	27	(12) SPECIFY HOW UPTIME WILL BE MEASURED, INCLUDING:
		(12) STEEL THE WILL WILL BE MEDICOUND, INCHEDING
	28	(I) WHETHER UPTIME MUST BE CALCULATED PER EV
		CHARGING PORT OR PER EV CHARGING CONNECTOR;

1	(II) THE DATE TO WHICH DOWNTIME IS BACKDATED; AND
2	(III) WHETHER DOWNTIME INCLUDES EV CHARGING STATION
3	DISCONNECTION OR BROKEN INTERFACE FEATURES WHEN THE EV SUPPLY
4	EQUIPMENT CAN STILL OUTPUT ELECTRICITY;
5	(13) IF DETERMINED APPROPRIATE BY THE COMPTROLLER,
6	ESTABLISH EXEMPTIONS FROM THE UPTIME REQUIREMENT OF 97%;
Ü	
7	(14) ESTABLISH CUSTOMER SUPPORT REQUIREMENTS, INCLUDING:
8	(I) LABELING REQUIREMENTS FOR PROVIDING CUSTOMER
9	SUPPORT INFORMATION ON AN EV CHARGING STATION; AND
10	(II) MINIMUM HOURS OF OPERATION FOR:
11	1 CENEDAL CUCEOMED CEDALCE NEEDC, AND
11	1. GENERAL CUSTOMER SERVICE NEEDS; AND
12	2. PROVIDING OR DISPATCHING CUSTOMER
13	ASSISTANCE;
10	TIODIS ITH VOL9
14	(15) ESTABLISH MINIMUM HOURS OF OPERATION FOR EV CHARGING
15	STATIONS:
16	(16) REQUIRE PROACTIVE MONITORING OF EV SUPPLY EQUIPMENT
17	AND EV CHARGING STATIONS;
18	(17) ESTABLISH STANDARDS AND PROCEDURES FOR ACCURATE FIELD
19	STANDARDS IN ACCORDANCE WITH THE MOST RECENT EDITION OF THE NATIONAL
20	Institute of Standards and Technology Handbook 44;
	(10)
21	(18) IF DETERMINED APPROPRIATE BY THE COMPTROLLER,
22	ESTABLISH STANDARDS FOR THE USE OF:
23	(I) COMBINED CHARGING SYSTEMS, UNDER WHICH A
24	STANDARD EV CHARGING CONNECTOR ALLOWS A DIRECT CURRENT FAST CHARGER
25	TO CONNECT TO, COMMUNICATE WITH, AND CHARGE AN ELECTRIC VEHICLE; OR
20	10 CONNECT 10, COMMUNICATE WITH, AND CHARGE AN ELECTRIC VEHICLE, OR
26	(II) NORTH AMERICAN CHARGING SYSTEMS, UNDER WHICH A
27	TESLA STANDARD EV CHARGING CONNECTOR ALLOWS A DIRECT CURRENT FAST
28	CHARGER TO CONNECT TO, COMMUNICATE WITH, AND CHARGE AN ELECTRIC
29	VEHICLE: AND

1		(19) ESTABLISH CIVIL PENALTIES FOR NONCOMPLIANCE WITH THE
2	REGULATIO	<del>)NS.</del>
3	<del>(C)</del>	REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SECTION SHALL:
4 5	NATIONAL	(1) COMPLY WITH THE FEDERAL HIGHWAY ADMINISTRATION'S ELECTRIC VEHICLE INFRASTRUCTURE FORMULA PROGRAM; AND
6 7 8	EQUIPMENTADOPTED.	(2) PROVIDE A DELAYED APPLICABILITY DATE FOR EV SUPPLY INSTALLED BEFORE THE DATE THE REGULATIONS ARE INITIALLY
9		Article - Public Utilities
10	<del>7–901.</del>	
11	<del>(a)</del>	In this subtitle the following words have the meanings indicated.
12 13	<del>(b)</del> electric com	"EV charging network" means the total number of EV charging stations an eany installs or maintains for public use.
14 15	` '	"Level 2 charging" means the ability to charge a battery or other energy ce in an electric vehicle in a manner that:
16 17	minimum of	(1) is capable of using an alternating current electrical service with a 208 volts; and
18		(2) meets applicable industry safety standards.
19	<u>(a)</u>	(1) In this section the following words have the meanings indicated.
20		(2) "Direct current fast charger" means EV supply equipment:
21 22	vehicle; and	(i) capable of supplying direct current electricity to an electric
23		(ii) fitted with an EV charging connector.
24 25	vehicle to ar	(3) "EV charging connector" means a device that attaches an electric EV charging port to facilitate the transfer of electricity to an electric vehicle.
26 27	attaches an	(4) "EV charging port" means the portion of an EV charging station that EV charging connector with the EV charging station.
28 29	equinment:	(5) "EV charging station" means a connected point in EV supply

1 2	storage device in an	i) at which current is taken to charge a battery or any other energy 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 7		EV service provider" means an entity responsible for operating one or ipment units, including being responsible for:
8 9		i) sending or receiving commands or messages to an EV charging n § 7–901 of the Public Utilities Article; and
10 11	for an EV supply equ	ii) providing billing, maintenance, reservations, and other services aipment unit.
12 13		EV supply equipment" means a unit that controls the power supply to vehicles at an EV charging station.
14 15	(8) <u>"</u> <u>Utilities Article.</u>	Level 2 charging" has the meaning stated in § 7–901 of the Public
16 17 18		Uptime" means the availability and consistency of an EV charging ly dispense electricity as designed, measured as a percentage of both calendar year.
19	(b) There i	s an Electric Vehicle Supply Equipment Workgroup.
20	(c) The Wo	orkgroup consists of the following members:
21 22	the Senate; (1) t	wo members of the Senate of Maryland, appointed by the President of
23 24	the House;	wo members of the House of Delegates, appointed by the Speaker of
25 26	(3) <u>(3)</u> Secretary of Agricul	one representative of the Department of Agriculture, designated by the ture;
27 28		one representative of the Public Service Commission, designated by the olic Service Commission;
29	<u>(5)</u>	one representative of the Office of the Comptroller, designated by the

1 2	(6) one representative of the Maryland Department of Transportation, designated by the Secretary of Transportation;
3 4	(7) one representative of the Maryland Energy Administration, designated by the Director of the Maryland Energy Administration; and
5	(8) the following members, designated by the Public Service Commission:
6 7 8	(i) two representatives of the public interest sector who are identified as nongovernment organization leaders in the electric vehicle industry in the State and consumers of electric vehicles; and
9 10	(ii) two representatives of the private sector business partners who are identified as leaders in the electric vehicle industry in the State.
11 12	(d) The Chair of the Public Service Commission shall designate the chair of the 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 17	(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
18	(g) The Workgroup shall:
19 20	(1) develop a framework for reliability and reporting standards for EV charging stations;
21 22	(2) study and make recommendations regarding which government entities have responsibility for ensuring accountability regarding EV charging stations; and
23 24	(3) make recommendations regarding adopting and implementing regulations that may:
25 26	(i) <u>establish different payment options for the retail use of EV supply equipment, including:</u>
27 28	1. <u>credit card, mobile phone, and toll–free number payment</u> options; and
29 30	2. options for customers with disabilities and non–English speaking customers;

$\frac{1}{2}$	(ii) membership to initiate a	prohibit an EV service provider from requiring a subscription or charging session;
3 4	(iii) subscription or members	authorize an EV service provider to offer services on a nip basis;
5 6 7	(iv) regarding EV charging real—time availability;	whether to establish requirements for transparent information stations, including charging rates, location, accessibility, and
8 9 10	service provider to use membership;	enable users who have a subscription or membership with an EV an EV charging station that is not part of the subscription
11 12	(vi) individuals who install or	establish employee training or certification requirements for perform maintenance on EV supply equipment;
13 14	(vii) equipment and EV charg	establishing minimum power output limits for EV supplying stations;
15	(viii)	establish registration and certification requirements;
16	<u>(ix)</u>	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 20	of Energy;	3. the Alternative Fuels Data Center in the U.S. Department
21 22	(x) establish labeling requirements, including labeling requirements for EV charging station charging rates, capacity, and voltage;	
23	<u>(xi)</u>	require an uptime of 97%;
24	<u>(xii)</u>	specify how uptime will be measured, including:
25 26	or per EV charging conne	1. whether uptime must be calculated per EV charging port ctor;
27		2. the date to which downtime is backdated; and
28 29 30	disconnection or broken i electricity;	3. whether downtime includes EV charging station nterface features when the EV supply equipment can still output

1	(xiii)	establish exemptions from the uptime requirement of 97%;
2	(xiv)	establish customer support requirements, including:
3 4	information on an EV cha	1. labeling requirements for providing customer support arging station; and
5		<u>2.</u> minimum hours of operation for:
6		A. general customer service needs; and
7		B. providing or dispatching customer assistance;
8	<u>(xv)</u>	establish minimum hours of operation for EV charging stations;
9 10	<u>(xvi)</u> <u>charging stations;</u>	require proactive monitoring of EV supply equipment and EV
11 12 13		establish standards and procedures for accurate field standards most recent edition of the National Institute of Standards and
14	(xviii)	establish standards for the use of:
15 16 17	charging connector allow and charge an electric ve	1. combined charging systems, under which a standard EV s a direct current fast charger to connect to, communicate with, hicle; or
18 19 20		2. North American charging systems, under which a Tesla connector allows a direct current fast charge to connect to, harge an electric vehicle; and
21	(xix)	establish civil penalties for noncompliance with the regulations.
22	(h) The recomm	endations made under subsection (g)(3) of this section shall:
23 24		deference to the Federal Highway Administration's National acture Formula Program, but may permit deviation for good cause;
25 26		de a delayed applicability date for EV supply equipment installed ations are initially adopted; and
27	(3) exclu	de regulations that apply to:
28 29	(i) and	EV supply equipment that is used for noncommercial purposes;

1	(ii) EV supply equipment that supplies wholesale electricity.
2 3 4 5	(i) On or before November 1, 2024, the Workgroup shall report its framework and recommendations to the Senate Education, Energy, and the Environment Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article.
6 7 8	SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 15, 2025 the Comptroller, in consultation with the Public Service Commission, shall submit a report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on
9 10	(1) the progress made in developing the regulations required under Section 1 of this Act; and
11 12	(2) the resources required for the enforcement of the regulations required under Section 1 of this Act.
13 14 15 16	SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take effective July 1, 2024. It shall remain effective for a period of 2 years and, at the end of June 30 2026, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.
	Approved:
	Governor.
	President of the Senate.

Speaker of the House of Delegates.