

# STATE OF NEW YORK

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1158--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

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Introduced by M. of A. JACOBSON, COLTON, K. BROWN, SIMON, DICKENS, SEAWRIGHT, OTIS, EACHUS -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

8 (a) "Electric vehicle" means a motor vehicle subject to registration  
9 pursuant to subdivision 6 of section 401 of the vehicle and traffic law  
10 which is: (i) powered by an electric motor drawing current from  
11 rechargeable storage batteries or other portable electrical energy stor-  
12 age devices; and (ii) capable of being recharged from an external source  
13 of electricity.

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

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

19 (d) "Non-public vehicle charging station complex" means an area which  
20 contains electric vehicle chargers to supply electricity to electric

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

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1 vehicles and which is not open to the general public, including but not  
2 limited to, dealerships, sales offices and service departments or auto-  
3 mobile repair shops, automobile rental agencies and trucking or delivery  
4 businesses.

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

8 (f) "Level 3 electric vehicle charger" means an electric vehicle char-  
9 ger that when connected to an electric vehicle delivers electricity  
10 through a DC current. Level 3 chargers are commonly known as the fast  
11 chargers.

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

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

19 § 3. Charging spaces. (a) Each public charging station complex shall  
20 provide space for no less than eight vehicles to be charged. All public  
21 charging station complexes shall offer the two most used level 3 fast  
22 charger technologies on all of the electric vehicle chargers for all of  
23 the eight spaces.

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

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

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

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

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

52 § 7. (a) Owners and operators of public electric vehicle charging  
53 stations must maintain signage at the electric vehicle charging station  
54 that displays the status of each electric vehicle charger, the total  
55 number of chargers and the number of available chargers (total number  
56 less those being used), and how long a wait for the next charger to be

1 available, the name and address and phone number of the operator and  
2 owner, the cost of charging including any additional fees that may be  
3 charged beyond the cost of electricity for non-charging vehicles, and  
4 any rules or regulations customers must follow at the charging station  
5 complex when using the chargers.

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

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

17 § 9. This act shall take effect immediately.