STATE OF NEW YORK

1158

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, COLTON, K. BROWN, SIMON, DICKENS, SEAWRIGHT, OTIS -- read once and referred to the Committee on Transportation

AN ACT directing the New York State Department of Transportation, in conjunction with the New York State Energy Research and Development Authority and the New York Power Authority, to promulgate rules and regulations for the standardization of public charging stations for electric vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Purpose. The New York State Department of Transportation, in conjunction with the New York State Energy Research and Development Authority and the New York Power Authority, shall promulgate rules and regulations for the standardization of public charging stations for electric vehicles in accordance with the provisions of this act.

§ 2. Definitions. As used in this act, the following terms shall have the following meanings:

(a) "Electric vehicle" means a motor vehicle subject to registration pursuant to subdivision six of section four hundred one of the vehicle and traffic law which is: (i) powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices; and (ii) capable of being recharged from an external source of electricity.

(b) "Plug-in hybrid electric vehicle" means an electric vehicle that has an internal combustion engine or other propulsion system.

(c) "Public electric vehicle charging station complex" means an area which contains electric vehicle chargers to supply electricity to electric vehicles and is open to the general public.

(d) "Non-public vehicle charging station complex" means an area which contains electric vehicle chargers to supply electricity to electric vehicles and which is not open to the general public, including but not

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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limited to, dealerships, sales offices and service departments or automobile repair shops, automobile rental agencies and trucking or delivery businesses.

(e) "Electric vehicle charger" means a device containing electric vehicle service equipment and software, which, when connected to an electric vehicle, delivers electricity to the electric vehicle.

(f) "Level 2 electric vehicle charger" or "slow charger" means an electric vehicle charger that when connected to an electric vehicle delivers electricity through an AC current. Level 2 chargers are commonly known as the slow chargers.

(g) "Level 3 electric vehicle charger" means an electric vehicle charger that when connected to an electric vehicle delivers electricity through a DC current. Level 3 Chargers are commonly known as the fast chargers.

(h) "Electric vehicle service equipment" means equipment, both above and below ground, installed for the purpose of transmitting electricity between the electric vehicle charging station's charging coupler and the electric vehicle's connector.

(i) "Electric vehicle service equipment software" means the software programs and other information technologies used to operate the electric vehicle charging equipment.

§ 3. Charging spaces. (a) Each public charging station complex shall provide space for no less than eight vehicles to be charged. All public charging station complexes shall offer the two most used level 2 slow charger and level 3 fast charger technologies on four of the electric vehicle chargers for four of the spaces. The four remaining spaces shall be serviced by chargers containing only level 3 technologies.

(b) No person shall park in a space equipped with a charger at a public electric vehicle charging station, unless such person is charging a plug-in hybrid electric vehicle or battery electric vehicle.

§ 4. Owners or operators of public electric vehicle charging stations shall be prohibited from requiring a subscription, application, a membership in any club, association, or organization as a condition of using the chargers at the public electric vehicle charging complex. Each electric vehicle charger shall accept all major credit cards as defined in section 521 of the general business law and not require any special credit card solely distributed by the public charging station. Other options to pay for charging services may be available as well.

§ 5. (a) Owners and operators of public electric vehicle charging station complexes are prohibited from charging customers by-the-minute and must charge per kilowatt hours for the purpose of charging an electric vehicle. The unit price of the kilowatt hours shall be displayed on the face of each charging station prior to and at any point during a customer's transaction.

(b) Notwithstanding subdivision (a) of this section, the owners and operators of public electric vehicle charging complexes may impose restrictions on the amount of time that an electric vehicle may be charged at the charging station. Upon the vehicle becoming fully-charged, the owner/operator may charge an additional fee of $10.00 for each half hour or part thereof that the vehicle is parked beyond the time necessary to charge the vehicle in addition to the cost of electricity.

§ 6. Electric vehicle charging stations as described in this act are exempt from being defined as an electricity corporation as defined in section 2 of the public service law.

§ 7. (a) Owners and operators of public electric vehicle charging stations must maintain signage at the electric vehicle charging station that displays the status of each electric vehicle charger, the total number of chargers and the number of available chargers (total number less those being used), and how long a wait for the next charger to be available, the name and address and phone number of the operator and owner, the cost of charging including any additional fees that may be charged beyond the cost of electricity for non-charging vehicles, and any rules or regulations customers must follow at the charging station complex when using the chargers.

(b) All publicly-owned highway signs or signs at exits of highways in the state that display information about the availability and location of gas stations shall also provide information regarding the availability and location of public electric vehicle charging stations, including the number of available chargers available and the distance to the charging station complex.

§ 8. The provisions of this act shall not apply to non-public charging complexes which are not for use by the general public are not subject to the requirements of this law provided signage is clearly displayed that no electric vehicle chargers are available to the general public except for customers of the business or those vehicles owned by the business.

§ 9. This act shall take effect immediately.