

This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see <https://lpdd.org>

MODEL STATE LAW

FOR REBATES FOR PLACING IN SERVICE ELECTRIC VEHICLE CHARGING STATIONS

Effective: __, 2021

1. PURPOSE AND INTENT

- a. To reduce greenhouse gas emissions in the United States by at least 80% from 1990 levels by 2050 will require that 80%-95% of the miles driven be in vehicles powered by lower carbon energy sources like electricity.
- b. The purpose of this act is to accelerate the adoption of electric vehicles by encouraging the installation of publicly available charging station infrastructure for electric vehicles.

2. DEFINITIONS

- a. “Corridor Location”: a location for Electric Vehicle Charging Equipment situated on a roadway that is a component of a Critical Travel Corridor, or within three miles of such roadway.
- b. “Critical Travel Corridor”: heavily used public roads in the State, as designated by [*the program administrator, upon the advice of the Transportation Commissioner*], which may include federal interstate highways, and the subset of state and local roads that collectively form the primary travel corridors within and through the state.
- c. “Electric Vehicle”: a light duty vehicle manufactured for use on public roads and powered by a battery that can be charged from a source of electricity external to the vehicle through an electric plug. Electric vehicles include pure battery electric vehicles and plug-in hybrid vehicles.
- d. “Electric Vehicle Charging Equipment”: equipment that delivers electric power in appropriate form for the on-board battery charging of an Electric Vehicle, which equipment may include switching controls, point-of-sale equipment and functions, network connectivity, a user interface, and all other fittings, devices, assemblies, power outlets, controls or apparatuses installed specifically for the

purpose of delivering energy from the local electric utility distribution system's point of delivery to an Electric Vehicle.

- e. "Level 2 Charger": a device designed to deliver an electrical charge to an on-board battery of an electric vehicle, which device meets the definition of "AC Level 2" as defined in Standard J-1772 of SAE International.
- f. "Publicly Available Parking Space": a parking space that has been designated by a property owner or a 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; provided, however, that "Publicly Available Parking Space" shall not include a space that is part of or associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, including employees, tenants, visitors, or residents of a common interest development or residents of an adjacent building.
- g. "Qualified Electric Vehicle Charging Equipment": Electric Vehicle Charging Equipment that is located at a Publicly Available Parking Space for the purpose of providing Electric Vehicle charging services to the general public with or without monetary charge and is, at a minimum, a Level 2 Charger.

3. REBATES FOR INSTALLATION OF ELECTRIC CHARGING EQUIPMENT

- a. *[The program administrator]* shall administer a rebate program that incentivizes the purchase and installation of Qualified Electric Vehicle Charging Equipment, as provided in this Section.¹
- b. *[The program administrator]* shall issue rebates under this provision only for the purchase and installation of Qualified Electric Vehicle Charging Equipment that result in the installation of:
 - (i) Qualified Electric Vehicle Charging Equipment at locations where no such equipment had previously been installed;
 - (ii) Additional Qualified Electric Vehicle Charging Equipment at locations where such equipment had previously been installed; or

¹

Note to Draft: the identity of the program administrator is a matter to be determined by state legislatures. In many states that already have a rebate program, the administrator is the public utility commission or similar entity.

- (iii) Qualified Electric Vehicle Charging Equipment that replaces existing Electric Vehicle Charging Equipment and is of a design that increases the miles of range per charging hour provided by the Electric Vehicle Charging Equipment undergoing replacement.

c. Any incentive offered pursuant to this Section shall take the form of a one-time payment to the entity that purchases and arranges for the installation of Qualified Electric Vehicle Charging Equipment. The amount of any rebate provided under this Section shall be established by regulation of *[the program administrator]* pursuant to Section 3.e. hereof. Such amount shall be set, in *[the program administrator's]* discretion, at a level deemed to be effective in mobilizing private investment to fund the remainder of purchase and installation costs, but shall be no greater than:

- (i) ___ percent of the total purchase and installation costs of Qualified Electric Vehicle Charging Equipment at a location where no such equipment had previously been installed, or additional Qualified Electric Vehicle Charging Equipment at a location where such equipment had previously been installed; and
- (ii) ___ percent of the total purchase and installation costs of Qualified Electric Vehicle Charging Equipment that upgrades Electric Vehicle Charging Equipment previously installed at a location, as provided in Section 3.b.iii hereof.²

d. Total rebates issued under this Section shall not exceed the legislative appropriation therefor in each fiscal year.

e. *[The program administrator]* shall promulgate regulations as necessary or appropriate to carry out the provisions of this Section. Such regulations shall set forth the standard terms and conditions applicable to any rebates provided hereunder, and the application, documentation and approval process pertaining to such rebates. Such regulations shall provide for the recapture of any rebate issued with respect to Electric Vehicle Charging Equipment that, within 1 year after initial installation, ceases to meet a minimum level of service offering and use set forth in such regulations at the location where it had initially been installed. In promulgating the regulations, *[the program administrator]*

²

Note to Draft: The model law contemplates a two-tiered system, with a higher amount issued for new or additional equipment at a given location, and a lesser amount for equipment replacing previously existing equipment. The amounts of the rebates are to be determined at the discretion of the state legislatures.

shall consider measures, including but not limited to scaling the rebates provided hereunder, to encourage:

- (i) deployment of Qualified Electric Vehicle Charging Equipment at Corridor Locations;
 - (ii) equitable deployment of Qualified Electric Vehicle Charging Equipment at diverse locations; and
 - (iii) installation of Qualified Electric Vehicle Charging Equipment that: (a) is available to persons without a membership requirement or payment of a subscription fee; (b) provides payment options that facilitate access by the general public, such as payment *via* a toll-free number or onsite capacity for credit card or debit card payment; (c) conforms to governmental or industry-developed billing, roaming or other interoperability standards; (d) is otherwise co-optimized with multiple electric vehicle charging networks; and (e) is capable of tracking the time of use or designed to provide benefits to the electric grid.
- f. The Department shall develop a website accessible by the public that provides up-to-date information about the availability of the incentives established pursuant to Section 3 hereof, and the process for applying for such incentives.

4. TERMINATION

- a. The incentive program hereby established shall terminate on December 31, 2030.