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SB-1000 Transportation electrification: electric vehicle charging infrastructure. (2017-2018)

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Senate Bill No. 1000

CHAPTER 368

An act to add Section 65850.9 to the Government Code, to add Section 25231 to the Public Resources Code, and to add Section 740.15 to the Public Utilities Code, relating to transportation electrification.

[Approved by Governor September 13, 2018. Filed with Secretary of State September 13, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, Lara. Transportation electrification: electric vehicle charging infrastructure.

(1) Existing law, the Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities.

Existing law requires a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings. Existing law provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern.

This bill would prohibit a city, county, or city and county from restricting which types of electric vehicles may access an electric vehicle charging station approved for passenger vehicles that both is publicly accessible and the construction of which was funded, at least in part, by the state or through moneys collected from ratepayers.

(2) Existing law creates the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide, upon appropriation, competitive grants, revolving loans, loan guarantees, loans, or other appropriate funding measures to specified entities for those entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the Energy Commission to develop and adopt an investment plan to determine priorities and opportunities for the program.

This bill would require the Energy Commission, in consultation with the State Air Resources Board (state board), as part of the development of the investment plan, to assess whether charging station infrastructure is disproportionately deployed, as specified, and, upon finding disproportionate deployment, to use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, as well as other mechanisms, including incentives, to more proportionately deploy new charging station infrastructure, unless the commission makes a finding that the disproportionate deployment is reasonable and furthers state energy or environmental policy as articulated by the commission.

(3) Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the PUC, in consultation with the Energy Commission, the state board,

electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles and, by July 1, 2011, to adopt rules that address specified related issues. Existing law requires the PUC, in consultation with the Energy Commission and state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050.

This bill would require the PUC, in an existing proceeding, to consider: (A) facilitating the development of technologies that promote grid integration, including technologies that provide submetering capabilities to residential charging stations, if the PUC determines that these technologies and submetering capabilities are in the best interests of ratepayers, (B) exploring policies that support the development of technologies and rate strategies that can reduce the effects of demand charges on electric vehicles and fleets, and help accelerate the adoption of electric vehicles, and (C) adopting a tariff specific to heavy-duty electric vehicle fleets or electric trucks and buses that encourages the use of charging stations when there is excess grid capacity.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because some of the provisions of this bill are within the act and may require action by the PUC to implement their requirements, a violation of which would be a crime, these provisions would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that ensuring electric vehicle infrastructure is accessible to all types of electric vehicles is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(b) It is the intent of the Legislature that local entities not adopt ordinances that create unreasonable barriers to the use of electric vehicle infrastructure.

(c) It is the policy of the state to promote and encourage the use of electric vehicle infrastructure and to limit obstacles to its use.

(d) It is the intent of the Legislature to increase access to electric vehicle infrastructure in all California communities. Charging speed is a critical component of access and should be considered in public investment strategies related to electric vehicle charging infrastructure.

SEC. 2. Section 65850.9 is added to the Government Code, to read:

65850.9. (a) A city, county, or city and county shall not restrict which types of electric vehicles, including, but not limited to, plug-in hybrid vehicles, may access an electric vehicle charging station approved for passenger vehicles that both is publicly accessible and the construction of which was funded, at least in part, by the state or through moneys collected from ratepayers.

(b) "Electric vehicle charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

SEC. 3. Section 25231 is added to the Public Resources Code, to read:

25231. (a) The commission, in consultation with the State Air Resources Board, shall, as part of the development of the plan prepared pursuant to Section 44272.5 of the Health and Safety Code, assess whether charging station infrastructure is disproportionately deployed by population density, geographical area, or population income level, including low-, middle-, and high-income levels. This includes whether direct current fast charging stations are disproportionately distributed and whether access to these charging stations is disproportionately available. Upon making a finding that charging station infrastructure has been disproportionately deployed, the commission shall use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, to the extent authorized by law, as well as other mechanisms, including incentives, to more proportionately

deploy new charging station infrastructure, unless the commission makes a finding that the disproportionate deployment is reasonable and furthers state energy or environmental policy as articulated by the commission.

(b) For purposes of this section, "charging station" means the removable equipment that provides alternating or direct current to the battery electric vehicle or plug-in hybrid electric vehicle, but does not include the supporting charging infrastructure, such as wiring, conduit, and electric panels.

SEC. 4. Section 740.15 is added to the Public Utilities Code, to read:

740.15. (a) The commission shall consider, in an existing proceeding, all of the following:

(1) Facilitating the development of technologies that promote grid integration, including technologies that provide submetering capabilities to residential charging stations, if the commission determines that these technologies and submetering capabilities are in the best interests of ratepayers.

(2) Exploring policies that support the development of technologies and rate strategies that can reduce the effects of demand charges on electric vehicle drivers and fleets, and help accelerate the adoption of electric vehicles.

(3) Adopting a tariff specific to heavy-duty electric vehicle fleets or electric trucks and buses that encourages the use of charging stations when there is excess grid capacity.

(b) For purposes of this section, "charging station" means the removable equipment that provides alternating or direct current to the battery electric vehicle or plug-in hybrid electric vehicle, but does not include the supporting charging infrastructure, such as wiring, conduit, and electric panels.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.