

# FINAL BILL REPORT

## 2SSB 5192

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Synopsis as Enacted

**Brief Description:** Supporting access to electric vehicle supply equipment.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen and Wilson, C.).

**Senate Committee on Transportation**  
**Senate Committee on Ways & Means**  
**House Committee on Appropriations**

**Background:** There are currently over 63,000 electric vehicles (EVs) registered in Washington, 46,000 of which are battery electric vehicles powered solely by electric energy stored in batteries which must be re-charged by an external source.

Charging Stations. The most common electric vehicle charging stations for the traveling public are Level 2 and DC fast chargers. Level 2 charging generally uses 240 volt power and can typically provide 10 to 20 miles of range per hour of charge. DC fast charging provides compatible vehicles with an 80 percent charge in 30 to 60 minutes by converting high voltage AC power to DC power for direct storage in EV batteries. According to the U.S. Department of Energy's Alternative Fuels Data Center there are currently 1205 electric vehicle charging stations and 3589 charging ports in Washington, approximately 175 of which are DC fast chargers—614 ports. Ninety-three stations—259 ports—are reported as private.

Charging Station Sign and Markings. Under a state law adopted in 2013, an EV charging station must be identified using vertical signs indicating the station is only for EV charging. The sign must conform to the Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Safety Administration. The MUTCD provides guidance on a variety of traffic control devices to state and local traffic engineers and contains a standard sign for use by governments to indicate the location of an EV charging station. The EV charging station must also be identified by green pavement markings. Supplementary signs are permitted. It is currently a parking infraction, with a

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penalty of \$124, for any person to park a vehicle in an EV charging station provided on public or private property if the vehicle is not connected to the charging equipment.

Weights and Measure Regulation. The Washington State Department of Agriculture (WSDA) Weights and Measures Program protects consumer rights and confidence in the marketplace by ensuring accuracy in commercial transactions through testing and inspecting commercial devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

**Summary:** Definition of Publicly Available Electric Vehicle Supply Equipment. Publicly available EV supply equipment (EVSE) is defined as the EVSE and associated parking space or spaces designated by a property owner to be available to the public. EVSE that meet any of the following criteria are also considered publicly available:

- EVSE designated by the property owner to be available only to customers or visitors of a business or of a charging network;
- EVSE that can be accessed by any member of the public regardless of whether a fee is charged, including EVSE located in a parking garage or gated facility; or
- EVSE made available to the public during limited time periods, are considered publicly available only during those time periods.

WSDA may adopt criteria by rule that would make additional types of EVSE publicly available to benefit the public and provide protections to consumers. Specific exemptions for certain publicly available EVSE are provided.

Sign Requirements for Publicly Available Electric Vehicle Supply Equipment. By January 1, 2023, EVSE providers must ensure all publicly available EVSE are clearly marked and disclose all charges, fees, and costs for a charging session at the point of sale, prior to initiating a charging session. At a minimum the disclosure must include information related to:

- a fee for use of the parking space;
- a nonmember plug-in fee from the EVSE;
- price to refuel in U.S. dollars per kilowatt hour or megajoule;
- any changes in price to refuel due to variable pricing;
- any other fees charged for a charging session; and
- disclosure if the charging session, or portion of the session, is offered at no cost.

EVSE and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business are exempt from the sign requirements.

Methods of Payment. By January 1, 2023, WSDA, with the Utilities and Transportation Commission (UTC) and Department of Commerce (Commerce), must adopt rules requiring all EVSE providers to make multiple payment methods available at all public Level 2 and DC fast chargers. At a minimum the rules must provide:

- deadlines for compliance for Level 2 and DC installed before a specific date;

- deadlines for compliance for Level 2 and DC installed after a specific date; and
- minimum required payment methods that are convenient and reasonably support access for all current and future users.

An EV service provider may not require a subscription, membership, or account to initiate a charging session for publicly available EVSE.

EVSE and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business are exempt from the methods of payment requirements.

Interoperability Standards. By January 1, 2023, WSDA, in consultation with Commerce and UTC, must adopt rules establishing requirements for all EVSE to, at a minimum, meet and maintain nonproprietary interoperability standards for Level 2 and DC fast charger EVSE. The requirements may not provide the purchase or license of proprietary technology or software from any other company and may not require companies to maintain interoperability agreements with other companies. Interoperability means the ability of hardware, systems, software, or a communication network provided by one service provider to interact with and exchange information, including payment information, between hardware, software, or a communication network provided by a different service provider.

Interoperability standards do not apply to:

- publicly available EVSE provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures; and
- EVSE and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business.

Reporting Requirements. By January 1, 2023, publicly available EVSE providers must report inventory and payment method information to the National Renewable Energy Laboratory Alternative Fuels Data Center. The information must be reported annually and must include at a minimum:

- EVSE service provider information;
- EVSE inventory for active and retired, decommissioned, or removed EVSE in Washington; and
- annual reports detailing EVSE payment information.

WSDA may adopt additional reporting requirements to support compliance with the program.

Registration Fees. Fees are established at \$20 for Level 2 electric vehicle supply equipment ports and \$40 for direct current fast charger electric vehicle supply equipment ports. WSDA may adopt a reasonable registration fee for EVSE by rule to cover the remaining costs associated with enforcing EVSE accessibility rules.

Rules for Sale of Electricity as a Vehicle Fuel. Rules adopted by WSDA related to the sale of electricity sold as a vehicle fuel and EV fueling systems may be modified to be consistent with state objectives and may be reviewed and if necessary updated. The rules may not take effect prior to January 1, 2024. EVSE installed and in service prior to January 1, 2024, is provided a grace period from compliance with metering rules until January 1, 2034. EVSE installed and in service prior to January 1, 2024, must comply with weights and measures registration requirements and be clearly marked with an installation date.

Enforcement and Civil Penalties. When WSDA or a city sealer tests or inspects a weighing or measuring instrument or device and finds it to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument and an economic detriment to the customer, the owner of the device is subject to a civil penalty. For EVSE, the civil penalty is \$200 for the first violation, and \$500 for the second or subsequent violation occurring within one year of the first violation.

A new civil penalty is created for a failure to meet the EVSE price notifications, method of payment, and interoperability requirements. The penalty is \$200 for the first violation and \$500 for a second and subsequent violation within one year of the first. Any penalty moneys in excess of those required to support enforcement must be deposited into the electric vehicle account.

Data Collection Disclosure. If an EVSE provider sells or intends to sell consumer data collected during a charging session, the EVSE provider must disclose all types of data collected to the consumer. This requirement takes effect only if SSB 5062—management, oversight and use of data—is not enacted by June 30, 2021.

**Votes on Final Passage:**

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|--------|----|----|--------------------|
| Senate | 35 | 14 |                    |
| House  | 56 | 42 | (House amended)    |
| Senate | 30 | 19 | (Senate concurred) |

**Effective:** July 25, 2021