

# SENATE . . . . . No. 2862

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Senate, July 11, 2024 -- Text of amendment (65) (offered by Senator Barrett) to the Ways and Means amendment (Senate, No. 2856) to the Senate Bill relative to economic development

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## The Commonwealth of Massachusetts

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

1 by adding the following section:-

2 SECTION XX. Chapter 21A of the General Laws is hereby amended by inserting after  
3 section 28 the following section:-

4 “Section 29. (a) For the purposes of this section, the following words shall have the  
5 following meanings unless the context clearly requires otherwise:

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

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

11 “Charging station”, a charger or group of chargers and the area in the immediate vicinity  
12 of such charger or group of chargers, which may include, at the discretion of the regulating  
13 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress

14 and egress; provided, however, that a charging station may comprise only part of the property on  
15 which it is located.

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

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

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

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

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

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

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

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

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

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

51 "Publicly-available parking space", a parking space that has been designated by a  
52 property owner or lessee to be available to and accessible by the public and may include on-  
53 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
54 that “publicly-available parking space” shall not include a parking space that is part of or

55 associated with residential real property containing not more than 4 dwelling units or that is  
56 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or  
57 vehicles, including employees, tenants, visitors, residents of a common interest development and  
58 residents of an adjacent building.

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

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

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

76 (d) Regulations promulgated under this section may vary by technology type, power  
77 levels, number of chargers per site, site ownership and according to whether chargers: (i) are  
78 networked; (ii) are public; (iii) are publicly-funded and available; (iv) are level 1, level 2 or  
79 direct current fast chargers; or (v) are or are not all-inclusive mobile solar charging stations. Such  
80 regulations may apply to charging stations other than publicly-funded and available charging  
81 stations but shall not apply to chargers or charging stations installed at a residential real property  
82 containing not more than 4 dwelling units. The executive office or its designated agency may, in  
83 its discretion, set such standards as it deems necessary for data formats that comply with electric  
84 vehicle charging industry best practices and standards.

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

92 SECTION XXX. The proposed new draft shall be amended by inserting, after section 58  
93 of Chapter 98 of the General Laws, the 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.”

171 SECTION XXX: The proposed draft is henceforth amended by inserting after section  
172 XXX the following section:-

173 “Section XXX. The initial regulations required to be promulgated by the executive office  
174 of energy and environmental affairs or its designated agency under section 31 of chapter 21A of  
175 the General Laws and the initial regulations required to be promulgated by division of standards  
176 in the office of consumer affairs and business regulation under section 59 of chapter 98 of the  
177 General Laws shall be completed not later than February 1, 2026 and shall apply to chargers  
178 installed on or after June 1, 2026.”