

## **BILL ANALYSIS**

Senate Research Center  
87R20428 JXC-D

C.S.S.B. 839  
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Business & Commerce  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many Texans are choosing alternatively fueled vehicles (AFVs) to go about their daily commute. At the end of 2018, the total number of alternatively fueled vehicles increased 9.8 percent from 2017 and 21 percent from 2016. As more of these vehicles are driven on Texas roads, there are concerns about access to charging stations. Currently, the Texas Department of Licensing and Regulation (TDLR) has oversight of gas pumps across the state. However, no state agency has a comprehensive oversight structure for electric charging stations. With the growing use of AFVs, the companies providing charging services must be regulated for consumer protection and accuracy of services. TDLR is best equipped to carry this oversight alongside their existing framework for gas pumps.

S.B. 839 addresses these concerns by authorizing TDLR to develop an oversight structure for electric vehicle charging stations. This aims to solve a growing problem where charging services are only federally regulated and not widely available.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 839 amends current law relating to the regulation of electric vehicle supply equipment, requires an occupational registration, authorizes fees, and authorizes an administrative penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Sections 2311.0201, 2311.0202, 2311.0206, and 2311.0303, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle A, Title 14, Occupations Code, by adding Chapter 2311, as follows:

#### CHAPTER 2311. ELECTRIC VEHICLE SUPPLY EQUIPMENT

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2311.0101. DEFINITIONS. Defines "commercial transaction," "commission," "department," "digital network," "electric vehicle supply equipment," and "electric vehicle supply provider."

##### SUBCHAPTER B. POWERS AND DUTIES

Sec. 2311.0201. RULES. Requires TDLR to adopt rules as necessary to implement this chapter.

Sec. 2311.0202. FEES. Requires TDLR by rule to set fees in amounts reasonable and necessary to cover the cost of administering this chapter.

Sec. 2311.0203. CONTRACT. Authorizes TDLR to contract to perform TDLR's duties related to electric supply equipment, including inspections. Provides that a reference in this chapter to TCLR or TDLR in the context of a contracted service means the contractor.

Sec. 2311.0204. INSPECTION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT. Authorizes TDLR to periodically, or in response to a complaint, conduct an inspection of electric vehicle supply equipment in order to verify compliance with registration requirements and standards established in this chapter and TCLR rules, unless electric vehicle supply equipment is exempt from the application of this chapter by TCLR rule.

Sec. 2311.0205. COMPLAINTS REGARDING ELECTRIC VEHICLE SUPPLY EQUIPMENT. Requires the executive director of TDLR, in accordance with Chapter 51 (Texas Department of Licensing and Regulation), to establish methods by which consumers are notified of the name, Internet website address, mailing address, and telephone number of TDLR for the purpose of directing complaints to TDLR.

Sec. 2311.0206. EXEMPTIONS. (a) Authorizes TCLR by rule to exempt electric vehicle supply equipment from a requirement established by this chapter if TCLR determines that imposing or enforcing the requirement is not cost-effective for TDLR, is not feasible with current resources or standards, or will not substantially benefit or protect consumers.

(b) Provides that electric vehicle supply equipment is exempt from the requirements of this chapter if, in accordance with TCLR rule, the electric vehicle supply equipment is installed in or adjacent to a private residence for noncommercial use, or provided at or no charge for the exclusive use of an individual, or a group of individuals, including employees, tenants, visitors, or residents of a multiunit housing or office development.

#### SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

Sec. 2311.0301. DUTIES OF ELECTRIC VEHICLE SUPPLY PROVIDER. Requires an electric vehicle supply provider, unless electric vehicle supply equipment is exempt from the application of this chapter or has been removed service, to have electric vehicle supply equipment inspected as prescribed by TCLR rule, and maintain electric vehicle supply equipment in compliance with maintenance specifications, this chapter, and TCLR rule.

Sec. 2311.0302. REQUIRED REGISTRATION. (a) Requires an electric vehicle supply provider, unless electric vehicle supply equipment is exempt from the application of this chapter by TCLR rule, to register each charging unit of electric vehicle supply equipment operated by the provider with TDLR before the electric vehicle supply equipment is made available for use on a digital network for a commercial transaction.

(b) Requires TDLR to issue a registration to each applicant that meets the requirements of this chapter and submits an application that meets the requirements of this section. Requires that an application for electric vehicle supply equipment registration:

- (1) be submitted to TDLR in a manner prescribed by TDLR;
- (2) be accompanied by any other document or form required by TDLR;
- (3) include any fee required under Section 2311.0202; and
- (4) include documentation of compliance with Section 2311.0303, as prescribed by TCLR rule.

(c) Provides that a registration under this section is valid for one or two years as established by TCLR rule. Requires that the registration be renewed at or before the end of each registration period.

Sec. 2311.0303. SPECIFICATIONS. (a) Requires specifications for the installation and operation of electric vehicle supply equipment to be the same as those recommended by the National Institute of Standards and Technology.

(b) Requires electric vehicle supply equipment to be installed and operated in accordance with Chapter 1305 (Electricians).

(c) Authorizes TCLR to adopt rules as necessary to establish standards under this chapter.

Sec. 2311.0304. FEES; DISCLOSURES. (a) Requires an electric vehicle supply provider to disclose on the display of the electric vehicle supply equipment or on the electric vehicle supply provider's digital network the fee calculation method or methods and applicable surcharges.

(b) Requires the electric vehicle supply provider, before the user begins charging, to disclose the rate the user will be charged at the time of the transaction based on the available fee calculation method or methods and a list of applicable surcharges.

(c) Requires an electric vehicle supply provider, in accordance with TCLR rule, to show on the display of the provider's electric vehicle supply equipment or on the provider's digital network a notice to consumers that states that TDLR regulates electric vehicle supply equipment and provides information on filing a complaint with TDLR about electric vehicle supply equipment.

Sec. 2311.0305. ELECTRONIC RECEIPT. Requires the electric vehicle supply provider, after a reasonable period following the completion of a commercial transaction for electric vehicle charging, on request of a user, to transmit an electronic summary that includes:

- (1) the date and time of the transaction;
- (2) the physical location of the electronic vehicle supply equipment;
- (3) the duration of and kilowatt hours provided during the transaction; and
- (4) an itemization of the total fees paid, including surcharges, if applicable.

Sec 2311.0306. REPAIR OF DAMAGED ELECTRIC VEHICLE SUPPLY EQUIPMENT. (a) Requires an electric vehicle supply provider to remove from operation in a manner that prevents use and access by the public, in accordance with TCLR rules, electric vehicle supply equipment that poses a safety risk, and remove electric vehicle supply equipment that poses a safety risk from the electric vehicle supply provider's digital network listing of available charging units.

(b) Requires TDLR, if TDLR determines that electric vehicle supply equipment poses a safety risk, to place a tag or other mark with the words "Out of Order" on the electric vehicle supply equipment.

(c) Prohibits an electric vehicle supply provider from returning electric vehicle supply equipment to operation until the equipment has been repaired in accordance with manufacturer specifications and TCLR rule.

#### SUBCHAPTER D. ENFORCEMENT

Sec. 2311.0401. DISCIPLINARY ACTION. Provides that a person is subject to the denial of an application, imposition of an administrative penalty under Subchapter F (Administrative Penalty), Chapter 51, or disciplinary action under Section 51.353 (License Denial; Administrative Sanctions) if the person engages in a commercial transaction in violation of this chapter or a rule adopted under this chapter.

Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. Provides that a proceeding for the denial of a registration or a disciplinary action or an appeal from that proceeding is governed by Chapter 2001 (Administrative Procedure), Government Code.

SECTION 2. (a) Requires TCLR to adopt rules necessary to implement the changes in law made by this Act not later than December 1, 2022.

(b) Provides that, notwithstanding any other provision of this Act, electric vehicle supply equipment installed before December 31, 2021, is exempt from the requirements of Section 2311.0303, Occupations Code, as added by this Act, until the fifth anniversary of the date the rules described by Subsection (a) of this section are adopted.

SECTION 3. (a) Authorizes TDLR to establish and lead a stakeholder work group to provide input, advice, and recommendations on the activities under this Act. Requires TDLR to establish the size, composition, and scope of the stakeholder work group.

(b) Provides that this Act expires December 1, 2022.

SECTION 4. (a) Requires an electric vehicle supply provider to register all of the provider's electric vehicle supply equipment in operation in this state not later than March 1, 2023.

(b) Requires that electric vehicle supply equipment installed in this state before the effective date of this Act be operated in compliance with manufacturer specifications, this chapter, and TCLR rules not later than March 1, 2024.

(c) Requires that electric vehicle supply equipment installed on or after September 1, 2021, and before February 28, 2023, be operated in compliance with manufacturer specifications, this chapter, and TCLR rules not later than March 1, 2023.

(d) Requires that electric vehicle supply equipment installed on or after March 1, 2023, be operated in compliance with manufacturer specifications, this chapter, TCLR rules, and be registered with TDLR prior to operation.

SECTION 5. Effective date: September 1, 2021.