

HOUSE BILL 834

C5, M5, R2

(3lr1038)

ENROLLED BILL

— *Economic Matters and Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Delegates Fraser-Hidalgo, Terrasa, Barve, and Reznik**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring the Public Service Commission to expand the EV Pilot
5 Program to allow participating electric companies to install EV charging stations in
6 multifamily dwellings in underserved communities; requiring the Commission to
7 terminate the expansion of the EV Pilot Program on a certain date; requiring an
8 electric company operating an EV charging network to ensure the EV charging
9 stations in the EV charging network ~~have~~ maintain a certain ~~minimum annual~~
10 uptime standards, subject to certain exceptions; requiring an electric company
11 operating an EV charging network to be subject to certain reporting requirements;
12 requiring ~~the Commission to require~~ an electric company participating in the EV
13 Pilot Program to maintain an adequate number of staff to monitor, assess, and repair
14 certain EV charging stations; ~~requiring an electric company participating in the EV~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~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.~~

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

~~(C)~~ (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.~~

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

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

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

5 (2) MEETS APPLICABLE INDUSTRY SAFETY STANDARDS.

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

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

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

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

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

16 **7-902.**

17 THIS SUBTITLE APPLIES TO AN ELECTRIC COMPANY THAT:

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

20 (2) PARTICIPATES IN THE EV PILOT PROGRAM.

21 **7-903.**

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

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

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

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

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

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

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

11 **7-904.**

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

17 **(I) FEDERAL NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE**
18 **STANDARDS AND REQUIREMENTS; OR**

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

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

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

26 **(II) VANDALISM.**

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

29 **(C) (1) AN ELECTRIC COMPANY THAT OPERATES AN EV CHARGING**
30 **STATION FOR PUBLIC USE SHALL BE SUBJECT TO THE SAME REPORTING**

1 REQUIREMENTS AS AN ELECTRIC COMPANY THAT RECEIVES FEDERAL FUNDING
2 RELATED TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

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

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

7 (II) FOR EACH EV CHARGING STATION:

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

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

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

15 4. UPTIME FOR EACH OF THE PREVIOUS 3 MONTHS;

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

18 6. MAINTENANCE AND REPAIR COSTS FOR EACH OF THE
19 PREVIOUS 3 MONTHS;

20 7. THE COST OF ACQUIRING REAL PROPERTY FOR USE AS
21 AN EV CHARGING STATION;

22 8. THE COST OF ACQUIRING AND INSTALLING ELECTRIC
23 VEHICLE CHARGING EQUIPMENT;

24 9. THE COST OF ACQUIRING AND INSTALLING
25 DISTRIBUTED ENERGY RESOURCES;

26 10. THE COST TO THE ELECTRIC COMPANY OF
27 CONNECTING TO THE ELECTRIC GRID AND ANY APPLICABLE CONNECTION
28 UPGRADES; ~~AND~~

1 11. THE CAPACITY, IN KILOWATTS OR KILOWATT-HOURS
2 AS APPROPRIATE, OF EACH TYPE OF DISTRIBUTED ENERGY RESOURCE USED BY AN
3 EV CHARGING STATION;

4 12. THE NUMBER OF EV CHARGING STATIONS THAT
5 FAILED TO MEET THE UPTIME REQUIREMENTS UNDER SUBSECTION (A) OF THIS
6 SECTION;

7 13. WHEN APPLICABLE, THE REASON AN EV CHARGING
8 STATION FAILED TO MEET THE UPTIME REQUIREMENTS UNDER SUBSECTION (A) OF
9 THIS SECTION; AND

10 14. WHEN APPLICABLE, THE DATE AN EV CHARGING
11 STATION WAS REPAIRED.

12 7-905.

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.