

1-1 By: Schwertner S.B. No. 839  
 1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 April 19, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 19, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 839 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the regulation of electric vehicle supply equipment;  
 1-22 requiring an occupational registration; authorizing fees;  
 1-23 authorizing an administrative penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle A, Title 14, Occupations Code, is  
 1-26 amended by adding Chapter 2311 to read as follows:

1-27 CHAPTER 2311. ELECTRIC VEHICLE SUPPLY EQUIPMENT

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 2311.0101. DEFINITIONS. In this chapter:

1-30 (1) "Commercial transaction" means any sale or  
 1-31 exchange for compensation of electrical energy through a digital  
 1-32 network.

1-33 (2) "Commission" means the Texas Commission of  
 1-34 Licensing and Regulation.

1-35 (3) "Department" means the Texas Department of  
 1-36 Licensing and Regulation.

1-37 (4) "Digital network" means an online-enabled  
 1-38 application, website, or system offered or used by an electric  
 1-39 vehicle charging provider that allows a user to initiate a  
 1-40 commercial transaction to dispense electrical energy from electric  
 1-41 vehicle supply equipment to an electric vehicle.

1-42 (5) "Electric vehicle supply equipment" means a device  
 1-43 or equipment used to dispense electrical energy to an electric  
 1-44 vehicle.

1-45 (6) "Electric vehicle supply provider" means an owner  
 1-46 or operator of electric vehicle supply equipment that is available  
 1-47 and accessible to the public to provide electrical energy through a  
 1-48 commercial transaction.

1-49 SUBCHAPTER B. POWERS AND DUTIES

1-50 Sec. 2311.0201. RULES. The commission shall adopt rules as  
 1-51 necessary to implement this chapter.

1-52 Sec. 2311.0202. FEES. The commission by rule shall set fees  
 1-53 in amounts sufficient to cover the costs of administering this  
 1-54 chapter.

1-55 Sec. 2311.0203. CONTRACT. The department may contract to  
 1-56 perform the department's duties related to electric vehicle supply  
 1-57 equipment, including inspections. A reference in this chapter to  
 1-58 the commission or department in the context of a contracted service  
 1-59 means the contractor.

1-60 Sec. 2311.0204. INSPECTION OF ELECTRIC VEHICLE SUPPLY

2-1 EQUIPMENT. The department may periodically, or in response to a  
 2-2 complaint, conduct an inspection of electric vehicle supply  
 2-3 equipment in order to verify compliance with registration  
 2-4 requirements and standards established in this chapter and  
 2-5 commission rules, unless electric vehicle supply equipment is  
 2-6 exempt from the application of this chapter by commission rule.

2-7 Sec. 2311.0205. COMPLAINTS REGARDING ELECTRIC VEHICLE  
 2-8 SUPPLY EQUIPMENT. In accordance with Chapter 51, the executive  
 2-9 director of the department shall establish methods by which  
 2-10 consumers are notified of the name, Internet website address,  
 2-11 mailing address, and telephone number of the department for the  
 2-12 purpose of directing complaints to the department.

2-13 Sec. 2311.0206. EXEMPTIONS. (a) The commission by rule may  
 2-14 exempt electric vehicle supply equipment from a requirement  
 2-15 established by this chapter if the commission determines that  
 2-16 imposing or enforcing the requirement:

2-17 (1) is not cost-effective for the department;  
 2-18 (2) is not feasible with current resources or  
 2-19 standards; or  
 2-20 (3) will not substantially benefit or protect  
 2-21 consumers.

2-22 (b) Electric vehicle supply equipment is exempt from the  
 2-23 requirements of this chapter if, in accordance with commission  
 2-24 rule, the electric vehicle supply equipment is:

2-25 (1) installed in or adjacent to a private residence  
 2-26 for noncommercial use; or  
 2-27 (2) provided at no charge for the exclusive use of an  
 2-28 individual, or a group of individuals, including employees,  
 2-29 tenants, visitors, or residents of a multiunit housing or office  
 2-30 development.

#### 2-31 SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

2-32 Sec. 2311.0301. DUTIES OF ELECTRIC VEHICLE SUPPLY PROVIDER.  
 2-33 Unless electric vehicle supply equipment is exempt from the  
 2-34 application of this chapter or has been removed from service, an  
 2-35 electric vehicle supply provider shall:

2-36 (1) have electric vehicle supply equipment inspected  
 2-37 as prescribed by commission rule; and  
 2-38 (2) maintain electric vehicle supply equipment in  
 2-39 compliance with maintenance specifications, this chapter, and  
 2-40 commission rule.

2-41 Sec. 2311.0302. REQUIRED REGISTRATION. (a) Unless  
 2-42 electric vehicle supply equipment is exempt from the application of  
 2-43 this chapter by commission rule, an electric vehicle supply  
 2-44 provider shall register each charging unit of electric vehicle  
 2-45 supply equipment operated by the provider with the department  
 2-46 before the electric vehicle supply equipment is made available for  
 2-47 use on a digital network for a commercial transaction.

2-48 (b) The department shall issue a registration to each  
 2-49 applicant that meets the requirements of this chapter and submits  
 2-50 an application that meets the requirements of this section. An  
 2-51 application for electric vehicle supply equipment registration  
 2-52 must:

2-53 (1) be submitted to the department in a manner  
 2-54 prescribed by the department;

2-55 (2) be accompanied by any other document or form  
 2-56 required by the department;

2-57 (3) include any fee required under Section 2311.0202;  
 2-58 and

2-59 (4) include documentation of compliance with Section  
 2-60 2311.0303, as prescribed by commission rule.

2-61 (c) A registration under this section is valid for one or  
 2-62 two years as established by commission rule. The registration must  
 2-63 be renewed at or before the end of each registration period.

2-64 Sec. 2311.0303. SPECIFICATIONS. (a) Specifications for  
 2-65 the installation and operation of electric vehicle supply equipment  
 2-66 must be the same as those recommended by the National Institute of  
 2-67 Standards and Technology.

2-68 (b) Electric vehicle supply equipment must be installed and  
 2-69 operated in accordance with Chapter 1305.

3-1 (c) The commission may adopt rules as necessary to establish  
3-2 standards under this chapter.

3-3 Sec. 2311.0304. FEES; DISCLOSURES. (a) An electric  
3-4 vehicle supply provider shall disclose on the display of the  
3-5 electric vehicle supply equipment or on the electric vehicle supply  
3-6 provider's digital network:

3-7 (1) the fee calculation method or methods; and

3-8 (2) applicable surcharges.

3-9 (b) Before the user begins charging, the electric vehicle  
3-10 supply provider shall disclose:

3-11 (1) the rate the user will be charged at the time of  
3-12 the transaction based on the available fee calculation method or  
3-13 methods; and

3-14 (2) a list of applicable surcharges.

3-15 (c) In accordance with commission rule, an electric vehicle  
3-16 supply provider shall show on the display of the provider's  
3-17 electric vehicle supply equipment or on the provider's digital  
3-18 network a notice to consumers that:

3-19 (1) states that the department regulates electric  
3-20 vehicle supply equipment; and

3-21 (2) provides information on filing a complaint with  
3-22 the department about electric vehicle supply equipment.

3-23 Sec. 2311.0305. ELECTRONIC RECEIPT. After a reasonable  
3-24 period following the completion of a commercial transaction for  
3-25 electric vehicle charging, on request of a user, the electric  
3-26 vehicle supply provider shall transmit an electronic summary that  
3-27 includes:

3-28 (1) the date and time of the transaction;

3-29 (2) the physical location of the electric vehicle  
3-30 supply equipment;

3-31 (3) the duration of and kilowatt hours provided during  
3-32 the transaction; and

3-33 (4) an itemization of the total fees paid, including  
3-34 surcharges, if applicable.

3-35 Sec. 2311.0306. REPAIR OF DAMAGED ELECTRIC VEHICLE SUPPLY  
3-36 EQUIPMENT. (a) An electric vehicle supply provider shall:

3-37 (1) remove from operation in a manner that prevents  
3-38 use and access by the public, in accordance with commission rules,  
3-39 electric vehicle supply equipment that poses a safety risk; and

3-40 (2) remove electric vehicle supply equipment that  
3-41 poses a safety risk from the electric vehicle supply provider's  
3-42 digital network listing of available charging units.

3-43 (b) If the department determines that electric vehicle  
3-44 supply equipment poses a safety risk, the department shall place a  
3-45 tag or other mark with the words "Out of Order" on the electric  
3-46 vehicle supply equipment.

3-47 (c) An electric vehicle supply provider may not return  
3-48 electric vehicle supply equipment to operation until the equipment  
3-49 has been repaired in accordance with manufacturer specifications  
3-50 and commission rule.

3-51 SUBCHAPTER D. ENFORCEMENT

3-52 Sec. 2311.0401. DISCIPLINARY ACTION. A person is subject  
3-53 to the denial of an application, imposition of an administrative  
3-54 penalty under Subchapter F, Chapter 51, or disciplinary action  
3-55 under Section 51.353 if the person engages in a commercial  
3-56 transaction in violation of this chapter or a rule adopted under  
3-57 this chapter.

3-58 Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. A proceeding  
3-59 for the denial of a registration or a disciplinary action or an  
3-60 appeal from that proceeding is governed by Chapter 2001, Government  
3-61 Code.

3-62 SECTION 2. (a) The Texas Commission of Licensing and  
3-63 Regulation shall adopt rules necessary to implement the changes in  
3-64 law made by this Act not later than December 1, 2022.

3-65 (b) Notwithstanding any other provision of this Act,  
3-66 electric vehicle supply equipment installed before December 31,  
3-67 2021, is exempt from the requirements of Section 2311.0303,  
3-68 Occupations Code, as added by this Act, until the fifth anniversary  
3-69 of the date the rules described by Subsection (a) of this section

4-1 are adopted.

4-2 SECTION 3. (a) The Texas Department of Licensing and  
4-3 Regulation may establish and lead a stakeholder work group to  
4-4 provide input, advice, and recommendations on the activities under  
4-5 this Act. The Texas Department of Licensing and Regulation shall  
4-6 establish the size, composition, and scope of the stakeholder work  
4-7 group.

4-8 (b) This section expires on December 1, 2022.

4-9 SECTION 4. (a) An electric vehicle supply provider shall  
4-10 register all of the provider's electric vehicle supply equipment in  
4-11 operation in this state not later than March 1, 2023.

4-12 (b) Electric vehicle supply equipment installed in this  
4-13 state before the effective date of this Act must be operated in  
4-14 compliance with manufacturer specifications, this chapter, and  
4-15 Texas Commission of Licensing and Regulation rules not later than  
4-16 March 1, 2024.

4-17 (c) Electric vehicle supply equipment installed on or after  
4-18 September 1, 2021, and before February 28, 2023, must be operated in  
4-19 compliance with manufacturer specifications, this chapter, and  
4-20 Texas Commission of Licensing and Regulation rules not later than  
4-21 March 1, 2023.

4-22 (d) Electric vehicle supply equipment installed on or after  
4-23 March 1, 2023, must be operated in compliance with manufacturer  
4-24 specifications, this chapter, and Texas Commission of Licensing and  
4-25 Regulation rules, and be registered with the Texas Department of  
4-26 Licensing and Regulation prior to operation.

4-27 SECTION 5. This Act takes effect September 1, 2021.

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