

- SUBJECT:** Establishing regulations for electric vehicle supply equipment
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 8 ayes — S. Thompson, Kuempel, Darby, Ellzey, Fierro, Goldman, Hernandez, Huberty
- 0 nays
- 3 absent — Geren, Guillen, Pacheco
- SENATE VOTE:** On final passage, April 23 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — M. Justin Ackley, ChargePoint, Inc.; Tom Smitty Smith, Texas Electric Transportation Resources Alliance; (*Registered, but did not testify*: Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner)
- Against — (*Registered, but did not testify*: Myra Leo, Schneider Electric; Carl Richie, Texas Advanced Energy Business Alliance)
- On — (*Registered, but did not testify*: Rene Perez, Libertarian Party of Texas; Brian Francis, Texas Department of Licensing and Regulation)
- BACKGROUND:** With the growing use of electric vehicles, concerns have been raised about access to and regulation of electric charging stations. It has been suggested that the Texas Department of Licensing and Regulation (TDLR) should be given comprehensive authority over the regulation of electric vehicle supply equipment.
- DIGEST:** SB 839 would require an electric vehicle supply provider to:
- have electric supply equipment inspected according to Texas Commission of Licensing and Regulation (TCLR) rules; and
 - maintain such equipment in compliance with maintenance

specifications, commission rules, and other provisions of the bill.

A supplier also would have to register each charging unit of such equipment operated by the provider with the Texas Department of Licensing and Regulation (TDLR) before the equipment was made available for use on a digital network. A digital network would be an online-enabled application, website, or system that allowed a user to initiate a commercial transaction to dispense electrical energy to an electric vehicle. Registration would be valid for one or two years as established by commission rule, and would have to be renewed at or before the end of each registration period.

Specifications for the installation and operation of electric vehicle supply equipment would have to be the same as those recommended by the National Institute of Standards and Technology. Equipment would have to be installed and operated according to statute regulating electricians.

A supply provider would have to disclose fee calculation methods and applicable surcharges on the display of the equipment or on the provider's digital network. The display or network also would have to show information on filing a complaint with TDLR, according to commission rule. Before a user began charging, the provider would have to disclose the rate the user would be charged and a list of applicable surcharges. On request of a user, the provider would have to transmit an electronic transaction summary including the date and time of the transaction, equipment location, duration of and kilowatt hours provided, and an itemization of fees.

A provider would have to remove equipment that posed a safety risk from public access and from the provider's digital network listing of available charging units. If TDLR determined that equipment posed a safety risk, it would be required to visibly label the equipment as out of order. Equipment could not be returned to operation until it had been repaired according to manufacturer specifications and commission rule.

A person who engaged in a commercial transaction in violation of the

bill's provisions would be subject to the denial of an application, an administrative penalty, or disciplinary action under specified state law. Proceedings for registration denial or a disciplinary action or appeal would be governed by Government Code statute on administrative procedure.

SB 839 would provide for TCLR's authority to adopt rules and set fees, and TDLR's contract duties related to the regulation of electric vehicle supply. TDLR could periodically inspect electric vehicle supply equipment and would be required to establish methods for handling complaints. The commission could by rule exempt equipment from a requirement if enforcement was not cost effective or feasible or would not substantially benefit or protect consumers.

Equipment would be exempt from the bill's requirements if it was installed in or adjacent to a private residence for noncommercial use or provided at no charge for the exclusive use of individual or group, including for a multiunit housing or office development.

By December 1, 2022, TCLR would have to adopt rules necessary to implement the changes in law made by the bill. Equipment installed before December 31, 2021 would be exempt from the bill's requirements until five years after the rules were adopted. The bill would provide deadlines for equipment operation compliance, depending on when the equipment was installed.

TDLR could establish and lead a stakeholder work group to provide input on activities under the bill. The work group authorization would expire December 1, 2022.

The bill would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated positive impact of about \$59,000 to general revenue through fiscal 2023.