

SB 52-FN - AS INTRODUCED

2023 SESSION

23-0919

07/10

SENATE BILL ***52-FN***

AN ACT relative to the regulation and operation of electric vehicle charging stations.

SPONSORS: Sen. Lang, Dist 2; Sen. Watters, Dist 4

COMMITTEE: Transportation

ANALYSIS

This bill modernizes the electric vehicle charging station statutes for electric vehicle infrastructure construction projects.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the regulation and operation of electric vehicle charging stations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Highway Regulation, Protection and Control Regulations; Electric Vehicle Charging Stations;
2 Definitions. Amend RSA 236:132 to read as follows:

3 236:132 Definitions. In this subdivision:

4 I. "Battery electric vehicle" means any vehicle that operates solely by use of a battery or
5 battery pack, or that is powered primarily through the use of an electric battery or battery pack and
6 uses a flywheel or capacitor that stores energy produced by an electric motor or through regenerative
7 braking to assist in vehicle operation.

8 ***II. "Behind the meter" or "customer side" means the service from the customer meter,***
9 ***including the customer's distribution panel, wires and all electric vehicle supply***
10 ***equipment (EVSE).***

11 ~~III.~~ "Electric vehicle" means any battery electric vehicle, fuel cell electric vehicle, or
12 plug-in hybrid electric vehicle.

13 ***IV. "Electric vehicle utility make-ready investment" means infrastructure installed***
14 ***and owned by electric distribution companies, such as transformers, conductors, and other***
15 ***front of the meter equipment, and the associated engineering and civil construction work***
16 ***necessary which enable the interconnection of behind the meter electric vehicle supply***
17 ***equipment.***

18 ***V. "Front of the meter" or "utility side" means the service from the grid, including***
19 ***the pole, wires, transformer, and all other equipment up to the customer meter to support***
20 ***EVSE development.***

21 ~~VI.~~ "Fuel cell electric vehicle" means any vehicle that operates solely by use of a
22 hydrogen fuel cell.

23 ~~IV.] VII.~~ "Hybrid electric vehicle " means a motor vehicle that allows power to be delivered
24 to the driver wheels solely by a battery-powered electric motor that also incorporates the use of a
25 combustion engine to provide power to the battery, or any vehicle that allows power to be delivered
26 to the driver wheels by either a combustion engine or by a battery-powered electric motor, or both.

27 ~~V.] VIII.~~ "Plug-in hybrid electric vehicle" means a hybrid electric vehicle that has the
28 capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric
29 source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in
30 motion.

[VI.] IX. "[~~Electronic~~] **Electric** vehicle charging station " means an electric component or cluster of component assemblies designed specifically to charge an electric vehicle battery by transferring electric energy to a battery or a storage device in the vehicle.

[VII.] X. "Public electric vehicle charging station" means a charging station, electric recharging point, charging point, or electric vehicle supply equipment, which is an element in an infrastructure that supplies electricity for the recharging of plug-in electric vehicles, including all electric cars, neighborhood electric vehicles, and plug-in hybrids, and which allows any electric vehicle owner or operator to access and use the charging station, located at a publicly available parking space.

[VIII.] XI. "Publicly available parking space" means a parking space that has been designated by a property owner or lessee to be available to, and [~~accessibly~~] **accessible** by, the public **24 hours a day, 7 days a week** and may include on-street parking spaces and parking spaces in surface lots or parking garages, but shall not include: (a) a parking space that is part of, or associated with, a private residence; (b) a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, or residents of a common interest development, or residents of an adjacent building; or (c) a parking space reserved for persons who are [~~blind and persons with walking disabilities~~] **disabled** as defined in RSA [~~259:124~~] **265:74**.

2 Highway Regulation, Protection and Control Regulations; Electric Vehicle Charging Stations; Operation of Electric Vehicle Charging Stations; Signage. Amend RSA 236:133 to read as follows:

236:133 Operation of Electric Vehicle Charging Stations; Signage.

I. [~~The department of transportation shall coordinate with the Federal Highway Administration (FHWA) to ensure sufficient and up-to-date coverage of uniform signage on federal highways using the "Alternative Electric Vehicle Charging Symbol Sign."~~]

II.] The department of transportation shall develop and install uniform signage consistent with [~~FHWA's~~] **Federal Highway Administration (FHWA)'s** Manual on Uniform Traffic Control Devices for use on state roadways to direct drivers to **electric vehicle** charging and hydrogen fueling stations.

[III.] II. All publicly funded chargers, including those funded by the **New Hampshire Volkswagen Mitigation** Trust [~~Settlement~~] or by federal or other competitively awarded funds, installed after the effective date of this paragraph that are accessible to the public shall be equipped to enable universal access.

[IV.] III. An owner of an electric vehicle charging station shall not be deemed to be a "utility," "public utility," or "public service company" solely by virtue of [~~the fact that such an owner is an owner~~] **ownership** of an electric vehicle charging station. [~~All electricity distribution companies shall make available in tariffs terms and rates for electronic vehicle charging stations and offer such information to the public.~~]

SB 52-FN - AS INTRODUCED
- Page 3 -

[V.] IV. The public utilities commission shall:

(a) ~~[Within 2 years, consider and determine whether it is appropriate to implement any of the following rate design standards for electric companies and public service companies:~~

~~(1) Cost of service;~~

~~(2) Prohibition of declining block rates;~~

~~(3) Time of day rates;~~

~~(4) Seasonal rates;~~

~~(5) Interruptible rates;~~

~~(6) Load management techniques; and~~

~~(7) Demand charges.]~~ ***Allow electric distribution companies to recover***

prudently-incurred costs associated with electric vehicle make-ready work and capital investments it builds, owns, and operates for public electric vehicle charging stations.

~~(b) [Consider and determine whether it is appropriate to implement electric vehicle time of day rates for residential and commercial customers. The standards for determination of such implementation shall include consideration whether such implementation would encourage energy conservation, optimal and efficient use of facilities and resources by an electric company, and equitable rates for electric consumers.]~~ ***Open a docket within 90 days of the effective date of***

this paragraph to review design proposals from the New Hampshire electric distribution companies to approve a demand charge alternative rate, a demand charge holiday, or alternatively a demand charge rebate/credit/refund, none of which shall preclude Level 2 charging. Such a determination shall consider the totality of the following factors for such proposals:

(1) Revenue neutrality/possible subsidy.

(2) Possible revenue generation.

(3) Potential economic stimulus effect.

(4) Ability to grow existing and potential statewide EV infrastructure network.

[VI.] V. The owner or operator of a public electric vehicle charging station that requires payment of a fee shall provide multiple payment options ~~[that allow access by the public].~~

[VII.] VI. The owner or operator of a public electric vehicle charging station shall disclose the location and characteristics of each such public electric vehicle charging station, including, but not limited to, the address, voltage, and timing restrictions, to the federal database operated by the United States Department of Energy Alternative Fuels Data Center ***and provide updates to this information as needed.***

3 Effective Date. This act shall take effect 60 days after its passage.

SB 52-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the regulation and operation of electric vehicle charging stations.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

| STATE: | Estimated Increase / (Decrease) | | | |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------|----------------------------|
| | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
| Appropriation | \$0 | \$0 | \$0 | \$0 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Funding Source: | <input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Volkswagen Mitigation Trust & National Electric Vehicle Infrastructure Funds | | | |

METHODOLOGY:

This bill relates to the regulation and operation of electric vehicle (EV) charging stations. The Department of Transportation assumes Volkswagen Mitigation Trust (VW Trust) and National Electric Vehicle Infrastructure (NEVI) funds will be utilized to install Electric Vehicle Supply Equipment throughout the State over the next five years and the additional costs for signage is indeterminable at this time and is dependent on size, quantity, and location.

The Department adds that the VW Trust will spend approximately \$4.6 million on infrastructure charging. The State is allotted \$17.2 million in NEVI Program funding and the Department expects that approximately \$15 million will be dedicated to the installation of EV chargers. The remaining funds will cover design and program expenses. The Department notes that one caveat to the NEVI program is the discretionary funding aspect. The Department may apply for additional grants to increase the available funding.

AGENCIES CONTACTED:

Department of Transportation