

February 24, 2025

Environment and Transportation Committee
Maryland General Assembly

RE: Tesla Testimony on HB 1039: Favorable with Amendments

Thank you for the opportunity to provide testimony on House Bill 1039. Tesla¹ views HB1039 as containing two distinct parts: the implementation of Weights and Measures requirements to EV chargers and the application of uptime standards and information reporting to all public chargers in Maryland.

Section 503 – Weights & Measures

Tesla has engaged for many years on the development of NIST Handbook 44 as it applies to EV chargers. Handbook 44 includes specifications for meter accuracy, price transparency, and labeling requirements for charging equipment. Many other states, including California, Vermont, Texas, and Michigan, have started to acquire test equipment and train staff to enforce Handbook 44. While the national standards are still nascent and states have run into various practical implementation challenges while establishing enforcement programs, we stand at the ready to support the Maryland Department of Agriculture (MDA) to get its program started to ensure commercial transactions at EVSE are fair and equitable.

Tesla's experience in other states indicates that successful implementation of any Handbook 44 enforcement program depends on proper resourcing to the implementing agency, a practical, step-by-step approach to enforcement, and a focused scope of chargers subject to regulation.

Recommendation: The definition of private shared chargers in Section 501 should be amended to include chargers at workplace and multifamily housing that charge a fee for use.

- A testing program to enforce Handbook 44 will be difficult to implement and enforce for behind-the-fence charging. Many workplaces and multifamily properties make Level 2 chargers available only to employees or tenants through site restrictions—locked gates and garages. For public chargers, MDA inspectors may appear on site and test immediately, but it's not clear how MDA would coordinate with property managers to get access to restricted-access areas with chargers installed.
- Test equipment to enforce meter accuracy standards in Handbook 44 runs \$50,000–\$100,000 per unit. According to AFDC, there are over 4,000 public charge ports at over 1,500 locations in Maryland.² There are likely hundreds of behind the fence shared private chargers. Considering limited testing resources, the number of chargers, and the

¹ Tesla's mission is to accelerate the world's transition to sustainable energy. To accomplish its mission, Tesla designs, develops, manufactures, and sells high-performance fully electric vehicles and energy generation and storage systems, installs, and maintains such systems, and sells solar electricity. Tesla has also invested in its growing network of retail stores, vehicle service centers, electric vehicle charging stations, and advanced manufacturing facilities. Tesla operates 60 Supercharger Stations with 546 individual connectors in Maryland, representing 55% of the state's fast charging ports. Tesla's charging network in Maryland also includes over 50 Level 2 Destination Charging locations with over 100 ports.

² <https://afdc.energy.gov/stations#/analyze?tab=fuel&fuel=ELEC®ion=US-MD>

expected continued growth of new chargers, it makes practical sense to focus enforcement resources on publicly accessible chargers.

- Access to shared private Level 2 chargers is critical to unlock EV adoption for drivers who don't live in single family homes. Tesla's experience in California is that when applied to workplace and multifamily sites, placed-in-service requirements may increase projects costs as much as 30% in these hard-to-reach segments. High per-port costs come from the per-port field test time (30 min to 1.5 hours) and test equipment for registered service agencies (RSAs) to place chargers into service.
- Several states, including Texas, New York, and Vermont, have exempted private shared chargers from state-administered testing programs to enforce Handbook 44.

Recommendation: Defer to MDA to set a date for compliance with direction to establish extended timeline for existing stations.

It is premature to set a specific date for EVSE compliance with Handbook 44 in statute, especially when MDA may not have resources to enforce. We encourage HB 1039 to defer authority to MDA to determine a reasonable date for compliance and enforcement for EVSE, with grandfathering to give existing stations reasonable time to comply.

- There are practical challenges of field testing for DCFC and significant business impacts to retrofit existing stations. We strongly recommend that Maryland adopt a ten-year grace period for legacy chargers to comply with metering requirements.
- This would align with rules in other states. For example, Oklahoma exempts existing equipment until 2041. California extends compliance until 2033 for DCFC stations deployed before January 1, 2023.

Sections 504, 505, and 508 - Uptime Reporting and Consumer Standards

HB 1039 establishes uptime requirements, reporting mandates, and consumer standards that EVSE must follow to operate in the state of Maryland. We understand the intent is to provide consistency of experience for EV drivers. However, Tesla has significant concerns with these sections due to the negative impact they will have on charger deployment in Maryland. Maryland-specific reporting would not improve driver experience or charger reliability.

Recommendation: Sections 504, 505, and 508 should be limited to public EVSE that receive public funds.

- Reporting and uptime requirements are reasonable if focused to publicly funded chargers on a go-forward basis and administered by the funding entity.
- Reporting requirements include information like uptime and pricing information that would have to be updated regularly. Managing and transmitting such data would be burdensome and costly for both the implementing agency (MDA) and private network providers.
- No jurisdiction has applied uptime requirements to privately funded chargers as HB1039 proposes. Uptime reporting standards for privately funded chargers are not necessary to deliver good EV driver experience and will consume resources that could otherwise be invested in network expansion, reduced costs to drivers, and direct service.
- State centralization of information, such as pricing and payment, does not provide value to drivers. Drivers access pricing information directly from charging network providers, which is also how they find chargers and initiate sessions.

Thank you for the opportunity to submit testimony. We stand at the ready to work to ensure this bill serves EV drivers in Maryland and accelerates deployment of chargers in the state.

Sincerely,
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Tesla