

SENATE No. 2404

Senate, Thursday, June 30, 2016 -- Text of amendment (68) (offered by Senator Eldridge to the Ways and Means amendment (Senate, No. 2372) to the House Bill to promote energy diversity.

The Commonwealth of Massachusetts

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

by inserting at the end thereof the following section:-

SECTION XX. Chapter 90 of the General Laws is hereby amended by inserting after section 19L the following:—

Section 19M.

(a) Notwithstanding any general or special law to the contrary, any motor vehicle designated as a zero emissions vehicle, as defined in Chapter 25A, Section 16, shall be authorized for travel on lanes designated for use by high-occupancy vehicles.

(b) The secretary of transportation shall issue those regulations it considers necessary or appropriate to implement this section, within one year of the effective date of this act.

SECTION 2. Section 22A of chapter 40 of the General Laws is hereby amended by adding the following paragraph:—

Any city or town acting under this section with respect to ways under its control, or under the authority granted under chapter forty A with respect to zoning, may further regulate the parking of vehicles by restricting certain areas or requiring that certain areas be restricted for the parking of any vehicle bearing a distinctive plate, decal, or emblem identifying such vehicle as a zero emissions vehicle. Any such ordinance, bylaw, order, rule, or regulation promulgated pursuant to the provisions of this paragraph shall contain a penalty of not less than fifteen dollars or not more than fifty dollars and may provide for the removal of a vehicle in accordance with the provisions of section twenty-two D.

SECTION 3. Section 94 of chapter 143 of the General Laws is hereby amended by adding the following paragraph:—

(s) In consultation with the Department of Energy Resources, to develop requirements and promulgate regulations as part of the state building code within one year of the effective date of this act, for electric vehicle charging. Such regulations may include separate requirements for capability to install electric vehicle charging stations in the future and direct requirements for electric vehicle charging stations.

SECTION 4. Chapter 25A of the General Laws is hereby amended by inserting after section 15 the following:-

Section 16. (a) The following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Electric vehicle”, a battery electric vehicle or plug-in hybrid electric vehicle.

“Battery electric vehicle”, a vehicle that draws propulsion energy solely from an on-board electrical energy storage device during operation that is charged from an external source of electricity.

“Plug-in hybrid electric vehicle”, a vehicle with an on-board electrical energy storage device that can be recharged from an external source of electricity but also has the capability to run on another fuel.

“Fuel cell vehicle”, a vehicle with an on-board fuel cell used to provide all or part of the motive power of the vehicle.

“Zero emissions vehicle”, a battery electric vehicle, a plug-in hybrid electric vehicle, or a fuel cell vehicle.

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

“Electric vehicle charging station”, an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

“Publicly available parking space”, a parking space that has been designated by a property owner or lessee to be available to, and accessible by, the public, and may include on-street parking spaces and parking spaces in surface lots or parking garages. A "publicly available parking space" shall not include a parking space

that is part of, or associated with, a private residence, a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building.

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

“Interoperability billing standards”, the ability for a member of one electric charging station billing network to use another billing network.

“Network roaming”, the act of a member of one electric vehicle charging station billing network using a charging station that is outside of the member's billing network with his or her billing network account information.

(b) Persons desiring to use a public electric vehicle charging station shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. Owners and operators of public electric vehicle charging stations may have separate price schedules conditional on a subscription or membership.

(c) Owners and lessees of a publicly available parking space, whose primary business is not electric vehicle charging services, may restrict the use of that parking space, such as limiting use to customers and visitors of the business.

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

(e) If no interoperability standards have been adopted by a national standards organization by January 1, 2018, the Department of Energy Resources may adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations. If the Department of Energy Resources adopts interoperability billing standards for electric vehicle charging stations, all electric vehicle charging stations that require payment shall meet those standards within one year. Any standards adopted shall consider other governmental or industry-developed interoperability billing standards and may adopt interoperability billing standards promulgated by an outside authoritative body.

(f) The owner or operator of a public electric vehicle charging station, or their designee, shall disclose on an ongoing basis to the National Renewable Energy Laboratory, or other publicly available database subsequently designated by the Department of Energy Resources, the station's geographic location, hours of operation, charging level, hardware compatibility, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any.

SECTION 5. Section 9A of chapter 7 of the General Laws is hereby amended by adding the following paragraph:—

When designing the above fuel efficiency standards for the purchase of new hybrid and alternative fuel vehicles, consistent with the ability of such vehicles to perform their intended functions, the commonwealth shall ensure that 25% of the motor vehicles purchased each year by the commonwealth will be electric vehicles by 2025. Such fuel efficiency standard shall incorporate intermediate targets for electric vehicles. The Department of Energy Resources shall conduct a study on the opportunities for electrification of all segments of the state fleet, including all vehicles used by the regional transit authorities.

SECTION 6. The secretary of transportation, in consultation with the secretary of energy and environmental affairs, shall conduct a study examining the advisability and feasibility of assessing surcharges, levies or other assessments to offset projected gas tax revenue loss from the purchase and/or operation of zero emission vehicles. The study shall examine practices in other states and shall include input from electric vehicle manufacturers, dealers, and trade associations, the Zero Emission Vehicle Commission, electric vehicle and fuel cell vehicle manufacturers, electric vehicle charging station manufacturers and hydrogen providers, as well as transportation, environmental and clean energy advocacy groups. The report shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means, and the joint committee on transportation not later than April 1, 2017.