

By: Schwertner, et al.  
(Canales)

S.B. No. 1728

Substitute the following for S.B. No. 1728:

By: Ashby

C.S.S.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

relating to the equalization for road use by and public charging infrastructure for alternatively fueled vehicles; authorizing a fee and a surcharge.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 4, Government Code, is amended by adding Chapter 490I to read as follows:

CHAPTER 490I. TEXAS TRANSPORTATION ELECTRIFICATION COUNCIL

Sec. 490I.001. DEFINITION. In this chapter, "council" means the Texas Transportation Electrification Council established by this chapter.

Sec. 490I.002. ESTABLISHMENT; COMPOSITION. (a) The Texas Transportation Electrification Council is established.

(b) The council is composed of the chair of, or if not applicable, the administrative head of or a senior-level designee from, each of the following entities:

(1) the Public Utility Commission of Texas;

(2) the Electric Reliability Council of Texas;

(3) the Texas Commission on Environmental Quality;

(4) the State Energy Conservation Office;

(5) the Texas Department of Licensing and Regulation;

(6) the Texas Department of Transportation;

(7) the Texas Department of Motor Vehicles;

(8) the Texas Department of Housing and Community

1 Affairs;

2 (9) the Texas State Affordable Housing Corporation;

3 (10) the Texas Division of Emergency Management; and

4 (11) the Texas Economic Development and Tourism  
5 Office.

6 Sec. 490I.003. PRESIDING OFFICER; MEETINGS. (a) The  
7 council annually shall elect one member to serve as the presiding  
8 officer of the council.

9 (a-1) The executive director of the Texas Department of  
10 Transportation shall serve as the initial presiding officer of the  
11 council. This subsection expires September 1, 2023.

12 (b) The council shall hold at least four public meetings  
13 each year.

14 Sec. 490I.004. ADMINISTRATIVE ATTACHMENT; FUNDING. (a)  
15 The council is administratively attached to the Texas Department of  
16 Transportation.

17 (b) The council shall be funded using existing funds of the  
18 Texas Department of Transportation.

19 Sec. 490I.0045. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE  
20 ASSESSMENT. (a) Not later than March 1, 2022, the council shall  
21 prepare an assessment of existing and planned public electric  
22 vehicle charging infrastructure and associated technologies in  
23 this state using existing databases. The assessment must include  
24 the number and types of electric vehicle chargers at each location.

25 (b) The council shall use the assessment in developing the  
26 plan required by Section 490I.005.

27 (c) This section expires September 1, 2023.

1 Sec. 490I.005. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

2 PLAN. (a) The council shall:

3 (1) develop a comprehensive plan for the development  
4 of public electric vehicle charging infrastructure and associated  
5 technologies in this state through the year 2040; and

6 (2) update the plan biennially.

7 (b) The plan must:

8 (1) include a phased implementation of the plan, in  
9 biennial increments, through the year 2040;

10 (2) identify areas in this state for which additional  
11 public electric vehicle charging infrastructure is needed to ensure  
12 that the vehicle choice of residents of this state is not  
13 constrained by a lack of access to adequate public electric vehicle  
14 charging infrastructure;

15 (3) provide for sufficient public electric vehicle  
16 charging infrastructure to meet and enable future demand for  
17 electric vehicles in this state that:

18 (A) ensures that adequate public electric  
19 vehicle charging infrastructure is available:

20 (i) with sufficient frequency and capacity  
21 to enable users of electric vehicles of various classes to travel  
22 border to border and community to community on interstate highways  
23 and other major roadways in this state;

24 (ii) along evacuation routes; and

25 (iii) in rural communities, multifamily and  
26 underserved communities, town centers, commercial and retail  
27 areas, parks and other publicly owned lands, and other areas that

1 are in proximity to where local electric vehicle users live or work;

2 (B) is safe, dependable, serviceable, and  
3 operational;

4 (C) maximizes the benefits associated with  
5 transportation electrification;

6 (D) enhances commerce by ensuring an adequate  
7 distribution of public electric vehicle charging infrastructure is  
8 available throughout the state to stimulate lower cost and lower  
9 emissions from heavy duty trucking and delivery services;

10 (E) ensures adequate public electric vehicle  
11 charging capacity to facilitate commerce:

12 (i) at or near the borders of this state;

13 (ii) in or near airports, rail yards, and  
14 seaports; and

15 (iii) at warehouse complexes and truck  
16 stops;

17 (F) enhances accessibility of tourist areas to  
18 electric vehicle users; and

19 (G) covers any other areas identified by the  
20 council;

21 (4) stimulate competition, innovation, and consumer  
22 choice in public electric vehicle charging and related  
23 infrastructure and services and encourage private capital  
24 investment;

25 (5) specify the number and types of electric vehicle  
26 chargers per general location that are needed to meet the  
27 requirements prescribed by Subdivisions (2), (3), and (4);

1           (6) examine vehicle and charging infrastructure  
2 changes necessary to provide demand response functions and two-way  
3 electricity flow capability in order to allow vehicle to grid  
4 integration for cost savings, grid reliability, and resiliency; and

5           (7) provide for electric transportation corridors in  
6 and along Texas Department of Transportation rights-of-way that  
7 include the infrastructure needed for vehicle electrification,  
8 such as:

9                   (A) a greatly expanded global positioning system  
10 network for vehicle location accuracy;

11                   (B) advanced sensor networks for traffic;

12                   (C) intelligent transportation services;

13                   (D) connected vehicle applications; and

14                   (E) improvements to energy infrastructure needed  
15 to provide adequate vehicle charging.

16           (c) In developing and updating the plan, the council:

17                   (1) shall use, to the extent practicable, publicly  
18 available electric vehicle projections and models based on industry  
19 standards to determine, for each year, the percentage and number of  
20 electric vehicles by vehicle class that are expected on roadways in  
21 this state and the number of electric vehicle chargers that are  
22 needed to ensure that there is comprehensive and adequate access to  
23 public electric vehicle charging infrastructure in this state; and

24                   (2) may rely on scenarios provided by the Electric  
25 Reliability Council of Texas or other information from appropriate  
26 sources for the percentage and number of electric vehicles by  
27 vehicle class on roadways in this state by year.

1       Sec. 490I.006. STATE AGENCY POLICY RECOMMENDATIONS. The  
2 council shall develop policy recommendations that state agencies  
3 may adopt to encourage the development of an adequate network of  
4 public electric vehicle charging infrastructure and associated  
5 technologies to meet the future electrified transportation needs in  
6 this state through the year 2040.

7       Sec. 490I.007. STAKEHOLDER INPUT. In performing the  
8 council's duties under this chapter, the council shall seek advice  
9 and input from:

- 10           (1) privately owned electric utilities;
- 11           (2) municipally owned electric utilities;
- 12           (3) electric cooperatives;
- 13           (4) state and local transportation and transit  
14 agencies;
- 15           (5) port authorities;
- 16           (6) warehousing and logistics centers;
- 17           (7) electric vehicle charging infrastructure  
18 companies;
- 19           (8) environmental groups;
- 20           (9) consumer advocates;
- 21           (10) motor vehicle manufacturers;
- 22           (11) nonprofit organizations developing electric  
23 vehicle policy;
- 24           (12) nonprofit organizations representing food or  
25 motor fuel providers;
- 26           (13) apartment associations;
- 27           (14) low-income community development corporations;

1           (15) nonprofit organizations that represent  
2 utilities, electric vehicle manufacturers, and charging companies;  
3 and

4           (16) interested members of the public.

5           Sec. 490I.008. AUTHORITY TO CONTRACT AND CONSULT WITH  
6 CERTAIN PERSONS. In performing the council's duties under this  
7 chapter, the council may:

8           (1) contract with experts, academic scholars, and  
9 other appropriate professionals; and

10           (2) consult with the Texas A&M Transportation  
11 Institute and institutions of higher education.

12           Sec. 490I.0085. INITIAL REPORT. (a) Not later than  
13 December 1, 2022, the council shall prepare and submit to the  
14 governor, the lieutenant governor, each member of the legislature,  
15 and relevant state and federal agencies a written report of the  
16 council's findings that includes:

17           (1) the assessment prepared under Section 490I.0045;

18           (2) the plan developed under Section 490I.005,  
19 including the phased implementation of the plan required by  
20 Subsection (b)(1) of that section; and

21           (3) the policy recommendations developed under  
22 Section 490I.006.

23           (b) This section expires September 1, 2025.

24           Sec. 490I.009. BIENNIAL REPORT. Not later than December 1  
25 of each even-numbered year, the council shall prepare and submit to  
26 the governor, the lieutenant governor, each member of the  
27 legislature, and relevant state and federal agencies a written

1 report that includes:

2 (1) a summary of the progress made on the  
3 implementation of the plan developed under Section 490I.005;

4 (2) the biennial update to the plan required under  
5 Section 490I.005(a)(2); and

6 (3) any updates to the policy recommendations  
7 developed under Section 490I.006.

8 Sec. 490I.010. EXPIRATION. This chapter expires and the  
9 council is abolished January 1, 2031.

10 SECTION 2. Section 502.198(a), Transportation Code, is  
11 amended to read as follows:

12 (a) Except as provided by Sections 502.058, 502.060,  
13 502.1911, 502.192, 502.356, and 502.357 and Subchapters  
14 [~~Subchapter~~] H and M, this section applies to all fees collected by  
15 a county assessor-collector under this chapter.

16 SECTION 3. Chapter 502, Transportation Code, is amended by  
17 adding Subchapter M to read as follows:

18 SUBCHAPTER M. ALTERNATIVELY FUELED VEHICLE FEES

19 Sec. 502.501. DEFINITIONS. In this subchapter:

20 (1) "Alternatively fueled vehicle" means a motor  
21 vehicle that is capable of being powered by a source other than  
22 gasoline or diesel fuel.

23 (2) "Conventionally fueled vehicle" means a motor  
24 vehicle that is capable of being powered only by gasoline or diesel  
25 fuel.

26 (3) "Electric vehicle" means a motor vehicle that uses  
27 electricity as its only source of motor power.

1           (4) "Hybrid electric vehicle" means a motor vehicle,  
2 including a plug-in hybrid electric motor vehicle, that is capable  
3 of being powered by both electricity and gasoline, diesel, or  
4 another type of fuel.

5           (5) "Natural gas vehicle" means a motor vehicle that  
6 is capable of being powered by compressed natural gas or liquefied  
7 natural gas as fuel.

8           (6) "Plug-in hybrid electric vehicle" means a vehicle  
9 that is capable of being:

10                   (A) powered by a battery that drives an electric  
11 motor;

12                   (B) powered by an internal combustion engine, or  
13 other propulsion source, that uses gasoline or diesel fuel; and

14                   (C) recharged by plugging into an electrical  
15 outlet or electric vehicle charging station.

16           Sec. 502.502. APPLICABILITY. This subchapter does not  
17 apply to:

18                   (1) a hybrid electric vehicle that is not a plug-in  
19 hybrid electric vehicle;

20                   (2) a natural gas vehicle; or

21                   (3) a vehicle used exclusively to provide public  
22 transportation services.

23           Sec. 502.503. ALTERNATIVELY FUELED VEHICLE FEE. (a) In  
24 addition to other fees authorized under this chapter, at the time of  
25 application for registration or renewal of registration of an  
26 alternatively fueled vehicle, other than a vehicle subject to a fee  
27 under Subsection (b), the applicant shall pay an additional fee

1 according to the gross weight of the vehicle, as follows:

<u>Weight Classification in pounds</u>	<u>Fee Schedule</u>
<u>0-6,000</u>	<u>\$190</u>
<u>6,001-10,000</u>	<u>\$240</u>

5 (b) In addition to other fees authorized under this chapter,  
6 at the time of application for registration or renewal of  
7 registration of a plug-in hybrid electric vehicle, the applicant  
8 shall pay an additional fee according to the gross weight of the  
9 vehicle, as follows:

<u>Weight Classification in pounds</u>	<u>Fee Schedule</u>
<u>0-6,000</u>	<u>\$30</u>
<u>6,001-10,000</u>	<u>\$40</u>

13 Sec 502.504. MILEAGE FEE ALTERNATIVE. (a) In lieu of  
14 paying a fee under Section 502.503, a person who applies for  
15 registration or registration renewal of an alternatively fueled  
16 vehicle that is equipped with an odometer may pay an annual mileage  
17 fee. Notwithstanding Section 548.102, a person may have an  
18 alternatively fueled vehicle subject to that section inspected at  
19 the end of a one-year period for the purposes of paying a fee under  
20 this section.

21 (b) The annual mileage fee for an alternatively fueled  
22 vehicle, other than a plug-in hybrid electric vehicle, that weighs  
23 6,000 pounds or less is:

<u>Annual Mileage</u>	<u>Fee</u>
<u>3,000 miles or less</u>	<u>\$30</u>
<u>3,001 to 6,000 miles</u>	<u>\$70</u>
<u>6,001 to 9,000 miles</u>	<u>\$110</u>

1	<u>9,001 to 12,000 miles</u>	<u>\$150</u>
2	<u>12,001 miles or more</u>	<u>\$190</u>

3       (c) The annual mileage fee for an alternatively fueled  
4 vehicle, other than a plug-in hybrid electric vehicle, that weighs  
5 more than 6,000 pounds is:

6	<u>Annual Mileage</u>	<u>Fee</u>
7	<u>3,000 miles or less</u>	<u>\$40</u>
8	<u>3,001 to 6,000 miles</u>	<u>\$90</u>
9	<u>6,001 to 9,000 miles</u>	<u>\$140</u>
10	<u>9,001 to 12,000 miles</u>	<u>\$190</u>
11	<u>12,001 miles or more</u>	<u>\$240</u>

12       (d) The annual mileage fee for a plug-in hybrid electric  
13 vehicle that weighs 6,000 pounds or less is:

14	<u>Annual Mileage</u>	<u>Fee</u>
15	<u>3,000 miles or less</u>	<u>\$5</u>
16	<u>3,001 to 6,000 miles</u>	<u>\$10</u>
17	<u>6,001 to 9,000 miles</u>	<u>\$20</u>
18	<u>9,001 miles or more</u>	<u>\$30</u>

19       (e) The annual mileage fee for a plug-in hybrid electric  
20 vehicle that weighs more than 6,000 pounds is:

21	<u>Annual Mileage</u>	<u>Fee</u>
22	<u>3,000 miles or less</u>	<u>\$10</u>
23	<u>3,001 to 6,000 miles</u>	<u>\$20</u>
24	<u>6,001 to 9,000 miles</u>	<u>\$30</u>
25	<u>9,001 miles or more</u>	<u>\$40</u>

26       Sec. 502.505. ELECTRIC VEHICLE SURCHARGE. (a) In addition  
27 to other fees authorized under this chapter, at the time of

1 application for registration or renewal of registration of an  
2 electric vehicle, the applicant shall pay a \$10 surcharge.

3 (b) Each surcharge collected under this section shall be  
4 deposited to the credit of the general revenue fund and may be used  
5 only for the operations of the Texas Transportation Electrification  
6 Council established under Chapter 490I, Government Code. This  
7 subsection expires September 1, 2030.

8 Sec. 502.506. ANNUAL FEE ADJUSTMENT. (a) On January 1 of  
9 each year, the department shall:

10 (1) after September 1, 2030, increase the fees  
11 authorized under Sections 502.503 and 502.504 as necessary to  
12 adjust for inflation as determined by the National Highway  
13 Construction Cost Index; and

14 (2) if the federal government collects a tax on an  
15 alternatively fueled vehicle, decrease the fees authorized under  
16 Sections 502.503 and 502.504 for the type of vehicle subject to the  
17 tax.

18 (b) A fee decreased under Subsection (a)(2) for a fee  
19 authorized under:

20 (1) Section 502.503 must be decreased by an amount  
21 equal to the amount of the tax collected by the federal government;  
22 and

23 (2) Section 502.504 must be decreased by an amount  
24 that reflects the amount of the tax reduced proportionally  
25 according to the miles traveled by the vehicle during the previous  
26 year.

27 (c) The department shall post the planned fee increases or

1 decreases under Subsection (a) on the department's Internet website  
2 not later than November 1 of the previous year.

3 Sec. 502.507. ALLOCATION OF FEES. Except as otherwise  
4 provided by this subchapter, each fee and surcharge collected under  
5 this subchapter shall be deposited to the credit of the state  
6 highway fund.

7 Sec. 502.508. RULES. (a) The department shall adopt rules  
8 necessary to administer this subchapter.

9 (b) The Department of Public Safety, in consultation with  
10 the department, shall adopt rules necessary to implement Section  
11 502.504. A violation of a rule adopted under this subsection is  
12 considered to be a violation of Chapter 548 for purposes of Section  
13 548.405 and Subchapter I of that chapter.

14 SECTION 4. Section 548.253, Transportation Code, is amended  
15 to read as follows:

16 Sec. 548.253. INFORMATION TO BE SUBMITTED ON COMPLETION OF  
17 INSPECTION. An inspection station or inspector, on completion of  
18 an inspection, shall electronically submit to the department's  
19 inspection database:

20 (1) the vehicle identification number of the inspected  
21 vehicle and an indication of whether the vehicle passed the  
22 inspections required by this chapter; ~~and~~

23 (2) odometer readings as required by department rule;  
24 and

25 (3) any additional information required by rule by the  
26 department for the type of vehicle inspected.

27 SECTION 5. The Texas Transportation Electrification

C.S.S.B. No. 1728

1 Council shall submit its first report under Section 490I.009,  
2 Government Code, as added by this Act, not later than December 1,  
3 2024.

4 SECTION 6. This Act takes effect January 1, 2022.