

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 835
(Delegate Ruth, *et al.*)

Economic Matters and Environment and
Transportation

**Retail Service Stations – New Construction – Setbacks and Electric Charging
Stations**

This bill requires a person constructing a retail service station on or after October 1, 2022, to install one electric vehicle (EV) charging station for each gasoline dispensing pump at the service station, as specified, if the service station is projected to sell more than one million gallons of gasoline per year. In addition, the bill prohibits a person from constructing a retail service station on or after October 1, 2022, without a certification that the service station will be set back at least 1,000 feet, as specified, from (1) another retail service station; (2) a church, as specified; (3) a day care center; (4) a hospital; (5) an outdoor area that is categorized as a cultural, entertainment, or recreational use area; (6) a park; (7) a playground; (8) a public or private school; or (9) a residential property.

Fiscal Summary

State Effect: The bill is not expected to directly affect State finances.

Local Effect: Local government expenditures may increase minimally, as discussed below. Revenues are not expected to be directly affected.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Select Definitions

“Approval” means a documented action by an approving body that follows a review and determination by an approving body that the material submitted by a prospective retail service station dealer is sufficient to meet the requirements of a specified stage in a local development review process. Approval does not include an acknowledgement by an approving body that material submitted by a developer has been received for review.

“Approving body” means a county, municipality, or other unit of government that exercises final construction approval authority for retail service stations.

“Electric vehicle charging station” means a connected point in an electrical wiring installation at which current is taken to charge a battery or any other energy storage device in an EV.

“Level 2 charging” means that the charging capability of the EV charging station (1) includes the ability to charge a battery or any other energy storage device in an EV through means of an alternating current electrical service with a minimum of 208 volts and (2) meets applicable industry safety standards.

Electric Vehicle Charging Stations

On or after October 1, 2022, a person constructing a retail service station that is projected to sell more than one million gallons of gasoline per year must install one EV charging station (that is capable of providing at least Level 2 charging) for each gasoline dispensing pump operated by the retail service station. This requirement does not apply to a retail service station that received final construction approval from an approving body before October 1, 2022.

The bill requires each approving body to adopt regulations by January 1, 2023, to implement the EV charging station requirement.

Setback Certification for Retail Service Stations

On or after October 1, 2022, a person constructing a retail service station must apply to the approving body for a setback certification, and a person may not construct a retail service station on or after that date without a setback certification issued by an approving body. An approving body must issue a setback certification if the retail service station will be set

back at least 1,000 feet, as specified, from (1) another retail service station; (2) a church, as specified; (3) a day care center; (4) a hospital; (5) an outdoor area that is categorized as a cultural, entertainment, or recreational use area; (6) a park; (7) a playground; (8) a public or private school; or (9) a residential property.

The setback certification requirement does not apply to a retail service station that received final construction approval from an approving body before October 1, 2022.

Current Law: The Maryland Zero Emission Electric Vehicle Infrastructure Council (ZEEVIC) is charged with formulating an action plan to successfully integrate EVs into the State's transportation network. The council was originally established in statute pursuant to Chapters 400 and 401 of 2011 and has since been extended, renamed, and given related but differing requirements. Most recently, Chapter 118 of 2020 extended, from June 30, 2020, to June 30, 2026, the termination date for ZEEVIC and established new interim and final reporting deadlines. The ZEEVIC 2021 Annual Report is available [here](#).

The federal Infrastructure Investment and Jobs Act (IIJA), which was enacted in November 2021, allocates \$7.5 billion in federal funding for EV charging infrastructure. IIJA creates two new federal EV charging station programs that are intended to establish a national network of 500,000 EV chargers by 2030.

The Maryland Energy Administration (MEA) administers the Electric Vehicle Recharging Equipment Rebate Program, which was reestablished through fiscal 2023 by Chapter 670 of 2021. The program provides funding assistance for costs incurred acquiring and/or installing qualified EV supply equipment, *i.e.*, charging stations. According to MEA, the program is currently administered on a first-come, first-served basis.

In addition, Chapter 629 of 2021 established requirements for builders or builder's agents regarding the inclusion of EV charging stations for newly constructed homes, including single-family detached homes and townhouses. If the construction of one or more new housing units includes at least one garage, carport, or driveway for each housing unit, the builder or the builder's agent must provide each buyer or prospective buyer with the option to include in or on the garage, carport, or driveway (1) an EV charging station capable of providing at least Level 2 charging or (2) a dedicated electric line of sufficient voltage to support the later addition of an EV charging station capable of providing at least Level 2 charging. The builder or the builder's agent must give to each buyer or prospective buyer notice of these options in addition to specific information about any available rebate programs related to the purchase or installation of EV charging stations.

Though many zoning and planning decisions are largely left to local jurisdictions, the jurisdictions are statutorily required to develop and submit several types of plans. For example, local jurisdictions are required to enact, adopt, amend, and execute a

comprehensive plan that includes specified visions and elements. The visions address quality of life and sustainability, public participation, growth areas, community design, infrastructure, transportation, housing, economic development, environmental protection, resource conservation, stewardship, and implementation. At least once every 10 years, each local jurisdiction must review its comprehensive plan and, if necessary, revise or amend the plan. Local comprehensive plans are submitted to the Maryland Department of Planning for review for consistency with the State's Smart Growth and growth management laws.

Local Fiscal Effect: Local government expenditures may increase due to legal and advertising costs associated with updating zoning regulations. Based on responses from a small number of jurisdictions, it appears that any costs should be relatively minimal.

Small Business Effect: Small business retail service station operators, as well as small businesses engaged in service station construction, are likely to be meaningfully impacted, whether positively or negatively, by the requirement to install EV charging stations at specified retail service stations constructed on or after October 1, 2022, as well as the prohibition against constructing a new retail service station within 1,000 feet of specified properties (including an existing retail service station) on or after October 1, 2022.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery, Washington, and Worcester counties; City of Salisbury; towns of Bel Air and Leonardtown; Comptroller's Office; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2022
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