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AB-2061 Transportation electrification: electric vehicle charging infrastructure. (2021-2022)

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Assembly Bill No. 2061

CHAPTER 345

An act to add and repeal Section 25231.5 of the Public Resources Code, relating to transportation electrification.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2061, Ting. Transportation electrification: electric vehicle charging infrastructure.

Existing law creates the Clean Transportation Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide, among other things, competitive grants and revolving loans 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. Existing law requires 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, except as specified.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC, in consultation with the Energy Commission and the state board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to, among other things, reduce dependence on petroleum and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if certain requirements are met.

This bill would require the Energy Commission, in consultation with the PUC, to develop uptime recordkeeping and reporting standards for electric vehicle chargers and charging stations by January 1, 2024. The bill would require that the uptime recordkeeping and reporting standards only apply to electric vehicle chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers, apply for a minimum of 6 years, and apply to electric vehicle chargers and charging stations installed on or after January 1, 2024. The bill would authorize the Energy Commission to consider additional reliability metrics, as specified, and require the Energy Commission, in consultation with the PUC, to hold a public workshop to discuss and identify industry best practices and charger technology capabilities that are demonstrated to increase reliability.

Beginning January 1, 2025, this bill would require the Energy Commission to assess the uptime of charging station infrastructure, including, at a minimum, an assessment of equitable access to reliable charging stations in low-, moderate-, and high-income communities. The bill would require the Energy Commission to update the assessment every 2 years and would authorize an

individual or company supplying information or data to the Energy Commission to request that the information or data be held in confidence, as specified. The Energy Commission, in consultation with the PUC, may adopt tools to increase charging station uptime.

This bill would repeal these provisions as of January 1, 2035.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Increasing consumer confidence in electric vehicle convenience and accessibility depends on robust, publicly available charging stations.

(b) Despite immense state progress deploying publicly available charging stations, many Californians still lack access to them, including those in low-income, disadvantaged, and rural communities, those residing in multifamily housing, and some dense urban areas.

(c) Publicly available charging stations not only need to be widely available across all communities, but they also need to be highly reliable so that consumers can depend on them no matter where they are.

(d) The State Energy Resources Conservation and Development Commission (Energy Commission) is required to equitably deploy the charging stations it funds. However, the Energy Commission is not required to ensure equitable access to reliable charging stations.

(e) The state currently does not have a holistic understanding of the reliability of publicly funded charging stations, nor whether there are inequities to accessing reliable charging stations between communities.

(f) If the state is going to increase consumer confidence in electric vehicles and public charging stations, it must understand the performance of publicly funded infrastructure to assess if there are issues with reliability, and, if so, address these issues with policies and tools to ensure access to charging stations.

SEC. 2. Section 25231.5 is added to the Public Resources Code, to read:

25231.5. (a) (1) The commission, in consultation with the Public Utilities Commission, shall develop uptime recordkeeping and reporting standards for electric vehicle chargers and charging stations by January 1, 2024.

(2) The uptime recordkeeping and reporting standards shall do all of the following:

(A) Only apply to electric vehicle chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers.

(B) Apply for a minimum of six years unless the commission decides a longer time span is more appropriate.

(C) Apply to electric vehicle chargers and charging stations installed on or after January 1, 2024.

(3) (A) The commission shall define “uptime” through a public workshop process and apply it to each electric vehicle charger and charging station and create a formula to calculate uptime to provide consistent, standardized reporting of information at least annually.

(B) When defining “uptime,” the commission shall do both of the following:

(i) Include the operability of both software and hardware.

(ii) Consider federal definitions to ensure consistency between standards.

(C) The commission shall determine what events that make a charging station inoperable constitute excluded time for purposes of developing the formula. In making this determination, the commission and Public Utilities Commission shall only consider events that are outside a charging station operator’s control. This may include issues related to the electrical grid, WiFi connectivity, cellular connectivity, and vandalism, as defined by the commission through a public workshop process.

(b) (1) The commission may consider additional reliability metrics, including, but not limited to, success rate to initiate a charging session, customer satisfaction, and the number, nature, or length of events that interrupt service.

(2) The commission, in consultation with the Public Utilities Commission, shall hold a public workshop to discuss and identify industry best practices and charger technology capabilities that are demonstrated to increase reliability. As a result of this workshop, the commission may incorporate these best practices and capabilities into its uptime recordkeeping and reporting standards.

(3) Uptime recordkeeping and reporting standards may vary by technology type, power levels, number of chargers per site, and site ownership. Factors may include whether chargers are networked, whether chargers are Level 1, Level 2, or direct current fast chargers, and whether chargers are all-inclusive mobile solar charging stations.

(4) Uptime recordkeeping and reporting standards shall not apply to charging stations installed at residential real property containing four or fewer dwelling units.

(5) The funding entity shall clearly disclose these reporting requirements to the funding recipient. If the funding recipient is an electric vehicle service provider or other third-party entity that is not the site host, the electric vehicle service provider or third-party entity shall provide a separate disclosure to the site host about the site host's right to designate the service provider or third-party as the entity to report the data on behalf of the site host. The funding recipient shall verify receipt by signing the disclosure, to be confirmed by the funding entity.

(c) (1) Beginning January 1, 2025, the commission shall assess the uptime of charging station infrastructure, including, at a minimum, an assessment of equitable access to reliable charging stations in low-, moderate- and high-income communities.

(2) The commission shall update the assessment performed pursuant to this subdivision every two years.

(3) An individual or company supplying information or data to the commission pursuant to this section may request that the information or data be held in confidence by the commission pursuant to Section 25322.

(d) The commission, in consultation with the Public Utilities Commission, may adopt tools to increase charging station uptime, including, but not limited to, uptime requirements, operation and maintenance requirements, and may include incentives, including operation and maintenance incentives.

(e) This section does not prohibit or limit the commission's or other state agencies' ability under any other law, including, but not limited to, the authority to include reporting or reliability requirements as a condition of grants or other agreements or to adopt other charging station reporting standards.

(f) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.