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HEALTH AND SAFETY CODE - HSC

DIVISION 26. AIR RESOURCES [39000 - 44475.3] (*Division 26 repealed and added by Stats. 1975, Ch. 957.)*

PART 5. VEHICULAR AIR POLLUTION CONTROL [43000 - 44299.91] (*Part 5 added by Stats. 1975, Ch. 957.)*

CHAPTER 8.7. Electric Vehicle Charging Stations Open Access Act [44268 - 44268.4] (*Chapter 8.7 added by Stats. 2013, Ch. 418, Sec. 2.)*

44268. As used in this chapter, the following terms have the following meanings:

- (a) "Battery" means an electrochemical energy storage system powered directly by electrical current.
- (b) "Commission" means the State Energy Resources Conservation and Development Commission.
- (c) "Electric vehicle" means a vehicle that uses a plug-in battery to provide all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.
- (d) "Electric vehicle charging station" means one or more publicly available parking spaces served by electric vehicle service equipment.
- (e) "Electric vehicle service equipment" means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.
- (f) "Interoperability billing standards" means the ability for a member of one electric charging station billing network to use another billing network.
- (g) "Network roaming" means the act of a member of one electric vehicle charging station billing network using a charging station that is outside of the member's billing network with the member's billing network account information.
- (h) "Publicly available parking space" means a parking space that has been designated by a property owner or lessee to be available to, and accessible by, the public and may include on-street parking spaces and parking spaces in surface lots or parking garages. "Publicly available parking space" shall not include a parking space that is part of, or associated with, a private residence, 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, residents of a common interest development, or residents of an adjacent building, or a parking space provided by a producer of electric vehicles as a service. Nothing in this article limits the ability of an owner or lessee of a publicly available parking space whose primary business is other than electric vehicle charging from restricting use of the parking space, such as limiting use to customers and visitors of the business.

(Amended by Stats. 2023, Ch. 52, Sec. 3. (SB 123) Effective July 10, 2023.)

44268.2. (a) (1) Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station. The total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, shall be disclosed to the public at the point of sale.

(2) Notwithstanding paragraph (1), an electric vehicle charging station may offer services on a subscription- or membership-only basis provided those electric vehicle charging stations allow nonsubscribers or nonmembers the ability to use the electric vehicle charging station through the payment options detailed in paragraph (3).

(3) (A) An electric vehicle charging station that requires payment of a fee and that is first installed or first made publicly available on or after July 10, 2023, at a minimum, shall provide both of the following:

- (i) A contactless payment method that accepts major credit and debit cards. For purposes of this clause, "contactless payment method" means a secure method for consumers to purchase services using a debit card, credit card, smartcard,

or another payment device, by using radio frequency identification (RFID) technology and near-field communication (NFC).

(ii) Either an automated toll-free telephone number or a short message system (SMS) that provides the electric vehicle charging customer with the option to initiate a charging session and submit payment.

(B) A direct current fast charging station that is first installed or first made publicly available on or after July 10, 2023, shall also include Plug and Charge payment capabilities meeting the International Organization for Standardization (ISO) 15118 standard no later than July 10, 2024.

(C) The commission, by regulation that is effective no earlier than January 1, 2028, may add to or subtract from payment methods required by this paragraph, as appropriate in light of changing technologies.

(b) The service provider of electric vehicle service equipment at an electric vehicle charging station or its designee shall disclose to the National Renewable Energy Laboratory the electric vehicle charging station's geographic location, a schedule of fees, accepted methods of payment, and the amount of network roaming charges for nonmembers, if any.

(c) Electric vehicle charging stations shall be labeled in accordance with Part 309 of Title 16 of the Code of Federal Regulations, and, where commercially reasonable and feasible, may be clearly marked with appropriate directional signage in the parking area or facility where they are located.

(d) (1) If no interoperability billing standards have been adopted by a national standards organization by January 1, 2015, the commission may adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations. If the commission adopts interoperability billing standards, all electric vehicle charging stations that require payment shall meet those standards within one year. Any standards adopted by the commission shall consider other governmental or industry-developed interoperability billing standards and may adopt interoperability billing standards promulgated by an outside authoritative body.

(2) (A) The commission shall apply any network roaming standards adopted pursuant to this section only to major electric vehicle charging network providers.

(B) (i) For purposes of this section, "major electric vehicle charging network provider" means an electric vehicle charging network provider that manages at least 100 publicly available electric vehicle charging stations in the state.

(ii) Notwithstanding clause (i), the commission may increase the number of publicly available electric vehicle charging stations a major electric vehicle charging network provider must manage in its network before triggering network roaming standards as part of any standards adopted pursuant to this section.

(C) Network roaming standards adopted pursuant to this section shall require major electric vehicle charging network providers to accept payment for charging made by users from multiple other major electric vehicle charging network providers and automakers to simplify drivers' ability to find an electric vehicle charging station and pay for charging.

(D) Network roaming standards adopted pursuant to this section shall ensure major electric vehicle charging network providers maintain the ability to choose bilateral or hub-based agreements for roaming agreements.

(Amended by Stats. 2024, Ch. 735, Sec. 1. (AB 2697) Effective January 1, 2025.)

44268.4. (a) Except as provided in subdivision (b), this chapter shall be implemented and enforced by the commission.

(b) Until the commission adopts regulations implementing this chapter, the state board has the authority to enforce this chapter. Regulations adopted by the commission to implement this chapter shall supersede any regulations adopted by the state board implementing this chapter.

(Added by Stats. 2023, Ch. 52, Sec. 5. (SB 123) Effective July 10, 2023.)