

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 454

Introduced by Senator Corbett

February 21, 2013

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, as amended, 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, ~~that~~ *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, however, authorize an electric vehicle charging station to require additional network roaming charges for nonmembers if those charges are~~ *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 all persons that provide the service provider of electric vehicle charging services service equipment, as defined, at an electric vehicle charging station, as defined, to disclose to the public and the state board 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. The bill would authorize the state board to provide this information to the National Renewable Energy Laboratory, to other governmental entities, or to software application developers for the purpose of compiling it and providing the information to the public. The bill would also authorize the state board to release the information directly to the public.~~

~~This bill would also require the state board, on or after, 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 bill also would require the state board to maintain a toll-free telephone number and email address or an Internet Web site to collect consumer complaints regarding violations of these provisions. The bill would authorize the state board to respond to consumer complaints and would require the state board to summarize those complaints by number and type of complaint and make the summary available to the public annually.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

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

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

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

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

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

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

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

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

30

31 CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN
32 ACCESS ACT

33

34 44268. As used in this chapter, the following terms have the
35 following meanings:

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

1 ~~(b) “Battery charging station” means an electric component~~
 2 ~~assembly or cluster of component assemblies designed specifically~~
 3 ~~to charge batteries within electric vehicles by permitting the~~
 4 ~~transfer of electric energy to a battery or other storage device in~~
 5 ~~an electric vehicle.~~

6 ~~(e)~~

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

10 ~~(d)~~

11 (c) “Electric vehicle charging station” means one or more ~~public~~
 12 ~~publicly available~~ parking spaces served by a ~~battery charging~~
 13 ~~station~~ *electric vehicle service equipment*.

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

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

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

26 (g) ~~“Public~~ “*Publicly available parking space*” means a parking
 27 space that ~~is~~ *has been designated by a property owner or lessee*
 28 *to be* available to, and accessible by, the public and ~~includes~~ *may*
 29 *include* on-street parking ~~spaces,~~ *spaces and* parking spaces in
 30 surface lots or parking ~~garages, and designated visitor parking~~
 31 ~~spaces in a private business parking lot.~~ *Public garages.* “*Publicly*
 32 *available parking spaces*” *space*” shall not include a parking space
 33 that is part of, or associated with, a private ~~residence or~~ *residence*,
 34 a parking space that is reserved for the exclusive use of an
 35 individual driver or vehicle or for a group of drivers or vehicles,
 36 such as employees, tenants, *visitors*, residents of a common interest
 37 development, or residents of an adjacent building, *or a parking*
 38 *space provided by a producer of electric vehicles as a service.*
 39 Nothing in this article limits the ability of an owner or ~~lessor~~ *lessee*
 40 of a *publicly available parking space* whose primary business is

1 other than electric vehicle charging from restricting use of the
2 parking ~~space~~ *space, such as limiting use to customers and visitors*
3 of the business.

4 44268.2. (a) (1) Persons desiring to use an electric vehicle
5 charging station that requires payment of a fee shall not be required
6 to pay a subscription fee in order to use the station, and shall not
7 be required to obtain membership in any club, association, or
8 organization as a condition of using the station. ~~Use of an electric~~
9 ~~vehicle charging station may require additional network roaming~~
10 ~~charges for nonmembers if those charges are~~ *The total actual*
11 *charges for the use of an electric vehicle charging station,*
12 *including any additional network roaming charges for*
13 *nonmembers, shall be disclosed to the public at the point of sale.*
14 An electric vehicle charging station that requires payment of a fee
15 shall allow a person desiring to use the station to pay via credit
16 card or mobile technology, or both.

17 (2) Notwithstanding paragraph (1), an electric vehicle charging
18 station may offer services on a subscription- or membership-only
19 basis provided those electric vehicle charging stations allow
20 nonsubscribers or nonmembers the ability to use the electric vehicle
21 charging station through the payment options detailed in paragraph
22 (1).

23 (b) ~~The service provider of an electric vehicle charging station~~
24 ~~that is accessible to the public service equipment at an electric~~
25 ~~vehicle charging station or its designee shall disclose to the public~~
26 ~~and the state board National Renewable Energy Laboratory the~~
27 ~~electric vehicle charging station's geographic location, a schedule~~
28 ~~of fees, accepted methods of payment, and the amount of network~~
29 ~~roaming charges for nonmembers, if any. The state board may~~
30 ~~provide this information to the National Renewable Energy~~
31 ~~Laboratory, to other governmental entities, or to software~~
32 ~~application developers for the purpose of compiling it and~~
33 ~~providing the information to the public. The state board may also~~
34 ~~release the information directly to the public.~~

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

1 (d) ~~On or after~~ *If no interoperability billing standards have been*
2 *adopted by a national standards organization by January 1, 2015,*
3 the state board may adopt interoperability billing standards for
4 network roaming payment methods for electric vehicle charging
5 stations. If the state board adopts interoperability billing standards,
6 all electric vehicle charging stations that require payment shall
7 meet those standards within one year. ~~The~~ *Any standards adopted*
8 *by the* state board shall consider other governmental or
9 industry-developed interoperability billing standards and may
10 adopt interoperability *billing* standards promulgated by an outside
11 authoritative body.

12 (e) The state board shall maintain a toll-free telephone number
13 and email address or an Internet Web site to collect consumer
14 complaints regarding violations of this section. The state board
15 may respond to complaints. The state board shall summarize the
16 complaints by number and type of complaint and make the
17 summary available to the public annually.