87R26838 MP-F

By:  Schwertner, et al. S.B. No. 1728

(Canales)

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 Affairs;

(9)  the Texas State Affordable Housing Corporation;

(10)  the Texas Division of Emergency Management; and

(11)  the Texas Economic Development and Tourism Office.

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

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

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

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

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

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

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

(c)  This section expires September 1, 2023.

Sec. 490I.005.  ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PLAN. (a) The council shall:

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

(2)  update the plan biennially.

(b)  The plan must:

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

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

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

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

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

(ii)  along evacuation routes; and

(iii)  in rural communities, multifamily and underserved communities, town centers, commercial and retail areas, parks and other publicly owned lands, and other areas that are in proximity to where local electric vehicle users live or work;

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

(C)  maximizes the benefits associated with transportation electrification;

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

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

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

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

(iii)  at warehouse complexes and truck stops;

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

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

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

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

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

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

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

(B)  advanced sensor networks for traffic;

(C)  intelligent transportation services;

(D)  connected vehicle applications; and

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

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

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

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

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

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

(1)  privately owned electric utilities;

(2)  municipally owned electric utilities;

(3)  electric cooperatives;

(4)  state and local transportation and transit agencies;

(5)  port authorities;

(6)  warehousing and logistics centers;

(7)  electric vehicle charging infrastructure companies;

(8)  environmental groups;

(9)  consumer advocates;

(10)  motor vehicle manufacturers;

(11)  nonprofit organizations developing electric vehicle policy;

(12)  nonprofit organizations representing food or motor fuel providers;

(13)  apartment associations;

(14)  low-income community development corporations;

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

(16)  interested members of the public.

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

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

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

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

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

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

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

(b)  This section expires September 1, 2025.

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

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

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

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

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

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

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

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

SUBCHAPTER M. ALTERNATIVELY FUELED VEHICLE FEES

Sec. 502.501.  DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

(2)  a natural gas vehicle; or

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

Sec. 502.503.  ALTERNATIVELY FUELED VEHICLE FEE. (a) In addition to other fees authorized under this chapter, at the time of application for registration or renewal of registration of an alternatively fueled vehicle, other than a vehicle subject to a fee under Subsection (b), the applicant shall pay an additional fee according to the gross weight of the vehicle, as follows:

|  |  |  |
| --- | --- | --- |
|  | Weight Classification in pounds | Fee Schedule |
|  | 0-6,000 | $190 |
|  | 6,001-10,000 | $240 |

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

|  |  |  |
| --- | --- | --- |
|  | Weight Classification in pounds | Fee Schedule |
|  | 0-6,000 | $30 |
|  | 6,001-10,000 | $40 |

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

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

|  |  |
| --- | --- |
| Annual Mileage | Fee |
| 3,000 miles or less | $30 |
| 3,001 to 6,000 miles | $70 |
| 6,001 to 9,000 miles | $110 |
| 9,001 to 12,000 miles | $150 |
| 12,001 miles or more | $190 |

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

|  |  |
| --- | --- |
| Annual Mileage | Fee |
| 3,000 miles or less | $40 |
| 3,001 to 6,000 miles | $90 |
| 6,001 to 9,000 miles | $140 |
| 9,001 to 12,000 miles | $190 |
| 12,001 miles or more | $240 |

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

|  |  |
| --- | --- |
| Annual Mileage | Fee |
| 3,000 miles or less | $5 |
| 3,001 to 6,000 miles | $10 |
| 6,001 to 9,000 miles | $20 |
| 9,001 miles or more | $30 |

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

|  |  |
| --- | --- |
| Annual Mileage | Fee |
| 3,000 miles or less | $10 |
| 3,001 to 6,000 miles | $20 |
| 6,001 to 9,000 miles | $30 |
| 9,001 miles or more | $40 |

Sec. 502.505.  ELECTRIC VEHICLE SURCHARGE. (a) In addition to other fees authorized under this chapter, at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay a $10 surcharge.

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

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

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

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

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

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

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

(c)  The department shall post the planned fee increases or decreases under Subsection (a) on the department's Internet website not later than November 1 of the previous year.

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

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

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

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

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

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

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

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

SECTION 5.  The Texas Transportation Electrification Council shall submit its first report under Section 490I.009, Government Code, as added by this Act, not later than December 1, 2024.

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