SENATE . . . . . No. 2266

The Commonwealth of Massachusetts

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

SENATE, Monday, May 2, 2016

The committee on Transportation to whom was referred the petition (accompanied by bill, Senate, No. 1824) of James B. Eldridge, Frank I. Smizik, Denise Provost, Michelle M. DuBois and other members of the General Court for legislation to promote electric vehicle adoption,- reports the accompanying bill (Senate, No. 2266).

For the committee,
Thomas M. McGee

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An Act promoting electric 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:

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting after section 19L the following:—

Section 19M.

(a) Notwithstanding any general or special law to the contrary, any motor vehicle designated as a battery electric vehicle shall be authorized for travel on lanes designated for use by high-occupancy vehicles.

(b) The secretary of transportation shall issue those regulations it considers necessary or appropriate to implement this section, within one year of the effective date of this act.

SECTION 2. Section 22A of chapter 40 of the General Laws is hereby amended by adding the following paragraph:—

Any city or town acting under this section with respect to ways under its control, or under the authority granted under chapter forty A with respect to zoning, may further regulate the parking of vehicles by restricting certain areas or requiring that certain areas be restricted for the

14 parking of any vehicle bearing a distinctive plate, decal, or emblem identifying such vehicle as
15 an electric vehicle. Any such ordinance, bylaw, order, rule, or regulation promulgated pursuant
16 to the provisions of this paragraph shall contain a penalty of not less than fifteen dollars or not
17 more than fifty dollars and may provide for the removal of a vehicle in accordance with the
18 provisions of section twenty-two D.

19 SECTION 3. Section 94 of chapter 143 of the General Laws is hereby amended by
20 adding the following paragraph:—

21 (s) In consultation with the Department of Energy Resources, to develop requirements
22 and promulgate regulations as part of the state building code within one year of the effective date
23 of this act, for electric vehicle charging. Such regulations may include separate requirements for
24 capability to install electric vehicle charging stations in the future and direct requirements for
25 electric vehicle charging stations.

26 SECTION 4. Chapter 25A of the General Laws is hereby amended by inserting after
27 section 15 the following:-

28 Section 16. (a)The following words shall, unless the context clearly requires otherwise,
29 have the following meanings:-

30 "Electric vehicle", a vehicle that uses a plug-in battery to provide all or part of the motive
31 power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell
32 vehicle.

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

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

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

41 “Electric vehicle service equipment”, an electric component assembly or cluster of
42 component assemblies designed specifically to charge batteries within electric vehicles by
43 permitting the transfer of electric energy to a battery or other storage device in an electric
44 vehicle.

45 “Electric vehicle charging services”, the transfer of electric energy from electric vehicle
46 service equipment to a battery or other storage device in an electric vehicle

47 “Electric vehicle charging station”, one or more parking spaces served by electric vehicle
48 service equipment

49 “Publicly available parking space”, a parking space that has been designated by a
50 property owner or lessee to be available to, and accessible by, the public and may include on-
51 street parking spaces and parking spaces in surface lots or parking garages. "Publicly available
52 parking space" shall not include a parking space that is part of, or associated with, a private
53 residence, a parking space that is reserved for the exclusive use of an individual driver or vehicle

54 or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common
55 interest development, or residents of an adjacent building.

56 “Public electric vehicle charging station”, one or more publicly available parking spaces
57 served by electric vehicle service equipment.

58 “Fee-based electric vehicle charging station”, an electric vehicle charging station where
59 customers, other than the owner or operator of the charging station, pay for electric vehicle
60 charging services on a per-kilowatt-hour basis, hourly basis, per-charge basis, a subscription
61 basis, a network membership basis, or any combination thereof. “Fee-based electric vehicle
62 charging station” shall not include stations where charging services are available solely on the
63 basis of a payment for access to a parking facility, payments as a lessee or tenant, or residence in
64 a common interest development.

65 “Interoperability billing standards”, the ability for a member of one electric charging
66 station billing network to use another billing network.

67 “Network roaming”, the act of a member of one electric vehicle charging station billing
68 network using a charging station that is outside of the member's billing network with his or her
69 billing network account information.

70 (b) Persons desiring to use a public electric vehicle charging station shall not be required
71 to pay a subscription fee in order to use the station, and shall not be required to obtain
72 membership in any club, association, or organization as a condition of using the station. Owners
73 and operators of public electric vehicle charging stations may have separate price schedules
74 conditional on a subscription or membership.

75 (c) Owners and lessees of a publicly available parking space, whose primary business is
76 other than electric vehicle charging services, may restrict the use of that parking space, such as
77 limiting use to customers and visitors of the business.

78 (d) A fee-based public electric vehicle charging station shall allow a person desiring to
79 use the station to pay via credit card, mobile technology, or both.

80 (e) The Department of Energy Resources may adopt interoperability billing standards for
81 network roaming payment methods for electric vehicle charging stations. Any standards adopted
82 shall consider other governmental or industry-developed interoperability billing standards and
83 may adopt interoperability billing standards promulgated by an outside authoritative body.

84 (f) The owner or operator of a public electric vehicle charging station, or their designee,
85 shall disclose on an ongoing basis to the National Renewable Energy Laboratory, or other
86 publicly available database subsequently designated by the Department of Energy Resources, the
87 station's geographic location, hours of operation, charging level, hardware compatibility, a
88 schedule of fees, accepted methods of payment, and the amount of network roaming charges for
89 nonmembers, if any.

90 SECTION 5. Section 9A of chapter 7 of the General Laws is hereby amended by adding
91 the following paragraph:—

92 When designing the above fuel efficiency standards for the purchase of new hybrid and
93 alternative fuel vehicles, consistent with the ability of such vehicles to perform their intended
94 functions, the commonwealth shall ensure that 25% of the motor vehicles purchased each year
95 by the commonwealth will be electric vehicles by 2025. Such fuel efficiency standard shall
96 incorporate intermediate targets for electric vehicles. The Department of Energy Resources shall

97 conduct a study on the opportunities for electrification of all segments of the state fleet, including
98 all vehicles used by the regional transit authorities.

99 SECTION 6. The secretary of transportation, in consultation with the secretary of energy
100 and environmental affairs, shall conduct a study examining the advisability and feasibility of
101 assessing surcharges, levies or other assessments to offset projected gas tax revenue loss from
102 the purchase and/or operation of zero-emission vehicles. The study shall examine practices in
103 other states and shall include input from electric vehicle manufacturers, dealers, and trade
104 associations, the Zero Emission Vehicle Commission, electric vehicle and hydrogen fuel cell
105 vehicle manufacturers, electric vehicle charging station manufacturers and hydrogen providers,
106 as well as transportation, environmental and clean energy advocacy groups. For the purposes of
107 this section, zero-emission vehicle shall be defined as a fuel cell vehicle or a vehicle that uses a
108 plug-in battery to provide all or part of the motive power of the vehicle, including battery
109 electric, plug-in hybrid electric, or plug-in fuel cell vehicles. The report shall be filed with the
110 clerks of the senate and house of representatives, the senate and house committees on ways and
111 means, and the joint committee on transportation not later than April 1, 2017.