

HOUSE BILL 834

C5, M5, R2

3lr1038

By: **Delegates Fraser–Hidalgo, Terrasa, Barve, and Reznik**

Introduced and read first time: February 9, 2023

Assigned to: Economic Matters and Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

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 a certain minimum annual uptime, subject
10 to certain exceptions; requiring an electric company operating an EV charging
11 network to be subject to certain reporting requirements; ~~requiring the Commission~~
12 ~~to require~~ an electric company participating in the EV Pilot Program to maintain an
13 adequate number of staff to monitor, assess, and repair certain EV charging stations;
14 requiring an electric company participating in the EV Pilot Program that fails to
15 satisfy certain uptime requirements to file a corrective action plan with the
16 Commission on or before a certain date; and generally relating to electric vehicle
17 charging infrastructure.

18 BY adding to

19 Article – Public Utilities

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

22 Annotated Code of Maryland

23 (2020 Replacement Volume and 2022 Supplement)

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.



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

3 **Article – Public Utilities**

4 **SUBTITLE 9. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.**

5 **7-901.**

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

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

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

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

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

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

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

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

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

27 (2) MEETS APPLICABLE INDUSTRY SAFETY STANDARDS.

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

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

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

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

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

8 **7-902.**

9 THIS SUBTITLE APPLIES TO AN ELECTRIC COMPANY THAT:

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

12 (2) PARTICIPATES IN THE EV PILOT PROGRAM.

13 **7-903.**

14 THE COMMISSION SHALL, BY ORDER OR REGULATION AND SUBJECT TO
15 REASONABLE COST LIMITATIONS BALANCED WITH THE PUBLIC INTEREST;

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

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

21 **7-904.**

22 (A) (1) ~~AN~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, AN ELECTRIC COMPANY OPERATING AN EV CHARGING NETWORK
24 SHALL ENSURE THAT EV CHARGING STATIONS IN THE EV CHARGING NETWORK
25 HAVE AN AVERAGE ANNUAL UPTIME OF 97% OR GREATER.

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

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

3 **(II) VANDALISM.**

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

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

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

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

14 **(II) FOR EACH EV CHARGING STATION:**

15 **1. CHARGING SESSION START AND END TIMES AND RATE**
16 **OF SUCCESSFUL COMPLETION;**

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

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

22 **4. UPTIME FOR EACH OF THE PREVIOUS 3 MONTHS;**

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

25 **6. MAINTENANCE AND REPAIR COSTS FOR EACH OF THE**
26 **PREVIOUS 3 MONTHS;**

27 **7. THE COST OF ACQUIRING REAL PROPERTY FOR USE AS**
28 **AN EV CHARGING STATION;**

29 **8. THE COST OF ACQUIRING AND INSTALLING ELECTRIC**
30 **VEHICLE CHARGING EQUIPMENT;**

1 9. THE COST OF ACQUIRING AND INSTALLING
2 DISTRIBUTED ENERGY RESOURCES;

3 10. THE COST TO THE ELECTRIC COMPANY OF
4 CONNECTING TO THE ELECTRIC GRID AND ANY APPLICABLE CONNECTION
5 UPGRADES; AND

6 11. THE CAPACITY, IN KILOWATTS OR KILOWATT-HOURS
7 AS APPROPRIATE, OF EACH TYPE OF DISTRIBUTED ENERGY RESOURCE USED BY AN
8 EV CHARGING STATION.

9 7-905.

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

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

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

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

27 (C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE
28 COMMISSION MAY, AS APPROPRIATE, IMPOSE A PENALTY ON OR TAKE ADDITIONAL
29 REMEDIAL ACTION AGAINST AN ELECTRIC COMPANY THAT FAILS TO SATISFY THE
30 UPTIME REQUIREMENTS UNDER § 7-904 OF THIS SUBTITLE.

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