

By: Schwertner

S.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of electric vehicle supply equipment;
requiring an occupational registration; authorizing fees;
authorizing an administrative penalty.

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

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

CHAPTER 2311. ELECTRIC VEHICLE SUPPLY EQUIPMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2311.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission of
Licensing and Regulation.

(3) "Department" means the Texas Department of
Licensing and Regulation.

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

(5) "Electric vehicle supply equipment" means a device
or equipment used to dispense electrical energy to an electric

1 vehicle.

2 (6) "Electric vehicle supply provider" means an owner
3 or operator of electric vehicle supply equipment that is available
4 and accessible to the public to provide electrical energy through a
5 commercial transaction.

6 SUBCHAPTER B. POWERS AND DUTIES

7 Sec. 2311.0201. RULES. The commission shall adopt rules as
8 necessary to implement this chapter.

9 Sec. 2311.0202. FEES. The commission by rule shall set fees
10 in amounts sufficient to cover the costs of administering this
11 chapter.

12 Sec. 2311.0203. CONTRACT. The department may contract to
13 perform the department's duties related to electric vehicle supply
14 equipment, including inspections. A reference in this chapter to
15 the commission or department in the context of a contracted service
16 means the contractor.

17 Sec. 2311.0204. INSPECTION OF ELECTRIC VEHICLE SUPPLY
18 EQUIPMENT. The department may periodically, or in response to a
19 complaint, conduct an inspection of electric vehicle supply
20 equipment in order to verify compliance with registration
21 requirements and standards established in this chapter and
22 commission rules, unless electric vehicle supply equipment is
23 exempt from the application of this chapter by commission rule.

24 Sec. 2311.0205. COMPLAINTS REGARDING ELECTRIC VEHICLE
25 SUPPLY EQUIPMENT. In accordance with Chapter 51, the executive
26 director of the department shall establish methods by which
27 consumers are notified of the name, Internet website address,

1 mailing address, and telephone number of the department for the
2 purpose of directing complaints to the department.

3 Sec. 2311.0206. EXEMPTIONS. (a) The commission by rule may
4 exempt electric vehicle supply equipment from a requirement
5 established by this chapter if the commission determines that
6 imposing or enforcing the requirement:

7 (1) is not cost-effective for the department;

8 (2) is not feasible with current resources or
9 standards; or

10 (3) will not substantially benefit or protect
11 consumers.

12 (b) Electric vehicle supply equipment is exempt from the
13 requirements of this chapter if, in accordance with commission
14 rule, the electric vehicle supply equipment is:

15 (1) installed in or adjacent to a private residence
16 for noncommercial use; or

17 (2) provided at no charge for the exclusive use of an
18 individual, or a group of individuals, including employees,
19 tenants, visitors, or residents of a multiunit housing or office
20 development.

21 SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

22 Sec. 2311.0301. DUTIES OF ELECTRIC VEHICLE SUPPLY PROVIDER.

23 Unless electric vehicle supply equipment is exempt from the
24 application of this chapter or has been removed from service, an
25 electric vehicle supply provider shall:

26 (1) have electric vehicle supply equipment inspected
27 as prescribed by commission rule; and

1 (2) maintain electric vehicle supply equipment in
2 compliance with maintenance specifications, this chapter, and
3 commission rule.

4 Sec. 2311.0302. REQUIRED REGISTRATION. (a) Unless
5 electric vehicle supply equipment is exempt from the application of
6 this chapter by commission rule, an electric vehicle supply
7 provider shall register each charging unit of electric vehicle
8 supply equipment operated by the provider with the department
9 before the electric vehicle supply equipment is made available for
10 use on a digital network for a commercial transaction.

11 (b) The department shall issue a registration to each
12 applicant that meets the requirements of this chapter and submits
13 an application that meets the requirements of this section. An
14 application for electric vehicle supply equipment registration
15 must:

16 (1) be submitted to the department in a manner
17 prescribed by the department;

18 (2) be accompanied by any other document or form
19 required by the department;

20 (3) include any fee required under Section 2311.0202;
21 and

22 (4) include documentation of compliance with Section
23 2311.0303, as prescribed by commission rule.

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

27 Sec. 2311.0303. SPECIFICATIONS. (a) Specifications for

1 the installation and operation of electric vehicle supply equipment
2 must be the same as those recommended by the National Institute of
3 Standards and Technology.

4 (b) Electric vehicle supply equipment must be installed and
5 operated in accordance with Chapter 1305.

6 (c) The commission may adopt rules as necessary to establish
7 standards under this chapter.

8 Sec. 2311.0304. FEES; DISCLOSURES. (a) An electric
9 vehicle supply provider shall disclose on the display of the
10 electric vehicle supply equipment or on the electric vehicle supply
11 provider's digital network:

12 (1) the fee calculation method or methods; and

13 (2) applicable surcharges.

14 (b) Before the user begins charging, the electric vehicle
15 supply provider shall disclose:

16 (1) the rate the user will be charged at the time of
17 the transaction based on the available fee calculation method or
18 methods; and

19 (2) a list of applicable surcharges.

20 (c) In accordance with commission rule, an electric vehicle
21 supply provider shall show on the display of the provider's
22 electric vehicle supply equipment or on the provider's digital
23 network a notice to consumers that:

24 (1) states that the department regulates electric
25 vehicle supply equipment; and

26 (2) provides information on filing a complaint with
27 the department about electric vehicle supply equipment.

1 Sec. 2311.0305. ELECTRONIC RECEIPT. After a reasonable
2 period following the completion of a commercial transaction for
3 electric vehicle charging, on request of a user, the electric
4 vehicle supply provider shall transmit an electronic summary that
5 includes:

6 (1) the date and time of the transaction;

7 (2) the physical location of the electric vehicle
8 supply equipment;

9 (3) the duration of and kilowatt hours provided during
10 the transaction; and

11 (4) an itemization of the total fees paid, including
12 surcharges, if applicable.

13 Sec. 2311.0306. REPAIR OF DAMAGED ELECTRIC VEHICLE SUPPLY
14 EQUIPMENT. (a) An electric vehicle supply provider shall:

15 (1) remove from operation in a manner that prevents
16 use and access by the public, in accordance with commission rules,
17 electric vehicle supply equipment that poses a safety risk; and

18 (2) remove electric vehicle supply equipment that
19 poses a safety risk from the electric vehicle supply provider's
20 digital network listing of available charging units.

21 (b) If the department determines that electric vehicle
22 supply equipment poses a safety risk, the department shall place a
23 tag or other mark with the words "Out of Order" on the electric
24 vehicle supply equipment.

25 (c) An electric vehicle supply provider may not return
26 electric vehicle supply equipment to operation until the equipment
27 has been repaired in accordance with manufacturer specifications

1 and commission rule.

2 SUBCHAPTER D. ENFORCEMENT

3 Sec. 2311.0401. DISCIPLINARY ACTION. A person is subject
4 to the denial of an application, imposition of an administrative
5 penalty under Subchapter F, Chapter 51, or disciplinary action
6 under Section 51.353 if the person engages in a commercial
7 transaction in violation of this chapter or a rule adopted under
8 this chapter.

9 Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. A proceeding
10 for the denial of a registration or a disciplinary action or an
11 appeal from that proceeding is governed by Chapter 2001, Government
12 Code.

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

16 (b) Notwithstanding any other provision of this Act,
17 electric vehicle supply equipment installed before December 31,
18 2021, is exempt from the requirements of Section 2311.0303,
19 Occupations Code, as added by this Act, until the fifth anniversary
20 of the date the rules described by Subsection (a) of this section
21 are adopted.

22 SECTION 3. (a) The Texas Department of Licensing and
23 Regulation may establish and lead a stakeholder work group to
24 provide input, advice, and recommendations on the activities under
25 this Act. The Texas Department of Licensing and Regulation shall
26 establish the size, composition, and scope of the stakeholder work
27 group.

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

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

5 (b) Electric vehicle supply equipment installed in this
6 state before the effective date of this Act must be operated in
7 compliance with manufacturer specifications, this chapter, and
8 Texas Commission of Licensing and Regulation rules not later than
9 March 1, 2024.

10 (c) Electric vehicle supply equipment installed on or after
11 September 1, 2021, and before February 28, 2023, must be operated in
12 compliance with manufacturer specifications, this chapter, and
13 Texas Commission of Licensing and Regulation rules not later than
14 March 1, 2023.

15 (d) Electric vehicle supply equipment installed on or after
16 March 1, 2023, must be operated in compliance with manufacturer
17 specifications, this chapter, and Texas Commission of Licensing and
18 Regulation rules, and be registered with the Texas Department of
19 Licensing and Regulation prior to operation.

20 SECTION 5. This Act takes effect September 1, 2021.