

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>

(1) Additional Definitions

“Commercial Level 2 Charging Equipment” means Level 2 Charging Equipment that is located at a Publicly Available Parking Space and provides electrical power to a plug-in electric vehicle for a monetary charge.

“Commercial DC Fast Charging Equipment” means DC Fast Charging Equipment that is located at a Publicly Available Parking Space and provides electrical power for a monetary charge.

“DC Fast Charging Equipment” means electric vehicle supply equipment that is capable of providing an electric charge to a plug-in electric vehicle of at least 50 kilowatts of direct current electrical power through a standardized connector, which equipment is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or equivalent.

“Level 2 Charging Equipment” means electric vehicle supply equipment that meets the definition of “AC Level 2” as defined in Standard J-1772 of SAE International.

“Publicly Available Parking Space” means a parking space that has been designated by a property owner or a lessee to be available to and accessible by the general public, and may include a parking space at an electric vehicle charging facility, an on-street parking space, a parking space in a surface lot or parking garage, or other area accessible to the general public.

(2) Interoperability

- (A) Within __ months of enactment, the Secretary shall promulgate regulations adopting minimum interoperability criteria for Level 2 Charging Equipment and DC Fast Charging Equipment receiving incentives under this Act.
- (B) The regulations promulgated by the Secretary under Section (A) shall provide that Commercial Level 2 Charging Equipment and Commercial DC Fast Charging Equipment shall be eligible for such incentives only if it is:
 - (i) equipped and available for use by all drivers regardless of network memberships or subscriptions and without payment of a subscription fee or membership in any network, club, association, or organization as a condition of using such equipment; provided, however, that Commercial Level 2 Charging Equipment and Commercial DC Fast Charging Equipment may be programmed to charge for electrical power pursuant to separate price schedules keyed to a subscription or membership; and
 - (ii) equipped with a credit card reader and capable of accepting payment using chip and tap credit and debit cards without incurring excessive fees, inconvenience or delays compared to other payment methods; (b) equipped and capable of accepting payment by means of universal roaming, whereby payments are processed through the exchange of billing information among electric vehicle charging networks; or (c) capable of

accepting payment by another means determined by the Secretary to facilitate the convenient use of Commercial Level 2 Charging Equipment and Commercial DC Fast Charging Equipment by the general public.

(C) The regulations promulgated by the Secretary under Section (A) shall further provide that Level 2 Charging Equipment or DC Fast Charging Equipment shall be eligible for incentives under this Act only if it is equipped to be compliant with generally recognized open standard protocols allowing such Level 2 Charging Equipment or DC Fast Charging Equipment to be technologically capable, without significant modification, of switching from one electric vehicle charging network to another in the event that the owner or operator of such equipment elects to do so.

(D) The regulations promulgated under Section (A) may establish additional interoperability criteria for electric vehicle supply equipment receiving incentives under this Act, which the Secretary, in his or her discretion, deems appropriate in fostering the development of a robust network of accessible and convenient electric vehicle charging stations across the nation.