

SENATE No. 2837

Senate, June 25, 2024 -- Text of amendment (85) (offered by Senator Finegold) to the Ways and Means amendment (Senate, No. 2829) to the Senate Bill upgrading the grid and protecting ratepayers

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

1 in section 5, by adding after proposed section 30 of chapter 21A of the General Laws the
2 following section:-

3 “Section 31. (a) For the purposes of this section, the following words shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Charger”, a device having at least 1 charging port and connector for charging electric
6 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

7 “Charging network provider”, the entity that operates the digital communication network
8 that remotely manages the chargers which may include charging station operators and
9 manufacture chargers.

10 “Charging station”, a charger or group of chargers and the area in the immediate vicinity
11 of such charger or group of chargers, which may include, at the discretion of the regulating
12 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress
13 and egress; provided, however, that a charging station may comprise only part of the property on
14 which it is located.

15 “Charging station operator”, an entity that owns or provides the chargers and the
16 supporting equipment and facilities at charging stations and is responsible for the operation and
17 maintenance of the chargers and the supporting equipment and facilities; provided, however, that
18 such operator may delegate responsibility for certain aspects of the charging station operation
19 and maintenance to subcontractors.

20 “Connector”, a device that attaches an electric vehicle to a charging port to transfer
21 electricity; provided, however, that the term “connector” may also be referred to as a plug.

22 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-
23 current, or DC current, electricity directly to an electric vehicle’s battery.

24 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a
25 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that
26 can be recharged from an external source of electricity and has the capability to run on another
27 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or
28 other micromobility device.

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

32 “Electric vehicle supply equipment”, a device, including at least 1 charging port and
33 connector, for charging electric vehicles; provided, however, that the term “electric vehicle
34 supply equipment” may also be referred to as a charger.

35 “Level 1”, a galvanically-connected electric vehicle supply equipment with a single-
36 phase input voltage nominally 120 volts AC and maximum output current of not more than 16
37 amperes AC.

38 “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-
39 phase input voltage range from 208 volts to 240 volts AC and maximum output current of not
40 more than 80 amperes AC.

41 “National Electric Vehicle Infrastructure Formula program”, the federal program
42 established pursuant to the Infrastructure Investment and Jobs Act, Pub.L.117-58, pursuant to
43 which the Federal Highway Administration provides funding to the states to facilitate the
44 strategic, nationwide deployment of electric vehicle infrastructure and the related establishment
45 of an interconnected, interstate network that is designed to facilitate data collection, access and
46 reliability in association with the increased use of electric vehicles and electric vehicle
47 infrastructure.

48 “Public electric vehicle charging station”, an electric vehicle charging station located at a
49 publicly-available parking space.

50 "Publicly-available parking space", a parking space that has been designated by a
51 property owner or lessee to be available to and accessible by the public and may include on-
52 street parking spaces and parking spaces in surface lots or parking garages; provided, however,
53 that “publicly-available parking space” shall not include a parking space that is part of or
54 associated with residential real property containing not more than 4 dwelling units or that is
55 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or

56 vehicles, including employees, tenants, visitors, residents of a common interest development and
57 residents of an adjacent building.

58 “Publicly-funded and available charging station”, a public electric vehicle charging
59 station installed on or after January 1, 2025, that has received, or expects to receive, a grant, loan
60 or other incentive from a federal or state government source or through a charge on ratepayers
61 and is located at a publicly available parking space.

62 (b) The executive office of energy and environmental affairs shall promulgate regulations
63 to: (i) monitor the utilization or frequency of use of such chargers and charging stations; (ii)
64 monitor the reliability and availability of such chargers and charging stations, including, but not
65 limited to, whether reliability varies by the income of municipalities or neighborhoods or by
66 regions of the commonwealth; and (iii) require charging network providers and charging station
67 operators to share, free of charge, certain data fields, with third-party software developers via
68 application programming interfaces; provided, however, that any such data sharing may be
69 conditioned on measures to protect sensitive or confidential business information. The executive
70 office of energy and environmental affairs may designate any of its agencies to promulgate such
71 regulations.

72 (c) In promulgating regulations under this section, the executive office or its designated
73 agency may apply different requirements to publicly-funded and available charging stations or
74 other charging stations.

75 (d) Regulations promulgated under this section may vary by technology type, power
76 levels, number of chargers per site, site ownership and according to whether chargers: (i) are
77 networked; (ii) are public; (iii) are publicly-funded and available; (iv) are level 1, level 2 or

78 direct current fast chargers; or (v) are or are not all-inclusive mobile solar charging stations. Such
79 regulations may apply to charging stations other than publicly-funded and available charging
80 stations but shall not apply to chargers or charging stations installed at a residential real property
81 containing not more than 4 dwelling units. The executive office or its designated agency may, in
82 its discretion, set such standards as it deems necessary for data formats that comply with electric
83 vehicle charging industry best practices and standards.

84 (e) With respect to any regulations that may be promulgated pertaining to reliability, the
85 office or its designated agency shall develop definitions of “uptime” and “exempted downtime”
86 through a public process and in such a manner to promote, as much as is practicable, consistency
87 with other jurisdictions and the National Electric Vehicle Infrastructure formula program
88 requirements; provided, however, that the office or designated agency may: (i) set standards for
89 uptime; (ii) consider which events, if any, may count as exempted downtime; and (iii) take into
90 account the quality and condition of software and hardware.”; and

91 by inserting after section 36 the following section:-

92 “SECTION 36A. Chapter 98 of the General Laws is hereby amended by adding the
93 following section:-

94 Section 59. (a) For the purposes of this section, the following words shall have the
95 following meanings unless the context clearly requires otherwise:

96 “Charger”, a device having at least 1 charging port and connector for charging electric
97 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

98 “Charging network provider”, the entity that operates the digital communication network
99 that remotely manages the chargers which may include charging station operators and
100 manufacture chargers.

101 “Charging station”, a charger or group of chargers and the area in the immediate vicinity
102 of such charger or group of chargers, which may include, at the discretion of the regulating
103 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress
104 and egress; provided, however, that a charging station may comprise only part of the property on
105 which it is located.

106 “Charging station operator”, an entity that owns or provides the chargers and the
107 supporting equipment and facilities at charging stations and is responsible for the operation and
108 maintenance of the chargers and the supporting equipment and facilities; provided, however, that
109 such operator may delegate responsibility for certain aspects of the charging station operation
110 and maintenance to subcontractors.

111 “Connector”, a device that attaches an electric vehicle to a charging port to transfer
112 electricity; provided, however, that the term “connector” may also be referred to as a plug.

113 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-
114 current, or DC current, electricity directly to an electric vehicle’s battery.

115 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a
116 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that
117 can be recharged from an external source of electricity and has the capability to run on another
118 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or
119 other micromobility device.

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

123 “Electric vehicle supply equipment”, a device, including at least 1 charging port and
124 connector, for charging electric vehicles; provided, however, that “electric vehicle supply
125 equipment” shall also mean a charger.

126 “Level 1”, a galvanically-connected electric vehicle supply equipment with a single-
127 phase input voltage nominally 120 volts AC, or alternating current, and maximum output current
128 of not more than 16 amperes AC.

129 “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-
130 phase input voltage range from 208 volts to 240 volts AC, or alternating current, and maximum
131 output current of not more than 80 amperes AC.

132 “Public electric vehicle charging station”, an electric vehicle charging station located at a
133 publicly-available parking space.

134 "Publicly-available parking space", a parking space that has been designated by a
135 property owner or lessee to be available to and accessible by the public and may include on-
136 street parking spaces and parking spaces in surface lots or parking garages; provided, however,
137 that “publicly-available parking space” shall not include a parking space that is part of or
138 associated with residential real property containing not more than 4 dwelling units or that is
139 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or
140 vehicles, including employees, tenants, visitors, residents of a common interest development and
141 residents of an adjacent building.

142 “Publicly-funded and available charging station”, a public electric vehicle charging
143 station installed on or after January 1, 2025, that has received, or expects to receive, a grant, loan
144 or other incentive from a federal or state government source or through a charge on ratepayers
145 and is located at a publicly available parking space.

146 (b) The division of standards shall promulgate regulations to: (i) inventory the number
147 and location of charging stations; and (ii) ensure the accuracy of pricing and volumes of
148 electricity purchased at public electric vehicle charging stations; provided, however, that, with
149 respect to such public charging stations, such regulations shall include setting minimum
150 requirements for the communication and display of pricing information; provided further, that
151 the division of standards shall not prevent a charging station from operating due to an omission
152 or inability by the division to test, inspect, seal or inventory the charging station or otherwise
153 administer and enforce such regulations or, in the case of a public electric vehicle charging
154 station, due to an omission or inability to ensure the accuracy of pricing and volumes of
155 electricity purchased at, and information communicated by, such charging station.

156 (c) Any regulations promulgated pursuant to this section may vary by technology type,
157 power levels, number of chargers per site, site ownership and according to whether charging
158 stations and chargers: (i) are networked; (ii) are level 1, level 2 or direct current fast chargers;
159 and (iii) are or are not all-inclusive mobile solar charging stations. Such regulations shall not
160 apply to chargers or charging stations installed at a residential real property containing not more
161 than 4 dwelling units. The division may set standards for data formats that comply with electric
162 vehicle charging industry best practices and standards, as determined by the division.

163 (d) Annually, not later than May 1, the division shall submit a report and accompanying
164 data with respect to the inventory required under subsections (b) and (c) and other findings made
165 and activities undertaken pursuant to said subsections (b) and (c) to the joint committee on ways
166 and means, the joint committee on telecommunications, utilities and energy, the secretary of
167 energy and environmental affairs and the secretary of administration and finance.

168 (e) In promulgating regulations under this section, the division may apply different
169 requirements to publicly-funded and available electric vehicle chargers and other charging
170 stations”; and

171 in section 87, by inserting after the word “section;”, in line 1846, the following words:-
172 “and”; and

173 in said section 87, by striking out, in lines 1849 and 1850, the words “; and (v) ensuring
174 the effective and timely sharing of data and information across state, local and federal
175 government and the public”; and

176 by inserting after section 103 the following section:-

177 SECTION 103A. The initial regulations required to be promulgated by the executive
178 office of energy and environmental affairs or its designated agency under section 31 of chapter
179 31A of the General Laws and the initial regulations required to be promulgated by division of
180 standards in the office of consumer affairs and business regulation under section 59 of chapter 98
181 of the General Laws shall be completed not later than February 1, 2026 and shall apply to
182 chargers installed on or after June 1, 2026.”