

# HOUSE . . . . . No. 4781

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 29, 2016.

The committee on Ways and Means, to whom was referred the Senate Bill promoting zero emission vehicle adoption (Senate, No. 2505), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4781.

For the committee,

BRIAN S. DEMPSEY

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## The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 25A of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 16. (a) For the purposes of this section, the following words shall have the  
4 following meanings unless the context clearly requires otherwise:

5 “Electric vehicle”, a battery electric vehicle that draws propulsion energy solely from an  
6 on-board electrical energy storage device during operation that is charged from an external  
7 source of electricity or a plug-in hybrid electric vehicle with an on-board electrical energy  
8 storage device that can be recharged from an external source of electricity but also has the  
9 capability to run on another fuel.

10 “Electric vehicle charging services”, the transfer of electric energy from an electric  
11 vehicle charging station to a battery or other storage device in an electric vehicle and billing  
12 services, networking and operation and maintenance.

13 “Electric vehicle charging station”, an electric component assembly or cluster of  
14 component assemblies designed specifically to charge batteries within electric vehicles by

15 permitting the transfer of electric energy to a battery or other storage device in an electric  
16 vehicle.

17 “Network roaming”, the act of a member of 1 electric vehicle charging station billing  
18 network using a charging station that is outside of the member's billing network with the  
19 member’s billing network account information.

20 “Public electric vehicle charging station”, an electric vehicle charging station located at a  
21 publicly available parking space.

22 “Publicly available parking space”, a parking space that has been designated by a  
23 property owner or lessee to be available to and accessible by the public and may include on-  
24 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
25 that “publicly available parking space” shall not include a parking space that is part of or  
26 associated with a private residence or a parking space that is reserved for the exclusive use of an  
27 individual driver or vehicle or for a group of drivers or vehicles including employees, tenants,  
28 visitors, residents of a common interest development or residents of an adjacent building.

29 (b) A person who wants to use a public electric vehicle charging station shall not be  
30 required to pay a subscription fee in order to use the station and shall not be required to obtain a  
31 membership in a club, association or organization as a condition of using the station. Owners and  
32 operators of public electric vehicle charging stations may have separate price schedules  
33 conditional on a subscription or membership.

34 (c) The owner or lessee of a publicly available parking space, whose primary business is  
35 not electric vehicle charging services, may restrict the use of that parking space, including by  
36 limiting use to customers and visitors of the business.

37 (d) The owner or operator of a public electric vehicle charging station shall provide  
38 payment options that allow access by the general public.

39 (e) The owner or operator of a public electric vehicle charging station or a designee shall  
40 disclose on an ongoing basis to the United States Department of Energy's National Renewable  
41 Energy Laboratory, or other publicly available database designated by the department of energy  
42 resources, the station's geographic location, hours of operation, charging level, hardware  
43 compatibility, schedule of fees, accepted methods of payment and the amount of network  
44 roaming charges for nonmembers, if any.

45 (f) Nothing in this section shall preclude an electric company or distribution company, as  
46 defined in section 1 of chapter 164, from submitting a proposal to the department of public  
47 utilities for preapproval of cost recovery to construct, own, and operate publicly available  
48 electric vehicle charging infrastructure including charging stations, provided, however, that  
49 preapproval shall be granted only if a proposal is in the public interest, meets a need regarding  
50 the advancement of electric vehicles in the commonwealth and does not hinder the development  
51 of the competitive electric vehicle charging market.

52 SECTION 2. Section 22A of chapter 40 of the General Laws, as appearing in the 2014  
53 Official Edition, is hereby amended by adding the following paragraph:-

54 A city or town acting under this section with respect to ways within its control, or under  
55 the authority granted under chapter 40A with respect to zoning, may regulate the parking of  
56 vehicles by restricting certain areas or requiring that certain areas be restricted for the parking of  
57 a zero emission vehicle, as defined in section 16 of chapter 25A. An ordinance, by-law, order,  
58 rule or regulation pursuant to this paragraph may contain a penalty of not more than \$50 and, in a

59 city or town that has accepted section 22D, may provide for the removal of a vehicle under said  
60 section 22D.

61 SECTION 3. Notwithstanding any general or special law to the contrary, the state board  
62 of building regulations established pursuant to section 93 of chapter 143 of the General Laws, in  
63 consultation with the department of energy resources, shall include requirements for residential  
64 and appropriate commercial buildings as part of amendments to the state building and electric  
65 code for electric vehicle charging. The requirements may include separate specifications for  
66 installed electric vehicle charging stations and for maintaining the capability to install electric  
67 vehicle charging stations.

68 SECTION 4. The department of energy resources may adopt interoperability billing  
69 standards for network roaming payment methods for electric vehicle charging stations. If the  
70 department of energy resources adopts such interoperability billing standards, electric vehicle  
71 charging stations that require payment shall meet those standards within 1 year. The standards  
72 adopted shall consider interoperability standards adopted by a national standards organization, if  
73 any, and other governmental or industry-developed interoperability billing standards. The  
74 department may adopt interoperability billing standards promulgated by an outside authoritative  
75 body.

76 SECTION 5. The secretary of the Massachusetts Department of Transportation, in  
77 consultation with the secretary of energy and environmental affairs, shall conduct a study  
78 examining the advisability and feasibility of assessing surcharges, levies or other assessments to  
79 offset projected gas tax revenue loss from the purchase or operation of zero emission vehicles.  
80 The study shall examine practices in other states and shall include input from electric vehicle

81 manufacturers, dealers and trade associations, the zero emission vehicle commission, electric  
82 vehicle and fuel cell vehicle manufacturers, electric vehicle charging station manufacturers and  
83 hydrogen providers, as well as transportation, environmental and clean energy advocacy groups.  
84 For the purposes of this section, “zero emissions vehicle”, shall mean a battery electric vehicle, a  
85 plug-in hybrid electric vehicle or a fuel cell vehicle. The report shall be filed with the clerks of  
86 the senate and house of representatives, the chairs of the senate and house committees on ways  
87 and means and the senate and house chairs of the joint committee on transportation not later than  
88 December 1, 2017.

89 SECTION 6. The department of energy resources, in consultation with the Massachusetts  
90 Department of Transportation, shall conduct a study on the opportunities for electrification of the  
91 state fleet, including the vehicles used by the regional transit authorities; provided that the study  
92 shall include recommendations for the allowance of non-electric emergency vehicles as part of  
93 the state fleet . For the purposes of this section, “emergency vehicle” shall mean any publicly  
94 owned or leased vehicle operated by a sworn officer in performance of their duties, any  
95 authorized emergency vehicle used for fighting fires, any publicly owned or leased authorized  
96 emergency vehicle used by an emergency medical technician or paramedic, or used for towing or  
97 servicing other vehicles, or repairing damaged lighting or electrical equipment, or any ambulance  
98 used by a private entity under contract with a public agency. The study shall be filed with the  
99 clerks of the senate and house of representatives and with the senate and house chairs of the joint  
100 committee on transportation not later than October 1, 2017.

101 SECTION 7. Section 4 shall take effect on January 1, 2018.