By:  Alvarado S.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

relating to mobile source emissions reductions and transportation electrification.

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

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

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

Sec. 490J.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. 490J.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, 2025.

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

Sec. 490J.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, including statewide planning and research funds.

Sec. 490J.0045.  ELECTRIC VEHICLE CHARGING INFRASTRUCTURE ASSESSMENT. (a) Not later than March 1, 2024, using existing databases, the council shall prepare an assessment of existing and planned public electric vehicle charging infrastructure and associated technologies in this state, including planned infrastructure and associated technologies by private entities. 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 490J.005.

(c)  This section expires September 1, 2030.

Sec. 490J.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 2030, that complements electric vehicle charging infrastructure planned and installed pursuant to the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58);

(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 at highway rest stops in this state; 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 close 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 costs and lower emissions from heavy duty trucking and delivery services;

(E)  ensures adequate public electric vehicle charging capacity to facilitate commerce and enhance electrification of freight movement:

(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 choices 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.

(d)  The council may work with state agencies and the Electric Reliability Council of Texas to obtain information as needed to develop or update the plan, including:

(1)  an assessment of vehicle fleet plans for electrification;

(2)  an assessment of the costs of system upgrades to serve new electric grid interconnections, giving consideration to resilience, reliability, and other grid impacts; and

(3)  detailed hosting capacity maps that enable identification of preferable least-cost locations for charging infrastructure that optimize existing distribution system assets.

Sec. 490J.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 2030.

Sec. 490J.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)  organizations that represent the interests of individuals who live near areas that have a significant amount of freight traffic;

(10)  consumer advocates;

(11)  motor vehicle manufacturers;

(12)  nonprofit organizations developing electric vehicle policy;

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

(14)  apartment associations;

(15)  low-income community development corporations;

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

(17)  interested members of the public.

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

(1)  contract with:

(A)  electrification organizations; and

(B)  experts, academic scholars, and other appropriate professionals; and

(2)  consult with the Texas A&M Transportation Institute and institutions of higher education, as defined by Section 61.003, Education Code.

Sec. 490J.0085.  INITIAL REPORT. (a) Not later than December 1, 2024, the council shall prepare and submit to the governor, the lieutenant governor, each member of the legislature, and relevant state and federal agencies an initial written report of the council's findings that includes:

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

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

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

(b)  This section expires September 1, 2030.

Sec. 490J.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 490J.005;

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

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

SECTION 2.  Section 386.001, Health and Safety Code, is amended by adding Subdivision (4) to read as follows:

(4)  "Federal funds" means all assistance provided to the commission from the federal government in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, direct appropriations, or any other method of disbursement.

SECTION 3.  Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b)  Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1)  the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2)  the motor vehicle purchase or lease incentive program established under Subchapter D;

(3)  the air quality research support program established under Chapter 387;

(4)  the clean school bus program established under Chapter 390;

(5)  the new technology implementation grant program established under Chapter 391;

(6)  the regional air monitoring program established under Section 386.252(a);

(7)  a health effects study as provided by Section 386.252(a);

(8)  air quality planning activities as provided by Section 386.252(d);

(9)  a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a);

(10)  the Texas clean fleet program established under Chapter 392;

(11)  the Texas alternative fueling facilities program established under Chapter 393;

(12)  the Texas natural gas vehicle grant program established under Chapter 394;

(13)  other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;

(14)  other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions;

(15)  the seaport and rail yard areas emissions reduction program established under Subchapter D-1, including the grant program established under Section 386.184;

(16)  conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;

(17)  studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a);

(18)  the governmental alternative fuel fleet grant program established under Chapter 395; and

(19)  remittance of funds to the state highway fund for use by the Texas Department of Transportation for congestion mitigation and air quality improvement projects in nonattainment areas and affected counties.

SECTION 4.  Section 386.152, Health and Safety Code, is amended to read as follows:

Sec. 386.152.  APPLICABILITY. (a) The provisions of this subchapter relating to a lessee do not apply to a person who rents or leases a light-duty motor vehicle for a term of 30 days or less.

(b)  The provisions of this subchapter relating to a lessor do not apply to a person who rents or leases a light-duty motor vehicle to a person for a term of 30 days or less.

SECTION 5.  Section 386.153, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c)  Only one incentive will be provided for each new light-duty motor vehicle. The incentive shall be provided to the seller or lessor of the vehicle. The seller or lessor shall credit the amount of the incentive to the purchaser or lessee at the time the sale is made or the lease is entered into. The incentive may not [~~shall~~] be provided to a seller [~~the lessee and not to the purchaser~~] if the motor vehicle is sold [~~purchased~~] for the purpose of leasing the vehicle to another person.

(e)  The commission shall establish a registration program for sellers and lessors of new motor vehicles to apply online and receive incentives under this subchapter. The commission shall promptly pay the incentives when authorized under the registration program established by this subsection.

SECTION 6.  Section 386.154, Health and Safety Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (f) and (g) to read as follows:

(a)  A new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas is eligible for a $5,000 incentive if the vehicle:

(1)  has four wheels;

(2)  was originally manufactured to comply with and has been certified by an original equipment manufacturer or intermediate or final state vehicle manufacturer as complying with, or has been altered to comply with, federal motor vehicle safety standards, state emissions regulations, and any additional federal or state regulations applicable to vehicles powered by compressed natural gas or liquefied petroleum gas;

(3)  was manufactured for use primarily on public streets, roads, and highways;

(4)  has a dedicated or bi-fuel compressed natural gas or liquefied petroleum gas fuel system:

(A)  installed prior to first sale or within 500 miles of operation of the vehicle following first sale; and

(B)  with a range of at least 125 miles as estimated, published, and updated by the United States Environmental Protection Agency;

(5)  has, as applicable, a:

(A)  compressed natural gas fuel system that complies with the:

(i)  2013 NFPA 52 Vehicular Gaseous Fuel Systems Code; and

(ii)  American National Standard for Basic Requirements for Compressed Natural Gas Vehicle (NGV) Fuel Containers, commonly cited as "ANSI/CSA NGV2"; or

(B)  liquefied petroleum gas fuel system that complies with:

(i)  the 2011 NFPA 58 Liquefied Petroleum Gas Code; and

(ii)  Section VII of the 2013 ASME Boiler and Pressure Vessel Code; and

(6)  was sold or leased [~~acquired~~] on or after September 1, 2013, or a later date established by the commission, by the seller or lessor [~~person~~] applying for the incentive under this subsection and for use or lease by the purchaser or lessee of the vehicle [~~that person~~] and not for resale.

(b)  If the commission determines that an updated version of a code or standard described by Subsection (a)(5) is more stringent than the version of the code or standard described by Subsection (a)(5), the commission by rule may provide that a vehicle for which a seller or lessor [~~person~~] applies for an incentive under Subsection (a) is eligible for the incentive only if the vehicle complies with the updated version of the code or standard.

(d)  A new light-duty motor vehicle powered by an electric drive is eligible for a $2,500 incentive if the total consideration, as defined by Section 152.002, Tax Code, of the vehicle is less than $55,000 and the vehicle:

(1)  has four wheels;

(2)  was manufactured for use primarily on public streets, roads, and highways;

(3)  has not been modified from the original manufacturer's specifications;

(4)  has a maximum speed capability of at least 55 miles per hour;

(5)  is propelled to a significant extent by an electric motor that draws electricity from a hydrogen fuel cell or from a battery that:

(A)  has a capacity of not less than four kilowatt hours; and

(B)  is capable of being recharged from an external source of electricity; [~~and~~]

(6)  is not designed, used, or maintained primarily to transport property; and

(7)  was sold or leased [~~acquired~~] on or after September 1, 2013, or a later date as established by the commission, by the seller or lessor [~~person~~] applying for the incentive under this subsection and for use or lease by the purchaser or lessee of the vehicle [~~that person~~] and not for resale.

(f)  A new light-duty motor vehicle powered by an electric drive is eligible for a $4,000 incentive if the vehicle:

(1)  has four wheels;

(2)  was manufactured for use primarily on public streets, roads, and highways;

(3)  has not been modified from the original manufacturer's specifications;

(4)  has a maximum speed capability of at least 55 miles per hour;

(5)  is propelled solely by an electric motor that draws electricity from a battery that:

(A)  has a capacity of not less than four kilowatt hours; and

(B)  is capable of being recharged from an external source of electricity;

(6)  is designed, used, or maintained primarily to transport property; and

(7)  was sold or leased on or after September 1, 2024, or a later date as established by the commission, by the seller or lessor applying for the incentive under this subsection and for use or lease by the purchaser or lessee of the vehicle and not for resale.

(g)  Notwithstanding Subsections (c) and (e), and subject to Section 386.252(a)(11), at the beginning of the second state fiscal year of the biennium, the commission shall adjust the initial vehicle limitations provided under Subsections (c) and (e) based on demand for incentives under this section during the preceding state fiscal year.

SECTION 7.  Sections 386.157(a) and (c), Health and Safety Code, are amended to read as follows:

(a)  A seller or lessor of [~~person who purchases or leases~~] a new light-duty motor vehicle described by Section 386.154 and listed under Section 386.156(a) is eligible to apply for an incentive under this subchapter.

(c)  To receive money under an incentive program provided by this subchapter, the seller or lessor of a light-duty motor vehicle shall verify online that funds are available, that the seller or lessor is eligible [~~the purchaser or lessee of a new light-duty motor vehicle who is eligible to apply~~] for an incentive under this subchapter, and if the incentive is for a vehicle described by Section 386.154(d) or (f), that the purchaser or lessee of the vehicle has watched an online video that explains how and when to charge an electric vehicle to reduce peak demand for electricity and reduce air emissions [~~shall apply for the incentive in the manner provided by law or by rule of the commission~~].

SECTION 8.  Section 386.158, Health and Safety Code, is amended to read as follows:

Sec. 386.158.  COMMISSION TO ACCOUNT FOR MOTOR VEHICLE PURCHASE OR LEASE INCENTIVES. (a) The commission by rule shall develop a method to administer and account for the motor vehicle purchase or lease incentives authorized by this subchapter and to pay incentive money to the seller [~~purchaser~~] or lessor [~~lessee~~] of a new motor vehicle[~~, on application of the purchaser or lessee as provided by this subchapter~~].

(b)  The commission shall develop and publish online forms and instructions for the seller [~~purchaser~~] or lessor [~~lessee~~] of a new motor vehicle to use in applying to the commission for an incentive payment under this subchapter. [~~The commission shall make the forms available to new motor vehicle dealers and leasing agents. Dealers and leasing agents shall make the forms available to their prospective purchasers or lessees.~~]

(c)  The commission may require the online submission of forms and documentation as needed to verify eligibility for an incentive under this subchapter.

SECTION 9.  Section 386.159, Health and Safety Code, is amended to read as follows:

Sec. 386.159.  PURCHASE OR LEASE INCENTIVES ONLINE PORTAL [~~INFORMATION~~]. [~~(a)~~] The commission shall establish an online portal [~~a toll-free telephone number available to motor vehicle dealers and leasing agents for the dealers and agents to call~~] to verify that incentives are available. [~~The commission may provide for issuing verification numbers over the telephone line.~~

[~~(b)  Reliance by a dealer or leasing agent on information provided by the commission is a complete defense to an action involving or based on eligibility of a vehicle for an incentive or availability of vehicles eligible for an incentive.~~]

SECTION 10.  Section 386.160, Health and Safety Code, is amended to read as follows:

Sec. 386.160.  RESERVATION OF INCENTIVES. The commission may provide for new motor vehicle sellers [~~dealers~~] and leasing agents to reserve for a limited time period incentives for eligible vehicles [~~that are not readily available and must be ordered,~~] if the seller [~~dealer~~] or leasing agent has a purchase or lease order signed by an identified customer.

SECTION 11.  Section 386.181(b), Health and Safety Code, is amended to read as follows:

(b)  The commission may include more specific definitions in the rules or guidelines developed to implement the programs [~~program~~] established by this subchapter in order to reduce emissions in and around seaports in a nonattainment area.

SECTION 12.  Subchapter D-1, Chapter 386, Health and Safety Code, is amended by adding Section 386.184 to read as follows:

Sec. 386.184.  GRANT PROGRAM FOR ALTERNATIVELY FUELED DRAYAGE TRUCK OR CARGO HANDLING EQUIPMENT INFRASTRUCTURE PROJECTS. (a) The commission shall establish and administer a grant program to encourage the purchase, construction, and installation of infrastructure needed to support the use of drayage trucks that are or cargo handling equipment that is powered by an alternative fuel, as defined by Section 393.001.

(b)  A grant awarded under the program established by this section may not exceed more than 80 percent of the estimated purchase, construction, and installation costs of the infrastructure project, provided that the commission may establish a reasonable maximum amount of a grant awarded per infrastructure project as needed.

SECTION 13.  Sections 386.250(b) and (c), Health and Safety Code, are amended to read as follows:

(b)  The fund consists of:

(1)  the amount of money deposited to the credit of the fund under:

(A)  Section 386.056;

(B)  Sections 151.0515 and 152.0215, Tax Code; and

(C)  Sections 501.138, 502.358, and 548.5055, Transportation Code; [~~and~~]

(2)  grant money recaptured under Section 386.111(d) and Chapter 391; and

(3)  federal funds deposited to the credit of the fund.

(c)  Not later than the 30th day after the last day of each state fiscal biennium, the commission shall transfer the unencumbered balance of the fund remaining on the last day of the state fiscal biennium to the credit of the state highway fund for use by the Texas Department of Transportation for projects described by Section 386.051(b)(19). This subsection does not apply to federal funds deposited to the credit of the fund.

SECTION 14.  Section 386.252, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a)  Money in the fund and account may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h) and after remittance to the state highway fund under Subsection (a-1), money from the fund and account to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1)  four percent may be used for the clean school bus program under Chapter 390;

(2)  three percent may be used for the new technology implementation grant program under Chapter 391, from which at least $1 million will be set aside for electricity storage projects related to renewable energy;

(3)  five percent may be used for the Texas clean fleet program under Chapter 392;

(4)  not more than $3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5)  10 percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6)  eight percent [~~not more than $6 million~~] may be used for the Texas alternative fueling facilities program under Chapter 393[~~, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019~~];

(7)  not more than $750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8)  not more than $200,000 may be used for a health effects study;

(9)  at least $6 million but not more than $16 million may be used by the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10)  six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1, including the grant program established under Section 386.184;

(11)  five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12)  not more than $216,000 may be used by the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13)  not more than $500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; and

(14)  the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

(i)  Notwithstanding any other law, federal funds deposited to the credit of the fund may be used only as provided by the terms of the applicable federal funds agreement.

SECTION 15.  Section 393.006(a), Health and Safety Code, is amended to read as follows:

(a)  Grants awarded under this chapter for a facility to provide alternative fuels other than natural gas may not exceed [~~the lesser of:~~

[~~(1)~~]  50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission[~~; or~~

[~~(2)  $600,000~~].

SECTION 16.  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 vehicle.

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

SUBCHAPTER B. POWERS AND DUTIES

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

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

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

Sec. 2311.0204.  INSPECTION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT. The department may 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 commission rules, unless electric vehicle supply equipment is exempt from the application of this chapter by commission rule.

Sec. 2311.0205.  COMPLAINTS REGARDING ELECTRIC VEHICLE SUPPLY EQUIPMENT. In accordance with Chapter 51, the executive director of the department shall establish methods by which consumers are notified of the name, Internet website address, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

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

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

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

(3)  will not substantially benefit or protect consumers.

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

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

(2)  provided at 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. Unless electric vehicle supply equipment is exempt from the application of this chapter or has been removed from service, an electric vehicle supply provider shall:

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

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

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

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

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

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

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

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

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

Sec. 2311.0303.  SPECIFICATIONS. (a) Specifications for the installation and operation of electric vehicle supply equipment must be the same as those adopted by the National Institute of Standards and Technology.

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

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

Sec. 2311.0304.  FEES; DISCLOSURES. (a) An electric vehicle supply provider shall disclose on the indicating element of the electric vehicle supply equipment or on the electric vehicle supply provider's digital network:

(1)  the fee calculation method or methods; and

(2)  applicable surcharges.

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

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

(2)  a list of applicable surcharges.

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

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

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

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

(1)  the date and time of the transaction;

(2)  the physical location of the electric 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) An electric vehicle supply provider shall:

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

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

(c)  An electric vehicle supply provider may not return electric vehicle supply equipment to operation until the equipment has been repaired in accordance with manufacturer specifications and commission rule.

SUBCHAPTER D. ENFORCEMENT

Sec. 2311.0401.  DISCIPLINARY ACTION. A person is subject to the denial of an application, imposition of an administrative penalty under Subchapter F, Chapter 51, or disciplinary action under Section 51.353 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. A proceeding for the denial of a registration or a disciplinary action or an appeal from that proceeding is governed by Chapter 2001, Government Code.

SECTION 17.  (a) The Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act not later than December 1, 2024.

(b)  Notwithstanding any other provision of this Act, electric vehicle supply equipment installed before December 31, 2023, 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 18.  (a) The Texas Department of Licensing and Regulation may establish and lead a stakeholder work group to provide input, advice, and recommendations on the activities under this Act. The Texas Department of Licensing and Regulation shall establish the size, composition, and scope of the stakeholder work group.

(b)  This section expires on December 1, 2024.

SECTION 19.  (a) An electric vehicle supply provider shall register all of the provider's electric vehicle supply equipment in operation in this state not later than March 1, 2025.

(b)  Electric vehicle supply equipment installed in this state before the effective date of this Act must be operated in compliance with manufacturer specifications, Chapter 2311, Occupations Code, as added by this Act, and Texas Commission of Licensing and Regulation rules not later than March 1, 2028.

(c)  Electric vehicle supply equipment installed on or after September 1, 2023, and before March 1, 2025, must be operated in compliance with manufacturer specifications, Chapter 2311, Occupations Code, as added by this Act, and Texas Commission of Licensing and Regulation rules not later than March 1, 2025.

(d)  Electric vehicle supply equipment installed on or after March 1, 2025, must be operated in compliance with manufacturer specifications, Chapter 2311, Occupations Code, as added by this Act, and Texas Commission of Licensing and Regulation rules, and be registered with the Texas Department of Licensing and Regulation prior to operation.

SECTION 20.  The Texas Transportation Electrification Council shall submit its first report under Section 490J.009, Government Code, as added by this Act, not later than December 1, 2026.

SECTION 21.  The changes in law made by this Act to Subchapter D, Chapter 386, Health and Safety Code, apply only to an incentive awarded on or after September 1, 2024. An incentive awarded before September 1, 2024, is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

SECTION 22.  The change in law made by this Act to Section 393.006, Health and Safety Code, applies only to a grant awarded on or after September 1, 2023. A grant awarded before September 1, 2023, is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

SECTION 23.  (a) Except as provided by Subsection (b), this Act takes effect September 1, 2023.

(b)  Section 21 of this Act and the changes in law made by this Act to Subchapter D, Chapter 386, Health and Safety Code, other than Section 386.154(g), take effect September 1, 2024.