

SENATE No. 2505

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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**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.