

By: Schwertner, Nichols

S.B. No. 1001

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 supply 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;

17 (2) provided for the exclusive use of an individual,
18 or a group of individuals, including employees, tenants, visitors,
19 or residents of a multiunit housing or office development; or

20 (3) provided by a business for use at no charge.

21 Sec. 2311.0207. REGULATION OF LEGACY CHARGERS. The
22 commission may adopt rules to regulate electric vehicle supply
23 equipment in operation before January 1, 2024, that:

24 (1) has never had a metering system in place capable of
25 measuring electricity transferred from the charging station to the
26 vehicle; or

27 (2) is not capable of measuring the time elapsed while

1 actively charging a vehicle and calculating a fee for the charging
2 session.

3 SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

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

5 Unless electric vehicle supply equipment is exempt from the
6 application of this chapter or has been removed from service, an
7 electric vehicle supply provider shall:

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

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

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

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

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

27 (2) be accompanied by any other document or form

1 required by the department;

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

3 and

4 (4) include documentation of compliance with Section
5 2311.0303, as prescribed by commission rule.

6 Sec. 2311.0303. SPECIFICATIONS. (a) Specifications and
7 tolerances for electric vehicle supply equipment shall be the same
8 as those recommended by the National Institute of Standards and
9 Technology.

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

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

14 (d) This subsection expires December 31, 2033.

15 Notwithstanding any other law:

16 (1) electric vehicle supply equipment installed
17 before December 31, 2023, is exempt from the requirements of this
18 section until the 10th anniversary of the date the rules described
19 by Subsection (c) are adopted; and

20 (2) until the 10th anniversary described by
21 Subdivision (1), an electric vehicle supply provider that owns or
22 operates electric vehicle supply equipment described by
23 Subdivision (1) shall provide, free of charge to users, a universal
24 adapter for dispensing electrical energy to electric vehicles at
25 the location of the equipment.

26 Sec. 2311.0304. FEES; DISCLOSURES. (a) An electric
27 vehicle supply provider shall disclose on the display of the

1 electric vehicle supply equipment or on the electric vehicle supply
2 provider's digital network:

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

4 (2) applicable surcharges.

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

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

10 (2) a list of applicable surcharges.

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

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

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

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

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

24 (2) the physical location of the electric vehicle
25 supply equipment;

26 (3) the duration of and kilowatt hours provided during
27 the transaction; and

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

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

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

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

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

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

19 SUBCHAPTER D. ENFORCEMENT

20 Sec. 2311.0401. DISCIPLINARY ACTION. A person is subject
21 to the denial of an application, imposition of an administrative
22 penalty under Subchapter F, Chapter 51, or disciplinary action
23 under Section 51.353 if the person engages in a commercial
24 transaction in violation of this chapter or a rule adopted under
25 this chapter.

26 Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. A proceeding
27 for the denial of a registration or a disciplinary action or an

1 appeal from that proceeding is governed by Chapter 2001, Government
2 Code.

3 SECTION 2. The Texas Commission of Licensing and Regulation
4 shall adopt rules necessary to implement the changes in law made by
5 this Act not later than December 1, 2024.

6 SECTION 3. (a) The Texas Department of Licensing and
7 Regulation may establish and lead a stakeholder work group to
8 provide input, advice, and recommendations on the activities under
9 this Act. The Texas Department of Licensing and Regulation shall
10 establish the size, composition, and scope of the stakeholder work
11 group.

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

13 SECTION 4. (a) An electric vehicle supply provider shall
14 register all of the provider's electric vehicle supply equipment in
15 operation in this state not later than March 1, 2025.

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

21 (c) Electric vehicle supply equipment installed on or after
22 the effective date of this Act and before March 1, 2025, must be
23 operated in compliance with manufacturer specifications, Chapter
24 2311, Occupations Code, as added by this Act, and Texas Commission
25 of Licensing and Regulation rules not later than March 1, 2025.

26 (d) Electric vehicle supply equipment installed on or after
27 March 1, 2025, must be operated in compliance with manufacturer

1 specifications, Chapter 2311, Occupations Code, as added by this
2 Act, and Texas Commission of Licensing and Regulation rules, and be
3 registered with the Texas Department of Licensing and Regulation
4 prior to operation.

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.