

BILL ANALYSIS

S.B. 839
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Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

At the end of 2018, the total number of alternatively fueled vehicles in Texas increased nearly 10 percent from the previous year. With the growing use of these vehicles, concerns have been raised around the access to and regulation of electric charging stations. Although the Texas Department of Licensing and Regulation (TDLR) is responsible for the oversight of gas pumps across the state, no state agency has a comprehensive oversight structure for electric charging stations. S.B. 839 seeks to address these concerns by authorizing TDLR and the Texas Commission of Licensing and Regulation to develop an oversight structure for electric vehicle supply equipment and providers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

ANALYSIS

S.B. 839 amends the Occupations Code to provide for the regulation of electric vehicle supply equipment and electric vehicle supply providers, as those terms are defined by the bill. The bill requires the Texas Commission of Licensing and Regulation (TCLR) to set fees in amounts sufficient to cover the costs of administering the bill's provisions and, not later than December 1, 2022, to adopt rules to implement the bill's provisions. The bill provides for the inspection of electric vehicle supply equipment and related records of an owner, operator, or user by the Texas Department of Licensing and Regulation (TDLR) and authorizes TDLR to contract to perform duties related to equipment, including inspections. The bill establishes conditions under which electric vehicle supply equipment is exempt from the bill's requirements based on certain determinations made by TCLR and to the noncommercial use of electric vehicle supply equipment or to electric vehicle supply equipment being provided free of charge to specified users.

S.B. 839 sets out requirements for an electric vehicle supply provider, including registering, not later than March 1, 2023, and maintaining electric vehicle supply equipment and disclosing the fee calculation method or methods and applicable surcharges to the consumer. The bill requires TDLR to issue a registration to each applicant that meets the requirements specified by the bill and establishes that a provider's registration is valid for one or two years, as established by TCLR rule, and must be renewed at or before the end of each registration period. The bill provides certain requirements for a registration application and sets out requirements related to the testing and calibration for correctness of electric vehicle supply equipment by TDLR.

S.B. 839 requires specifications for the installation and operation of electric vehicle supply equipment to be the same as those recommended by the National Institute of Standards and Technology and requires equipment to be installed and operated in accordance with statutory provisions relating to electricians. The bill authorizes TCLR to adopt rules as necessary to establish installation and operation standards but exempts equipment installed before December 31, 2021, from those requirements until the fifth anniversary of the date the TCLR rules relating to the bill's provisions are adopted. The bill requires an electric vehicle supply provider to transmit an electronic receipt summarizing certain specified information relating to a completed commercial transaction for electric vehicle charging after a reasonable period. The bill provides for the repair and removal of damaged electric vehicle supply equipment.

S.B. 839 requires electric vehicle supply equipment to be operated in compliance with manufacturer specifications, the bill's provisions, and TCLR rules as follows:

- if installed before the bill's effective date, not later than March 1, 2024;
- if installed on or after September 1, 2021, and before February 28, 2023, not later than March 1, 2023; and
- if installed on or after March 1, 2023, on installation.

S.B. 839 requires the executive director of TDLR to establish methods of notifying consumers of certain information for the purpose of directing complaints to TDLR and requires an electric vehicle supply provider, in accordance with TCLR rule, to provide information on filing a complaint with TDLR. The bill subjects a person in violation of the bill's provisions or a rule adopted under the bill's provisions to the denial of an application, imposition of an administrative penalty, or disciplinary action and establishes that a proceeding for the denial of a registration or a disciplinary action or an appeal from that proceeding is governed by Government Code provisions relating to administrative procedure.

S.B. 839 adds a temporary provision set to expire December 1, 2022, authorizing TDLR to establish and lead a stakeholder work group to provide input, advice, and recommendations on the activities under the bill's provisions and requiring TDLR to establish the size, composition, and scope of the work group.

EFFECTIVE DATE

September 1, 2021.