

**SENATE . . . . . No. 2505**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court**  
**(2015-2016)**  
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SENATE, Thursday, November 10, 2016

The committee on Ways and Means, to whom was referred the Senate Bill promoting electric vehicle adoption (Senate, No. 2266),-- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled “An Act promoting zero emission vehicle adoption” (Senate, No. 2505).

For the committee,  
Karen E. Spilka

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## The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act promoting zero emission vehicle adoption.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 25A of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 16. (a) The following words shall have the following meanings unless the context  
4 clearly requires otherwise:

5 “Battery electric vehicle”, a vehicle that draws propulsion energy solely from an on-  
6 board electrical energy storage device during operation that is charged from an external source of  
7 electricity.

8 “Electric vehicle”, a battery electric vehicle or plug-in hybrid electric vehicle.

9 “Electric vehicle charging services”, the transfer of electric energy from an electric  
10 vehicle charging station to a battery or other storage device in an electric vehicle and billing  
11 services, networking and operation and maintenance.

12 “Electric vehicle charging station”, an electric component assembly or cluster of  
13 component assemblies designed specifically to charge batteries within electric vehicles by  
14 permitting the transfer of electric energy to a battery or other storage device in an electric  
15 vehicle.

16           “Fuel cell vehicle”, a vehicle with an on-board fuel cell used to provide all or part of the  
17 motive power of the vehicle.

18           “Interoperability billing standards”, the ability for a member of 1 electric charging station  
19 billing network to use another billing network.

20           “Network roaming”, the act of a member of 1 electric vehicle charging station billing  
21 network using a charging station that is outside of the member's billing network with the  
22 member’s billing network account information.

23           “Public electric vehicle charging station”, an electric vehicle charging station located at a  
24 publicly available parking space.

25           “Publicly available parking space”, a parking space that has been designated by a  
26 property owner or lessee to be available to and accessible by the public and may include on-  
27 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
28 that “publicly available parking space” shall not include a parking space that is part of or  
29 associated with a private residence or a parking space that is reserved for the exclusive use of an  
30 individual driver or vehicle or for a group of drivers or vehicles including employees, tenants,  
31 visitors, residents of a common interest development or residents of an adjacent building.

32           “Plug-in hybrid electric vehicle”, a vehicle with an on-board electrical energy storage  
33 device that can be recharged from an external source of electricity but also has the capability to  
34 run on another fuel.

35           “Zero emissions vehicle”, a battery electric vehicle, a plug-in hybrid electric vehicle or a  
36 fuel cell vehicle.

37           (b) A person who wants to use a public electric vehicle charging station shall not be  
38 required to pay a subscription fee in order to use the station and shall not be required to obtain a

39 membership in a club, association or organization as a condition of using the station. Owners and  
40 operators of public electric vehicle charging stations may have separate price schedules  
41 conditional on a subscription or membership.

42 (c) The owner or lessee of a publicly available parking space, whose primary business is  
43 not electric vehicle charging services, may restrict the use of that parking space, including by  
44 limiting use to customers and visitors of the business.

45 (d) The owner or operator of a public electric vehicle charging station shall provide  
46 payment options that allow access by the general public.

47 (e) The owner or operator of a public electric vehicle charging station or a designee shall  
48 disclose on an ongoing basis to the United States Department of Energy's National Renewable  
49 Energy Laboratory, or other publicly available database designated by the department of energy  
50 resources, the station's geographic location, hours of operation, charging level, hardware  
51 compatibility, schedule of fees, accepted methods of payment and the amount of network  
52 roaming charges for nonmembers, if any.

53 (f) Unreasonable restrictions of electric vehicle charging stations in common interest  
54 development areas shall be prohibited.

55 SECTION 2. Section 22A of chapter 40 of the General Laws, as appearing in the 2014  
56 Official Edition, is hereby amended by adding the following paragraph:-

57 A city or town acting under this section with respect to ways within its control, or under  
58 the authority granted under chapter 40A with respect to zoning, may regulate the parking of  
59 vehicles by restricting certain areas or requiring that certain areas be restricted for the parking of  
60 a zero emission vehicle, as defined in section 16 of chapter 25A. An ordinance, by-law, order,  
61 rule or regulation pursuant to this paragraph may contain a penalty of not more than \$50 and, in a

62 city or town that has accepted section 22D, may provide for the removal of a vehicle under said  
63 section 22D.

64 SECTION 3. Section 94 of chapter 143 of the General Laws, as amended by section 111  
65 of chapter 46 of the acts of 2015, is hereby further amended by adding the following subsection:-

66 (s) In consultation with the department of energy resources, to develop requirements and  
67 promulgate regulations for residential and appropriate commercial buildings as part of the state  
68 building and electric code for electric vehicle charging. The regulations may include separate  
69 requirements for direct requirements for installed electric vehicle charging stations and  
70 requirements for maintaining capability to install electric vehicle charging stations.

71 SECTION 4. The Massachusetts Department of Transportation shall, in consultation with  
72 the zero emission vehicle commission and the department of state police, issue a feasibility study  
73 on authorizing a motor vehicle designated as a zero emissions vehicle, as defined in section 16 of  
74 chapter 25A, for travel in lanes designated for use by high-occupancy vehicles. The study shall  
75 include, but not be limited to, an examination of existing capacity in lanes designated for use by  
76 high-occupancy vehicles, the impact of zero emission vehicles on the lanes and a plan to  
77 properly differentiate zero emission vehicles to ensure appropriate access. The study shall be  
78 filed with the clerks of the senate and house of representatives and the senate and house chairs of  
79 the joint committee on transportation not later than October 1, 2017.

80 SECTION 5. The department of energy resources may adopt interoperability billing  
81 standards for network roaming payment methods for electric vehicle charging stations. If the  
82 department of energy resources adopts such interoperability billing standards, electric vehicle  
83 charging stations that require payment shall meet those standards within 1 year. The standards

84 adopted shall consider interoperability standards adopted by a national standards organization, if  
85 any, and other governmental or industry-developed interoperability billing standards. The  
86 department may adopt interoperability billing standards promulgated by an outside authoritative  
87 body.

88 SECTION 6. The secretary of the Massachusetts Department of Transportation, in  
89 consultation with the secretary of energy and environmental affairs, shall conduct a study  
90 examining the advisability and feasibility of assessing surcharges, levies or other assessments to  
91 offset projected gas tax revenue loss from the purchase or operation of zero emission vehicles.  
92 The study shall examine practices in other states and shall include input from electric vehicle  
93 manufacturers, dealers and trade associations, the zero emission vehicle commission, electric  
94 vehicle and fuel cell vehicle manufacturers, electric vehicle charging station manufacturers and  
95 hydrogen providers, as well as transportation, environmental and clean energy advocacy groups.  
96 The report shall be filed with the clerks of the senate and house of representatives, the chairs of  
97 the senate and house committees on ways and means and the senate and house chairs of the joint  
98 committee on transportation not later than December 1, 2017.

99 SECTION 7. The department of energy resources, in consultation with the Massachusetts  
100 Department of Transportation, shall conduct a study on the opportunities for electrification of the  
101 state fleet, including the vehicles used by the regional transit authorities. The study shall be filed  
102 with the clerks of the senate and house of representatives and with the senate and house chairs of  
103 the joint committee on transportation not later than October 1, 2017.

104 SECTION 8. The regulations required under subsection (s) of section 94 of chapter 143  
105 of the General Laws shall be promulgated not later than 1 year after the effective date of this act.

106           SECTION 9. When purchasing new hybrid and alternative fuel vehicles under section 9A  
107 of chapter 7 of the General Laws, the commonwealth shall, consistent with the ability of the  
108 vehicles to perform their intended functions, ensure that 25 per cent of the motor vehicles  
109 purchased annually by the commonwealth will be zero emission vehicles by 2025 and ensure that  
110 the fuel efficiency standard under said section 9A of said chapter 7 incorporates intermediate  
111 targets for electric vehicles.

112           SECTION 10. Section 5 shall take effect on January 1, 2018.