

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:

1 Section 1. The public service law is amended by adding a new section
2 66-u to read as follows:

3 § 66-u. Electric vehicle charging station reliability reporting and
4 maintenance standards. 1. For purposes of this section, the following
5 terms have the following meanings:

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

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

13 (c) "excluded time" means the time not included when calculating
14 uptime, as determined pursuant to the determination made by the commis-
15 sion pursuant to subdivision three of this section.

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

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

22 (b) apply to such electric vehicle chargers and charging stations for
23 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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1 (c) first apply to electric vehicle chargers and charging stations
2 installed on or after January first, two thousand twenty-five.

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

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

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

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

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

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

42 § 2. This act shall take effect immediately.