STATE OF NEW YORK

1721--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to establishing electric vehicle charging station reliability reporting and standards

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

Section 1. The public service law is amended by adding a new section 66-u to read as follows:

§ 66-u. Electric vehicle charging station reliability reporting and maintenance standards. 1. For purposes of this section, the following terms have the following meanings:

(a) "uptime" means an electric vehicle charger's hardware and software are both operational and the electric vehicle charger successfully dispenses electricity;

(b) "charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electrical energy to a battery or other storage device in an electric vehicle; and

(c) "excluded time" means the time not included when calculating uptime, as determined pursuant to the determination made by the commission pursuant to subdivision three of this section.

2. The commission shall develop reliability, recordkeeping and reporting standards for electric vehicle chargers and charging stations by January first, two thousand twenty-five, provided such standards shall:

(a) only be applicable to electric vehicle chargers and charging stations that received an incentive funded by (i) the state, or (ii) through a charge on ratepayers;

(b) apply to such electric vehicle chargers and charging stations for a minimum of at least six years; and

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

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(c) first apply to electric vehicle chargers and charging stations installed on or after January first, two thousand twenty-five.

3. The commission shall create a formula to calculate uptime and shall apply it to each electric vehicle charger and charging station to provide consistent, standardized reporting of information annually.

4. The commission shall determine what events that make an electric vehicle charger inoperable constitute excluded time for purposes of developing the formula created in subdivision three of this section. The commission shall only consider events that are outside of an electric vehicle charger operator's control for purposes of making such determination which may include upstream issues related to the electrical grid, internet and cellular connectivity, and vandalism, as determined through a process for public input.

5. The commission shall develop minimum industry operational standards which may vary by technology type, power levels, number of electric vehicle chargers per site, and site ownership. Factors may include whether electric vehicle chargers are networked, whether electric vehicle chargers are level 1 or 2, direct current fast chargers, and whether electric vehicle chargers are all inclusive mobile solar charging stations.

6. Beginning January first, two thousand twenty-six and every two years thereafter, the commission shall assess the uptime of the electric vehicle charging station infrastructure, including at minimum, an assessment of equitable access to reliable charging stations in low-, moderate-, and high-income communities. Any data published or maintained for any public facing purpose by the commission shall be aggregated, anonymized, and not company specific.

7. Beginning January first, two thousand twenty-five, all funding recipients participating in programs prescribed in paragraph (a) of subdivision two of this section shall maintain a minimum service level agreement to repair and maintain the electric vehicle charging equipments' hardware and software. To reach consistent reliability and high uptime, a service level agreement shall be in effect once the applicant is approved. The service level agreement shall be implemented before the charger is commissioned for use. The service level agreement shall remain in effect for a minimum of six years. The commission may determine if more time shall be required.

8. Notwithstanding any law, rule or regulation to the contrary, the commission shall include these reporting and reliability requirements as a condition of receiving state incentives for electric vehicle chargers and charging stations.

§ 2. This act shall take effect immediately.