

## **BILL ANALYSIS**

C.S.S.B. 1001  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The vehicle marketplace in Texas is rapidly changing, with most major automotive manufacturers on target to produce electric vehicles (EVs) and many planning to convert to EV production for all vehicles. ERCOT estimates there will be one million electric vehicles on the road in Texas by 2028, and the Texas Department of Motor Vehicles estimates the number of electric vehicles in Texas will reach one million by 2031. Through the federal Bipartisan Infrastructure Investment and Jobs Act, funds were allocated to build 500,000 EV charging stations throughout the country, and approximately \$408 million will be allocated to Texas to build out EV charging infrastructure over the next several years. The National Institute of Standards and Technology and the National Conference on Weights and Measures have developed standards for measuring devices in EV charging stations. C.S.S.B. 1001 seeks to create a regulatory framework for EV charging stations, under oversight of the Texas Department of Licensing and Regulation. Among other regulatory provisions, the bill provides for the use of nationally recognized specifications for the installation and operation of electric vehicle supply equipment, charging station inspections, certain consumer protections, and consumer complaint procedures.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 1001 amends the Occupations Code to provide for the regulation of electric vehicle supply equipment, defined as a device or equipment used to dispense electrical energy to an electric vehicle, and electric vehicle supply providers, defined as owners or operators of electric vehicle supply equipment that is available and accessible to the public to provide electrical energy through a commercial transaction. The bill requires the Texas Commission of Licensing and Regulation (TCLR) by rule to set fees in amounts sufficient to cover the costs of administering the bill's provisions and, not later than December 1, 2024, to adopt rules to implement the bill's provisions. The bill provides for the inspection of electric vehicle supply equipment by the Texas Department of Licensing and Regulation (TDLR) and authorizes TDLR to contract to perform duties related to equipment, including inspections. The bill authorizes TCLR to exempt by rule equipment from the bill's requirements and exempts equipment that, in accordance with TCLR rule, is, as follows:

- installed in or adjacent to a private residence for noncommercial use;

- provided 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; or
- provided by a business for use at no charge.

C.S.S.B. 1001 authorizes TCLR to adopt rules to regulate electric vehicle supply equipment in operation before January 1, 2024, that has never had a metering system in place capable of measuring electricity transferred from the charging station to the vehicle or is not capable of measuring the time elapsed while actively charging a vehicle and calculating a fee for the charging session.

C.S.S.B. 1001 sets out requirements for an electric vehicle supply provider, including the following:

- registering, not later than March 1, 2025, and maintaining electric vehicle supply equipment;
- disclosing to the consumer the fee calculation method or methods, the rate the consumer will be charged, and applicable surcharges; and
- transmitting, on user request, a receipt containing certain specified information relating to the equipment and the commercial transaction.

The bill requires TDLR to issue a registration to each applicant that meets the requirements specified by the bill.

C.S.S.B. 1001 requires specifications and tolerances for electric vehicle supply equipment to be the same as those recommended by the National Institute of Standards and Technology and requires equipment to be installed and operated in accordance with the Texas Electrical Safety and Licensing Act. The bill provides for the repair and removal of damaged electric vehicle supply equipment. The bill requires TCLR, in consultation with Texas Department of Transportation, to adopt standards that require electric vehicle supply equipment, installed after December 1, 2024, that is made available to the public and not intended primarily for private use, to be equipped with a standard electric vehicle charging connector or plug type that is widely compatible with as many types of electric vehicles as practicable. The bill authorizes TCLR to adopt rules as necessary to establish standards under the bill's provisions. The bill does not require such electric vehicle supply equipment to comply with the adopted rules or standards until January 1, 2030.

C.S.S.B. 1001 requires electric vehicle supply equipment to be operated in compliance with manufacturer specifications, the bill's provisions, and TCLR rules as follows:

- if installed before the bill's effective date, not later than March 1, 2028;
- if installed on or after the bill's effective date and before March 1, 2025, not later than March 1, 2025; and
- if installed on or after March 1, 2025, when the equipment begins operating.

C.S.S.B. 1001 requires the executive director of TDLR to establish methods of notifying consumers of certain information for the purpose of directing complaints to TDLR and requires an electric vehicle supply provider, in accordance with TCLR rule, to provide to consumers notice regarding TDLR regulation of the equipment and information on filing a complaint with TDLR. The bill subjects a person in violation of the bill's provisions or a rule adopted under the bill's provisions to the denial of an application, imposition of an administrative penalty, or disciplinary action and administrative sanctions against a license and establishes that a proceeding for the denial of a registration or a disciplinary action or an appeal from that proceeding is governed by the Administrative Procedure Act.

C.S.S.B. 1001 adds a temporary provision set to expire December 1, 2024, authorizing TDLR to establish and lead a stakeholder work group to provide input, advice, and recommendations on the activities under the bill's provisions and requiring TDLR to establish the size, composition, and scope of the work group.

C.S.S.B. 1001 defines "commercial transaction" as any sale or exchange for compensation of electrical energy through a digital network and "digital network" as an online-enabled application, website, or system offered or used by an electric vehicle supply provider that allows a user to initiate a commercial transaction to dispense electrical energy from electric vehicle supply equipment to an electric vehicle.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1001 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions that were not in the engrossed requiring TCLR to adopt standards that require specified electric vehicle supply equipment installed after December 1, 2024, to be equipped with a standard electric vehicle charging connector or widely compatible plug type. The substitute, unlike the engrossed, includes a provision establishing that such a electric vehicle supply equipment is not required to comply with the adopted rules or standards until January 1, 2030.

The substitute omits the following provisions in the engrossed relating to specifications and tolerances requirements for electric vehicle supply equipment:

- an exemption from such requirements, until the 10th anniversary of the date the applicable TCLR rules are adopted, for electric vehicle supply equipment installed before December 31, 2023;
- a requirement for an electric vehicle supply provider that owns or operates such equipment, until the 10th anniversary of the date the applicable TCLR rules are adopted, must provide free of charge to users, a universal adapter for dispensing electrical energy to electric vehicles at the location of the equipment; and
- a provision establishing a December 31, 2033, expiration date for the requirements.