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Maryland Department of Agriculture

Legislative Comment

Date: February 17th, 2026

BILL NUMBER: Senate Bill 649
BILL TITLE: Electric Vehicle Fuel Sold at Retail - Equipment Requirements, Units of Measure, Sales Price, and Fees
MDA POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Department of Agriculture (MDA) respectfully submits this letter in support of *Senate Bill 649 - Electric Vehicle Fuel Sold at Retail - Equipment Requirements, Units of Measure, Sales Price, and Fees*, with amendments.

This legislation establishes a clear and uniform method of sale for electricity used as vehicle fuel, requires proper marking of electric vehicle supply equipment (EVSE), and sets a minimum price per kilowatt hour to ensure transparent and equitable retail transactions for consumers. The marking requirements outlined in this bill are consistent with the user requirements contained in the National Institute of Standards and Technology (NIST) Handbook 44 under the Electric Vehicle Fueling Systems Code. These requirements ensure that the responsible party for a charging station is clearly identified and accessible. This information is critical for consumers reporting service or billing issues, inspectors addressing violations and taking enforcement action, and emergency responders who may need immediate contact information at a charging location.

The recognized national method of sale for electricity used as vehicle fuel, as outlined in NIST Handbook 130, is “per kilowatt hour.” This bill directly adopts that established method into Maryland law. Over the past year, Weights and Measures inspectors have observed an increasing number of EVSE operators setting the price per kilowatt hour at zero dollars while imposing significantly higher time-based fees. In some cases, kilowatt hour pricing is not displayed at all. These practices undermine transparency and conflict with the intent of weights and measures law. The purpose of establishing a uniform method of sale for commodities is to provide consumers with a clear and reasonable basis for price comparison. While current law does not regulate the price set per kilowatt hour, and does not prohibit giving electricity away at no cost, establishing a minimum price per kilowatt hour ensures that the commodity itself, not parking

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time, remains the basis of the transaction. Electric vehicle owners are fueling their vehicles, not renting parking spaces.

MDA recognizes that the Comptroller's office may not be the appropriate lead for setting a minimum price, and the Department recommends that the bill be amended to reflect that all electrical energy kept, offered, or exposed for sale and sold as a retail vehicle fuel shall be sold and priced in terms of kilowatt-hour during the charging session and in no case shall be priced to have no monetary value when other fees are present.

For these reasons, MDA supports Senate Bill 649 and respectfully requests the consideration of the amendments as provided. MDA appreciates the consideration of the above information in the Committee's deliberations.