

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 946

Introduced by Assembly Member Ting

February 26, 2015

An act to amend Section ~~44268.2~~ 44272 of the Health and Safety Code, relating to electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 946, as amended, Ting. Electric vehicle charging stations.

Existing law requires the State Energy Resources Conservation and Development Commission to implement the Alternative and Renewable Fuel Vehicle Technology Program to provide financial assistance to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law includes within the program alternative and renewable fuel infrastructure, fueling stations, and equipment.

This bill would specify that alternative and renewable fuel infrastructure includes electric vehicle charging infrastructure in disadvantaged communities.

~~Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The act authorizes the State Air Resources Board to adopt interoperability billing standards for network roaming payment methods~~

~~for electric vehicle charging stations if no interoperability billing standards have been adopted by a national standards organization by January 1, 2015. The act provides that if the state board adopts interoperability billing standards, all electric vehicle charging stations that require payment shall meet those standards within one year.~~

~~This bill would change the date of the state board’s conditional authorization to adopt those interoperability billing standards to January 1, 2016, and would require the electric vehicle charging stations to meet those standards within 6 months.~~

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

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

1 SECTION 1. Section 44272 of the Health and Safety Code is
2 amended to read:

3 44272. (a) The Alternative and Renewable Fuel and Vehicle
4 Technology Program is hereby created. The program shall be
5 administered by the commission. The commission shall implement
6 the program by regulation pursuant to the requirements of Chapter
7 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
8 Title 2 of the Government Code. The program shall provide, upon
9 appropriation by the Legislature, competitive grants, revolving
10 loans, loan guarantees, loans, or other appropriate funding
11 measures, to public agencies, vehicle and technology entities,
12 businesses and projects, public-private partnerships, workforce
13 training partnerships and collaboratives, fleet owners, consumers,
14 recreational boaters, and academic institutions to develop and
15 deploy innovative technologies that transform California’s fuel
16 and vehicle types to help attain the state’s climate change policies.
17 The emphasis of this program shall be to develop and deploy
18 technology and alternative and renewable fuels in the marketplace,
19 without adopting any one preferred fuel or technology.

20 (b) A project that receives more than seventy-five thousand
21 dollars (\$75,000) in funds from the commission shall be approved
22 at a noticed public meeting of the commission and shall be
23 consistent with the priorities established by the investment plan
24 adopted pursuant to Section 44272.5. Under this article, the
25 commission may delegate to the commission’s executive director,

1 or his or her designee, the authority to approve either of the
2 following:

3 (1) A contract, grant, loan, or other agreement or award that
4 receives seventy-five thousand dollars (\$75,000) or less in funds
5 from the commission.

6 (2) Amendments to a contract, grant, loan, or other agreement
7 or award as long as the amendments do not increase the amount
8 of the award, change the scope of the project, or modify the purpose
9 of the agreement.

10 (c) The commission shall provide preferences to those projects
11 that maximize the goals of the Alternative and Renewable Fuel
12 and Vehicle Technology Program, based on the following criteria,
13 as applicable:

14 (1) The project's ability to provide a measurable transition from
15 the nearly exclusive use of petroleum fuels to a diverse portfolio
16 of viable alternative fuels that meet petroleum reduction and
17 alternative fuel use goals.

18 (2) The project's consistency with existing and future state
19 climate change policy and low-carbon fuel standards.

20 (3) The project's ability to reduce criteria air pollutants and air
21 toxics and reduce or avoid multimedia environmental impacts.

22 (4) The project's ability to decrease, on a life-cycle basis, the
23 discharge of water pollutants or any other substances known to
24 damage human health or the environment, in comparison to the
25 production and use of California Phase 2 Reformulated Gasoline
26 or diesel fuel produced and sold pursuant to California diesel fuel
27 regulations set forth in Article 2 (commencing with Section 2280)
28 of Chapter 5 of Division 3 of Title 13 of the California Code of
29 Regulations.

30 (5) The project does not adversely impact the sustainability of
31 the state's natural resources, especially state and federal lands.

32 (6) The project provides nonstate matching funds. Costs incurred
33 from the date a proposed award is noticed may be counted as
34 nonstate matching funds. The commission may adopt further
35 requirements for the purposes of this paragraph. The commission
36 is not liable for costs incurred pursuant to this paragraph if the
37 commission does not give final approval for the project or the
38 proposed recipient does not meet requirements adopted by the
39 commission pursuant to this paragraph.

1 (7) The project provides economic benefits for California by
2 promoting California-based technology firms, jobs, and businesses.

3 (8) The project uses existing or proposed fueling infrastructure
4 to maximize the outcome of the project.

5 (9) The project's ability to reduce on a life-cycle assessment
6 greenhouse gas emissions by at least 10 percent, and higher
7 percentages in the future, from current reformulated gasoline and
8 diesel fuel standards established by the state board.

9 (10) The project's use of alternative fuel blends of at least 20
10 percent, and higher blend ratios in the future, with a preference
11 for projects with higher blends.

12 (11) The project drives new technology advancement for
13 vehicles, vessels, engines, and other equipment, and promotes the
14 deployment of that technology in the marketplace.

15 (d) The commission shall rank applications for projects proposed
16 for funding awards based on solicitation criteria developed in
17 accordance with subdivision (c), and shall give additional
18 preference to funding those projects with higher benefit-cost scores.

19 (e) Only the following shall be eligible for funding:

20 (1) Alternative and renewable fuel projects to develop and
21 improve alternative and renewable low-carbon fuels, including
22 electricity, ethanol, dimethyl ether, renewable diesel, natural gas,
23 hydrogen, and biomethane, among others, and their feedstocks
24 that have high potential for long-term or short-term
25 commercialization, including projects that lead to sustainable
26 feedstocks.

27 (2) Demonstration and deployment projects that optimize
28 alternative and renewable fuels for existing and developing engine
29 technologies.

30 (3) Projects to produce alternative and renewable low-carbon
31 fuels in California.

32 (4) Projects to decrease the overall impact of an alternative and
33 renewable fuel's life cycle carbon footprint and increase
34 sustainability.

35 (5) Alternative and renewable fuel infrastructure, fueling
36 stations, and equipment. The preference in paragraph (10) of
37 subdivision (c) shall not apply to renewable diesel or biodiesel
38 infrastructure, fueling stations, and equipment used solely for
39 renewable diesel or biodiesel fuel. *Alternative and renewable fuel*

1 *infrastructure includes electric vehicle charging infrastructure in*
2 *disadvantaged communities identified pursuant to Section 39711.*

3 (6) Projects to develop and improve light-, medium-, and
4 heavy-duty vehicle technologies that provide for better fuel
5 efficiency and lower greenhouse gas emissions, alternative fuel
6 usage and storage, or emission reductions, including propulsion
7 systems, advanced internal combustion engines with a 40 percent
8 or better efficiency level over the current market standard,
9 lightweight materials, intelligent transportation systems, energy
10 storage, control systems and system integration, physical
11 measurement and metering systems and software, development of
12 design standards and testing and certification protocols, battery
13 recycling and reuse, engine and fuel optimization electronic and
14 electrified components, hybrid technology, plug-in hybrid
15 technology, battery electric vehicle technology, fuel cell
16 technology, and conversions of hybrid technology to plug-in
17 technology through the installation of safety certified supplemental
18 battery modules.

19 (7) Programs and projects that accelerate the commercialization
20 of vehicles and alternative and renewable fuels including buy-down
21 programs through near-market and market-path deployments,
22 advanced technology warranty or replacement insurance,
23 development of market niches, supply-chain development, and
24 research related to the pedestrian safety impacts of vehicle
25 technologies and alternative and renewable fuels.

26 (8) Programs and projects to retrofit medium- and heavy-duty
27 onroad and nonroad vehicle fleets with technologies that create
28 higher fuel efficiencies, including alternative and renewable fuel
29 vehicles and technologies, idle management technology, and
30 aerodynamic retrofits that decrease fuel consumption.

31 (9) Infrastructure projects that promote alternative and renewable
32 fuel infrastructure development connected with existing fleets,
33 public transit, and existing transportation corridors, including
34 physical measurement or metering equipment and truck stop
35 electrification.

36 (10) Workforce training programs related to alternative and
37 renewable fuel feedstock production and extraction, renewable
38 fuel production, distribution, transport, and storage,
39 high-performance and low-emission vehicle technology and high
40 tower electronics, automotive computer systems, mass transit fleet

1 conversion, servicing, and maintenance, and other sectors or
2 occupations related to the purposes of this chapter.

3 (11) Block grants or incentive programs administered by public
4 entities or not-for-profit technology entities for multiple projects,
5 education and program promotion within California, and
6 development of alternative and renewable fuel and vehicle
7 technology centers. The commission may adopt guidelines for
8 implementing the block grant or incentive program, which shall
9 be approved at a noticed public meeting of the commission.

10 (12) Life cycle and multimedia analyses, sustainability and
11 environmental impact evaluations, and market, financial, and
12 technology assessments performed by a state agency to determine
13 the impacts of increasing the use of low-carbon transportation fuels
14 and technologies, and to assist in the preparation of the investment
15 plan and program implementation.

16 (13) A program to provide funding for homeowners who
17 purchase a plug-in electric vehicle to offset costs associated with
18 modifying electrical sources to include a residential plug-in electric
19 vehicle charging station. In establishing this program, the
20 commission shall consider funding criteria to maximize the public
21 benefit of the program.

22 (f) The commission may make a single source or sole source
23 award pursuant to this section for applied research. The same
24 requirements set forth in Section 25620.5 of the Public Resources
25 Code shall apply to awards made on a single source basis or a sole
26 source basis. This subdivision does not authorize the commission
27 to make a single source or sole source award for a project or
28 activity other than for applied research.

29 (g) The commission may do all of the following:

30 (1) Contract with the Treasurer to expend funds through
31 programs implemented by the Treasurer, if the expenditure is
32 consistent with all of the requirements of this article and Article
33 1 (commencing with Section 44270).

34 (2) Contract with small business financial development
35 corporations established by the Governor's Office of Business and
36 Economic Development to expend funds through the Small
37 Business Loan Guarantee Program if the expenditure is consistent
38 with all of the requirements of this article and Article 1
39 (commencing with Section 44270).

1 (3) Advance funds, pursuant to an agreement with the
2 commission, to any of the following:

3 (A) A public entity.

4 (B) A recipient to enable it to make advance payments to a
5 public entity that is a subrecipient of the funds and under a binding
6 and enforceable subagreement with the recipient.

7 (C) An administrator of a block grant program.

8 ~~SECTION 1. Section 44268.2 of the Health and Safety Code~~
9 ~~is amended to read:~~

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

21 ~~(2) Notwithstanding paragraph (1), an electric vehicle charging~~
22 ~~station may offer services on a subscription- or membership-only~~
23 ~~basis provided those electric vehicle charging stations allow~~
24 ~~nonsubscribers or nonmembers the ability to use the electric vehicle~~
25 ~~charging station through the payment options detailed in paragraph~~
26 ~~(1).~~

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

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

38 ~~(d) If no interoperability billing standards have been adopted~~
39 ~~by a national standards organization by January 1, 2016, the state~~
40 ~~board may adopt interoperability billing standards for network~~

1 ~~roaming payment methods for electric vehicle charging stations.~~
2 ~~If the state board adopts interoperability billing standards, all~~
3 ~~electric vehicle charging stations that require payment shall meet~~
4 ~~those standards within six months. Any standards adopted by the~~
5 ~~state board shall consider other governmental or industry-developed~~
6 ~~interoperability billing standards and may adopt interoperability~~
7 ~~billing standards promulgated by an outside authoritative body.~~

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