STATE OF NEW YORK

1721--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

Introduced by M. of A. CUNNINGHAM, RIVERA -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- 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-w to read as follows:

§ 66-w. Electric vehicle charging station reliability, recordkeeping, and reporting standards. 1. For purposes of this section "uptime" means an electric vehicle charger's hardware and software necessary to initiate a charging station are both operational and the electric vehicle charger successfully dispenses electricity.

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

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

(b) apply to such electric vehicle charging stations for a minimum of five years; and

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

3. The commission shall through a stakeholder process create a formula to calculate uptime and determine what events that make an electric

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

LBD04265-05-3

vehicle charger inoperable constitute excluded time for purposes of developing the formula.

4. The commission shall at a minimum consider events that are outside of an electric vehicle charger operator's control for purposes of making such determination which, includes issues related to the electrical grid, force majeure, third party damage, power outage, supply chain disruptions, internet and cellular connectivity, and vandalism and other items outside the reasonable control of the operator of the charging station, as determined through a process for public input. Uptime requirements shall be measured on a per site basis to ensure consistency among technology type and power levels.

5. 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.

6. On or before April first, two thousand twenty-five, the commission shall develop tools or incentives to improve charging station reliability.

7. 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 charging stations.

§ 2. This act shall take effect immediately.