

Chapter 569

(House Bill 834)

AN ACT concerning

**Electric Vehicle Charging Infrastructure – Requirements
(Electric Vehicle Charging Reliability Act)**

FOR the purpose of requiring the Public Service Commission to expand the EV Pilot Program to allow participating electric companies to install EV charging stations in multifamily dwellings in underserved communities; requiring the Commission to terminate the expansion of the EV Pilot Program on a certain date; requiring an electric company operating an EV charging network to ensure the EV charging stations in the EV charging network ~~have~~ maintain a certain ~~minimum annual~~ uptime standards, subject to certain exceptions; requiring an electric company operating an EV charging network to be subject to certain reporting requirements; requiring ~~the Commission to require~~ an electric company participating in the EV Pilot Program to maintain an adequate number of staff to monitor, assess, and repair certain EV charging stations; ~~requiring an electric company participating in the EV Pilot Program that fails to satisfy certain uptime requirements to file a corrective action plan with the Commission on or before a certain date~~; and generally relating to electric vehicle charging infrastructure.

BY adding to

Article – Public Utilities

Section 7–901 through 7–905 to be under the new subtitle “Subtitle 9. Electric Vehicle Charging Infrastructure”

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

SUBTITLE 9. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

7–901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(B) “DIRECT CURRENT FAST CHARGING” MEANS A DIRECT CURRENT CHARGER THAT CAN PROVIDE A MINIMUM OF 50 KILOWATTS OF POWER TO AN ELECTRIC VEHICLE.~~

~~(C)~~ **(B)** “EV CHARGING NETWORK” MEANS THE TOTAL NUMBER OF EV CHARGING STATIONS AN ELECTRIC COMPANY INSTALLS OR MAINTAINS FOR PUBLIC USE.

~~(D)~~ **(C)** “EV CHARGING STATION” MEANS A CONNECTED POINT IN AN ELECTRICAL WIRING INSTALLATION:

(1) AT WHICH CURRENT IS TAKEN TO CHARGE A BATTERY OR ANY OTHER ENERGY STORAGE DEVICE IN AN ELECTRIC VEHICLE; AND

(2) CAPABLE OF PROVIDING LEVEL 2 CHARGING ~~OR DIRECT CURRENT FAST CHARGING.~~

~~(E)~~ **(D)** “EV PILOT PROGRAM” MEANS THE EV PILOT PROGRAM ESTABLISHED BY PUBLIC SERVICE COMMISSION ORDER NO. 88997 AND ADMINISTERED BY THE COMMISSION.

~~(F)~~ **(E)** “LEVEL 2 CHARGING” MEANS THE ABILITY TO CHARGE A BATTERY OR OTHER ENERGY STORAGE DEVICE IN AN ELECTRIC VEHICLE IN A MANNER THAT:

(1) IS CAPABLE OF USING AN ALTERNATING CURRENT ELECTRICAL SERVICE WITH A MINIMUM OF 208 VOLTS; AND

(2) MEETS APPLICABLE INDUSTRY SAFETY STANDARDS.

~~(G)~~ **(F)** “UNDERSERVED COMMUNITY” MEANS ANY CENSUS TRACT IN WHICH, ACCORDING TO THE MOST RECENT U.S. CENSUS BUREAU SURVEY:

(1) AT LEAST 25% OF THE RESIDENTS QUALIFY AS LOW-INCOME;

(2) AT LEAST 50% OF THE RESIDENTS IDENTIFY AS NONWHITE; OR

(3) AT LEAST 15% OF THE RESIDENTS HAVE LIMITED ENGLISH PROFICIENCY.

~~(H)~~ **(G)** “UPTIME” MEANS THE AVAILABILITY AND CONSISTENCY OF AN EV CHARGING STATION IN AN EV CHARGING NETWORK TO SUCCESSFULLY DISPENSE ELECTRICITY AS DESIGNED, MEASURED AS A PERCENTAGE OF BOTH HOURS AND DAYS OF A CALENDAR YEAR.

7-902.

THIS SUBTITLE APPLIES TO AN ELECTRIC COMPANY THAT:

(1) INSTALLS OR MAINTAINS AN EV CHARGING STATION FOR PUBLIC USE; OR

(2) PARTICIPATES IN THE EV PILOT PROGRAM.

7-903.

(A) ~~THE~~ SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL, BY ORDER OR REGULATION AND SUBJECT TO REASONABLE COST LIMITATIONS BALANCED WITH THE PUBLIC INTEREST;

(1) EXPAND THE EV PILOT PROGRAM TO ALLOW PARTICIPATING ELECTRIC COMPANIES TO INSTALL EV CHARGING STATIONS IN NEW AND EXISTING MULTIFAMILY DWELLINGS IN UNDERSERVED COMMUNITIES; AND

(2) TERMINATE THE EV PILOT PROGRAM EXPANSION REQUIRED UNDER ITEM (1) OF THIS SECTION ON DECEMBER 31, 2025.

(B) THE TERMINATION OF THE EV PILOT PROGRAM EXPANSION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE CONSTRUED TO:

(1) TERMINATE AN ELECTRIC COMPANY’S AUTHORITY TO OPERATE EV CHARGING STATIONS UNDER A PROGRAM APPROVED BY THE COMMISSION ON OR BEFORE MARCH 1, 2023;

(2) LIMIT AN ELECTRIC COMPANY’S EFFORTS TO OPERATE AND MAINTAIN EV CHARGING STATIONS INSTALLED UNDER THE EV PILOT PROGRAM; OR

(3) IMPACT THE COST RECOVERY BY AN INVESTOR-OWNED ELECTRIC COMPANY FOR THE LIFETIME OF AN EV CHARGING STATION INSTALLED UNDER THE EV PILOT PROGRAM.

7-904.

(A) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ELECTRIC COMPANY OPERATING AN EV CHARGING NETWORK SHALL ~~ENSURE THAT EV CHARGING STATIONS IN THE EV CHARGING NETWORK HAVE AN AVERAGE ANNUAL~~ MAINTAIN UPTIME OF 97% OR GREATER STANDARDS FOR EACH EV CHARGING STATION IN ACCORDANCE WITH:

(1) FEDERAL NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE STANDARDS AND REQUIREMENTS; OR

(II) ALTERNATIVE UPTIME STANDARDS AND REQUIREMENTS APPROVED BY THE COMMISSION.

(2) THE UPTIME REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT INCLUDE ANY TIME IN WHICH AN EV CHARGING STATION IS UNAVAILABLE DUE TO:

(I) FORCE MAJEURE, AS DETERMINED BY THE COMMISSION;
OR

(II) VANDALISM.

(B) AN ELECTRIC COMPANY SHALL CALCULATE EV CHARGING STATION UPTIME ON A QUARTERLY BASIS FOR THE IMMEDIATELY PRECEDING 12 MONTHS.

(C) (1) AN ELECTRIC COMPANY THAT OPERATES AN EV CHARGING STATION FOR PUBLIC USE SHALL BE SUBJECT TO THE SAME REPORTING REQUIREMENTS AS AN ELECTRIC COMPANY THAT RECEIVES FEDERAL FUNDING RELATED TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

(2) AN ELECTRIC COMPANY THAT OPERATES AN EV CHARGING NETWORK OR EV CHARGING STATION SHALL SUBMIT THE FOLLOWING EV CHARGING STATION DATA TO THE COMMISSION ON A QUARTERLY BASIS:

(I) THE LOCATION OF THE EV CHARGING STATION; AND

(II) FOR EACH EV CHARGING STATION:

1. CHARGING SESSION START AND END TIMES ~~AND RATE OF SUCCESSFUL COMPLETION;~~

2. THE TOTAL AMOUNT OF ELECTRICITY, IN KILOWATT-HOURS, DISPENSED TO AN ELECTRIC VEHICLE FOR EACH CHARGING SESSION;

3. THE PEAK AMOUNT OF ELECTRICITY, IN KILOWATTS, DISPENSED TO AN ELECTRIC VEHICLE FOR EACH CHARGING SESSION;

4. UPTIME FOR EACH OF THE PREVIOUS 3 MONTHS;

5. THE COST OF ELECTRICITY NEEDED TO OPERATE EACH EV CHARGING STATION FOR EACH OF THE PREVIOUS 3 MONTHS;

6. MAINTENANCE AND REPAIR COSTS FOR EACH OF THE PREVIOUS 3 MONTHS;
7. THE COST OF ACQUIRING REAL PROPERTY FOR USE AS AN EV CHARGING STATION;
8. THE COST OF ACQUIRING AND INSTALLING ELECTRIC VEHICLE CHARGING EQUIPMENT;
9. THE COST OF ACQUIRING AND INSTALLING DISTRIBUTED ENERGY RESOURCES;
10. THE COST TO THE ELECTRIC COMPANY OF CONNECTING TO THE ELECTRIC GRID AND ANY APPLICABLE CONNECTION UPGRADES; ~~AND~~
11. THE CAPACITY, IN KILOWATTS OR KILOWATT-HOURS AS APPROPRIATE, OF EACH TYPE OF DISTRIBUTED ENERGY RESOURCE USED BY AN EV CHARGING STATION;
12. THE NUMBER OF EV CHARGING STATIONS THAT FAILED TO MEET THE UPTIME REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION;
13. WHEN APPLICABLE, THE REASON AN EV CHARGING STATION FAILED TO MEET THE UPTIME REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION; AND
14. WHEN APPLICABLE, THE DATE AN EV CHARGING STATION WAS REPAIRED.

7-905.

(A) ~~SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMMISSION, BY ORDER OR REGULATION, SHALL REQUIRE AN~~ AN ELECTRIC COMPANY PARTICIPATING IN THE EV PILOT PROGRAM ~~TO~~ SHALL MAINTAIN AN ADEQUATE NUMBER OF STAFF TO MONITOR, ASSESS, AND, WHEN NECESSARY, REPAIR THE EV CHARGING STATIONS OPERATED BY THE ELECTRIC COMPANY.

(B) ~~THE COMMISSION SHALL DETERMINE:~~

~~(1) THE NUMBER OF STAFF REQUIRED TO ACHIEVE THE UPTIME REQUIREMENTS OF THIS SUBTITLE; AND~~

~~(2) THE METHODS AN ELECTRIC COMPANY MAY USE TO RECOVER THE COSTS OF MAINTAINING ADEQUATE STAFF TO ACHIEVE THE UPTIME REQUIREMENTS OF THIS SUBTITLE AN ELECTRIC COMPANY PARTICIPATING IN THE EV PILOT PROGRAM THAT, ACCORDING TO THE DATA SUBMITTED BY THE ELECTRIC COMPANY TO THE COMMISSION UNDER § 7-904 OF THIS SUBTITLE, FAILS TO SATISFY THE UPTIME REQUIREMENTS UNDER § 7-904 OF THIS SUBTITLE SHALL FILE WITH THE COMMISSION A CORRECTIVE ACTION PLAN ON OR BEFORE FEBRUARY 1 OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE FAILURE OCCURRED.~~

~~(c) NOTWITHSTANDING SUBSECTION (b) OF THIS SECTION, THE *THE* COMMISSION MAY, AS APPROPRIATE IN ACCORDANCE WITH § 13-201 OF THIS ARTICLE, IMPOSE A PENALTY ON OR TAKE ADDITIONAL REMEDIAL ACTION AGAINST AN ELECTRIC COMPANY THAT FAILS TO SATISFY THE UPTIME REQUIREMENTS UNDER § 7-904 OF THIS SUBTITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 8, 2023.