

Effect:

- Removes the requirement that all costs must be displayed at the charging stations or kiosk and instead requires all costs to be displayed at point of sale and prior to a user or a vehicle initiating a charging session. Defines point of sale for purposes of the bill.
- Changes the rulemaking review to be discretionary.
- Exempts publicly available electric vehicle supply equipment provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures from the requirements of section 6.
- Clarifies certain reporting requirements.
- Identifies fees that would apply to the inspection costs of the weights and measures program at the Department of Agriculture.
- Exempts all equipment installed before 2024 from the requirements of section 9 until 2034. Removes the language setting up a 2-year review process.

1 AN ACT Relating to supporting access to electric vehicle supply
2 equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517,
3 and 46.08.185; adding new sections to chapter 19.94 RCW; prescribing
4 penalties; and providing a contingent effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 19.94.010 and 2019 c 96 s 1 are each amended to read
7 as follows:

8 (1) The definitions in this section apply throughout this chapter
9 and to any rules adopted pursuant to this chapter unless the context
10 clearly requires otherwise.

11 (a) "City" means a first-class city or a code city, as defined in
12 RCW 35A.01.035, with a population of over fifty thousand persons.

13 (b) "City sealer" means the person duly authorized by a city to
14 enforce and administer the weights and measures program within such
15 city and any duly appointed deputy sealer acting under the
16 instructions and at the direction of the city sealer.

17 (c) "Commodity in package form" means a commodity put up or
18 packaged in any manner in advance of sale in units suitable for
19 either wholesale or retail sale, exclusive, however, of an auxiliary
20 shipping container enclosing packages that individually conform to
21 the requirements of this chapter. An individual item or lot of any

1 commodity not in packaged form, but on which there is marked a
2 selling price based on established price per unit of weight or of
3 measure, shall be construed to be a commodity in package form.

4 (d) "Consumer package" or "package of consumer commodity" means a
5 commodity in package form that is customarily produced or distributed
6 for sale through retail sales agencies or instrumentalities for
7 consumption by persons, or used by persons for the purpose of
8 personal care or in the performance of services ordinarily rendered
9 in or about a household or in connection with personal possessions.

10 (e) "Cord" means the measurement of wood intended for fuel or
11 pulp purposes that is contained in a space of one hundred
12 twenty-eight cubic feet, when the wood is ranked and well stowed.

13 (f) "Department" means the department of agriculture of the state
14 of Washington.

15 (g) "Director" means the director of the department or duly
16 authorized representative acting under the instructions and at the
17 direction of the director.

18 (h) "Fish" means any waterbreathing animal, including shellfish,
19 such as, but not limited to, lobster, clam, crab, or other mollusca
20 that is prepared, processed, sold, or intended for sale.

21 (i) "Net weight" means the weight of a commodity excluding any
22 materials, substances, or items not considered to be part of such
23 commodity. Materials, substances, or items not considered to be part
24 of a commodity shall include, but are not limited to, containers,
25 conveyances, bags, wrappers, packaging materials, labels, individual
26 piece coverings, decorative accompaniments, and coupons.

27 (j) "Nonconsumer package" or "package of nonconsumer commodity"
28 means a commodity in package form other than a consumer package and
29 particularly a package designed solely for industrial or
30 institutional use or for wholesale distribution only.

31 (k) "Meat" means and shall include all animal flesh, carcasses,
32 or parts of animals, and shall also include fish, shellfish, game,
33 poultry, and meat food products of every kind and character, whether
34 fresh, frozen, cooked, cured, or processed.

35 (l) "Official seal of approval" means the seal or certificate
36 issued by the director or city sealer which indicates that a
37 secondary weights and measures standard or a weighing or measuring
38 instrument or device conforms with the specifications, tolerances,
39 and other technical requirements adopted in RCW 19.94.190.

1 (m) "Person" means any individual, receiver, administrator,
2 executor, assignee, trustee in bankruptcy, trust, estate, firm,
3 copartnership, joint venture, club, company, business trust,
4 corporation, association, society, or any group of individuals acting
5 as a unit, whether mutual, cooperative, fraternal, nonprofit, or
6 otherwise.

7 (n) "Poultry" means all fowl, domestic or wild, that is prepared,
8 processed, sold, or intended or offered for sale.

9 (o) "Service agent" means a person who for hire, award,
10 commission, or any other payment of any kind, installs, tests,
11 inspects, checks, adjusts, repairs, reconditions, or systematically
12 standardizes the graduations of a weighing or measuring instrument or
13 device.

14 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

15 (q) "Weighing or measuring instrument or device" means any
16 equipment or apparatus used commercially to establish the size,
17 quantity, capacity, count, extent, area, heaviness, or measurement of
18 quantities, things, produce, or articles for distribution or
19 consumption, that are purchased, offered or submitted for sale, hire,
20 or award on the basis of weight, measure or count, including any
21 accessory attached to or used in connection with a weighing or
22 measuring instrument or device when such accessory is so designed or
23 installed that its operation affects, or may effect, the accuracy or
24 indication of the device. This definition shall be strictly limited
25 to those weighing or measuring instruments or devices governed by
26 Handbook 44 as adopted under RCW 19.94.190.

27 (r) "Weight" means net weight as defined in this section.

28 (s) "Weights and measures" means the recognized standards or
29 units of measure used to indicate the size, quantity, capacity,
30 count, extent, area, heaviness, or measurement of any consumable
31 commodity.

32 (t) "Secondary weights and measures standard" means the physical
33 standards that are traceable to the primary standards through
34 comparisons, used by the director, a city sealer, or a service agent
35 that under specified conditions defines or represents a recognized
36 weight or measure during the inspection, adjustment, testing, or
37 systematic standardization of the graduations of any weighing or
38 measuring instrument or device.

1 (u) "Charging session" means an event starting when a user or a
2 vehicle initiates a refueling event and stops when a user or a
3 vehicle ends a refueling event.

4 (v) "Clearly marked" means, at a minimum, a sign, sticker,
5 plaque, or any other visible marker that is readable, which may
6 include standards from the Americans with disabilities act of 1990,
7 2010 standards for accessible design.

8 (w) "Common interest community" has the same meaning as defined
9 in RCW 64.90.010.

10 (x) "Direct current fast charger" means electric vehicle supply
11 equipment capable of supplying direct current electricity to a
12 vehicle fitted with the appropriate connection to support refueling
13 the vehicle's energy storage battery.

14 (y) "Electric vehicle service provider" means the entity
15 responsible for operating one or more networked or nonnetworked
16 electric vehicle supply equipment. Operating includes, but is not
17 limited to: Sending commands or messages to a networked electric
18 vehicle supply equipment; receiving commands or messages from a
19 networked electric vehicle supply equipment; or providing billing,
20 maintenance, reservations, or other services to a nonnetworked or
21 networked electric vehicle supply equipment. An electric vehicle
22 service provider may designate another entity to act as the electric
23 vehicle service provider for purposes of this chapter. A state
24 agency, an electric utility as defined in RCW 19.405.020, or a
25 municipal corporation as defined in RCW 39.69.010 is considered an
26 electric vehicle service provider when responsible for operating one
27 or more networked or nonnetworked electric vehicle supply equipment.

28 (z) "Electric vehicle supply equipment" means the unit
29 controlling the power supply to one or more vehicles during a
30 charging session including, but not limited to, level 2 electric
31 vehicle supply equipment and direct current fast chargers.

32 (aa) "Installed" means operational and made available for a
33 charging session.

34 (bb) "Kiosk" means a stand-alone physical unit that allows users
35 to pay for and initiate a charging session at one or more electric
36 vehicle supply equipment located at the same site as the kiosk.

37 (cc) "Level 2 electric vehicle supply equipment" means electric
38 vehicle supply equipment capable of supplying 208 to 240 volt
39 alternating current.

1 (dd) "Networked electric vehicle supply equipment" means electric
2 vehicle supply equipment capable of receiving and sending commands or
3 messages remotely from an electric vehicle service provider.

4 (ee) "Nonnetworked electric vehicle supply equipment" means
5 electric vehicle supply equipment incapable of receiving and sending
6 commands or messages remotely from an electric vehicle service
7 provider, including electric vehicle supply equipment with remote
8 communication capabilities that have been disabled or electric
9 vehicle supply equipment with secondary systems that provide remote
10 communication capabilities that have been installed.

11 (ff) "Publicly available electric vehicle supply equipment" means
12 electric vehicle supply equipment and associated parking space or
13 spaces designated by a property owner or lessee to be available to,
14 and accessible by, the public.

15 (2) The director shall prescribe by rule other definitions as may
16 be necessary for the implementation of this chapter.

17 NEW SECTION. Sec. 2. A new section is added to chapter 19.94
18 RCW to read as follows:

19 (1) In addition to the definition of publicly available electric
20 vehicle supply equipment provided in RCW 19.94.010 and except for the
21 applicable exemptions in section 3 of this act, electric vehicle
22 supply equipment is considered publicly available and is subject to
23 the requirements of this chapter if:

24 (a) A lessee, electric vehicle service provider, or a property
25 owner designates electric vehicle supply equipment to be available
26 only to customers or visitors of a business or charging network;

27 (b) Any member of the public can obtain vehicular access to
28 electric vehicle supply equipment and associated parking spaces
29 located in a parking garage or gated facility for free or through
30 payment of a fee; or

31 (c) The electric vehicle supply equipment and associated parking
32 spaces are made available to the public for only limited time
33 periods, then the electric vehicle supply equipment and associated
34 parking spaces are considered publicly available electric vehicle
35 supply equipment during those limited time periods only.

36 (2) The director may by rule subject additional types of electric
37 vehicle supply equipment to the requirements of this chapter to
38 benefit the public and provide protections to consumers.

1 electric vehicle service provider must disclose to the user the
2 following information at the point of sale, if applicable:

3 (a) A fee for use of the parking space;

4 (b) A nonmember plug-in fee from the electric vehicle service
5 provider;

6 (c) Price to refuel in United States dollars per kilowatt-hour or
7 megajoule;

8 (d) Any potential changes in the price to refuel, in United
9 States dollars per kilowatt-hour or megajoule, due to variable
10 pricing; and

11 (e) Any other fees charged for a charging session.

12 (2) If the charging session or portion of a charging session is
13 offered at no cost, it must be disclosed at the location where the
14 charging session is initiated and prior to a user or a vehicle
15 initiating a charging session.

16 (3) For the purpose of this section, "point of sale" means the
17 location where the charging session and associated commercial
18 transaction is initiated including, but not limited to, electric
19 vehicle supply equipment or kiosk used to service that electric
20 vehicle supply equipment.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.94
22 RCW to read as follows:

23 (1) By July 1, 2022, the department, in consultation with the
24 department of commerce and the Washington utilities and
25 transportation commission, must adopt rules requiring all electric
26 vehicle service providers make available multiple payment methods at
27 all publicly available level 2 electric vehicle supply equipment or
28 direct current fast charger electric vehicle supply equipment
29 installed in Washington and may review and, if necessary, amend the
30 rules every two years, to maintain consistency with evolving
31 technology. At a minimum, the rules must include:

32 (a) Deadlines for electric vehicle service provider compliance
33 for publicly available level 2 electric vehicle supply equipment and
34 direct current fast charger electric vehicle supply equipment
35 installed prior to a specific date;

36 (b) Deadlines for electric vehicle service provider compliance
37 for publicly available level 2 electric vehicle supply equipment and
38 direct current fast charger electric vehicle supply equipment
39 installed on or after a specific date;

1 (c) Minimum required payment methods that are convenient and
2 reasonably support access for all current and future users at
3 publicly available level 2 electric vehicle supply equipment or
4 direct current fast charger electric vehicle supply equipment
5 installed in Washington. Payment methods may include, but are not
6 limited to:

7 (i) A credit card reader device physically located on either the
8 electric vehicle supply equipment unit or a kiosk used to service
9 that electric vehicle supply equipment;

10 (ii) A toll-free number on each electric vehicle supply equipment
11 and kiosk used to service that electric vehicle supply equipment that
12 provides the user with the option to initiate a charging session and
13 submit payment at any time that the electric vehicle supply equipment
14 is operational and publicly available;

15 (iii) A mobile payment option used to initiate a charging
16 session;

17 (d) Means for conducting a charging session in languages other
18 than English;

19 (e) Means for facilitating charging sessions for consumers who
20 are unbanked, underbanked, or low-moderate income, such as accepting
21 prepaid cards through a card reader device.

22 (2) The electric vehicle service provider may not require a
23 subscription, membership, or account or a minimum balance on an
24 account in order to initiate a charging session at electric vehicle
25 supply equipment subject to this section.

26 (3) For the purpose of this section, "mobile payment" means an
27 electronic fund transfer initiated through a mobile phone or device.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.94
29 RCW to read as follows:

30 (1) Interoperability standards provide safeguards to consumers
31 and support access to electric vehicle supply equipment. In order for
32 Washington to have reliable, accessible, and competitive markets for
33 electric vehicle supply equipment that are necessary for the movement
34 of goods and people by electric vehicles, interoperability standards
35 that align with national and international best practices or
36 standards are necessary.

37 (2) By July 1, 2022, the department, in consultation with the
38 department of commerce and the Washington utilities and
39 transportation commission, must adopt rules establishing requirements

1 for all electric vehicle service providers to, at a minimum, meet and
2 maintain nonproprietary interoperability standards for publicly
3 available level 2 electric vehicle supply equipment and direct
4 current fast charger electric vehicle supply equipment and may review
5 and, if necessary, amend the rules every two years, to maintain
6 consistency with evolving technology. The requirements shall not
7 provide that any charging provider must purchase or license
8 proprietary technology or software from any other company, and shall
9 not require that companies maintain interoperability agreements with
10 other companies.

11 (3) For the purpose of this section, "interoperability" means the
12 ability of hardware, software, or a communications network provided
13 by one party, vendor, or service provider to interact with or
14 exchange and make use of information, including payment information,
15 between hardware, software, or a communications network provided by a
16 different party, vendor, or service provider.

17 (4) The requirements of this section shall not apply to publicly
18 available electric vehicle supply equipment provided by a
19 manufacturer of electric vehicles for the exclusive use by vehicles
20 it manufactures.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.94
22 RCW to read as follows:

23 (1) This section applies to all electric vehicle service
24 providers operating one or more publicly available level 2 electric
25 vehicle supply equipment or direct current fast charger electric
26 vehicle supply equipment installed in Washington. If an electric
27 vehicle service provider also operates electric vehicle supply
28 equipment that is not available to the public, the requirements of
29 this section apply only to that electric vehicle service provider's
30 publicly available level 2 electric vehicle supply equipment or
31 direct current fast charger electric vehicle supply equipment
32 installed in Washington.

33 (2) By January 1, 2023, electric vehicle service providers must
34 report inventory and payment method information to the national
35 renewable energy laboratory, alternative fuels data center. The
36 information must be reported, at a minimum, annually and must
37 include, but is not limited to:

38 (a) Electric vehicle service provider information;

1 (b) Electric vehicle supply equipment inventory for both active
2 and retired, decommissioned, or removed electric vehicle supply
3 equipment in Washington;

4 (c) Electric vehicle supply equipment payment method information.

5 **Sec. 8.** RCW 19.94.175 and 2019 c 96 s 3 are each amended to read
6 as follows:

7 (1) Pursuant to RCW 19.94.015, the following annual registration
8 fees shall be charged for each weighing or measuring instrument or
9 device used for commercial purposes in this state:

- 10 (a) Weighing devices:
 - 11 (i) Small scales "zero to four
12 hundred pounds capacity" ... \$ 16.00
 - 13 (ii) Intermediate scales "four
14 hundred one pounds to five
15 thousand pounds capacity" .. \$ 60.00
 - 16 (iii) Large scales "over five
17 thousand pounds capacity" .. \$ 120.00
 - 18 (iv) Railroad track scales \$ 1,200.00
- 19 (b) Liquid fuel metering devices:
 - 20 (i) Motor fuel meters with flows
21 of twenty gallons or less per
22 minute \$ 16.00
 - 23 (ii) Motor fuel meters with flows
24 of more than twenty but not
25 more than one hundred fifty
26 gallons per minute \$ 50.00
 - 27 (iii) Motor fuel meters with flows
28 over one hundred fifty gallons
29 per minute \$ 75.00
- 30 (c) Liquid petroleum gas meters:
 - 31 (i) With one inch diameter or
32 smaller dispensers \$ 40.00
 - 33 (ii) With greater than one inch
34 diameter dispensers \$ 80.00
- 35 (d) Fabric meters \$ 15.00
- 36 (e) Cordage meters \$ 15.00

1 (2) The department's enforcement proceedings under this chapter
2 are subject to the requirement to provide technical assistance in
3 chapter 43.05 RCW and the administrative procedure act, chapter 34.05
4 RCW. City sealers undertaking enforcement actions must provide
5 equivalent procedures.

6 (3) In assessing the amount of a civil penalty, the department or
7 city must give due consideration to the gravity of the violation and
8 history of previous violations.

9 (4) The director must adopt rules for enforcing and carrying out
10 the purposes of this chapter including but not limited to the
11 following:

12 (a) Establishing state standards of weight, measure, or count,
13 and reasonable standards of fill for any commodity in package form;

14 (b) The establishment of technical test procedures to be
15 followed, any necessary report and record forms, and marks of
16 rejection to be used by the director and city sealers in the
17 discharge of their official duties as required by this chapter;

18 (c) The establishment of technical test procedures, reporting
19 procedures, and any necessary record and reporting forms to be used
20 by service agents when testing and inspecting instruments or devices
21 under RCW 19.94.255(3) or when otherwise installing, repairing,
22 inspecting, or standardizing the graduations of any weighing or
23 measuring instruments or devices;

24 (d) The establishment of exemptions from the marking or tagging
25 requirements of RCW 19.94.250 with respect to weighing or measuring
26 instruments or devices of such a character or size that the marking
27 or tagging would be inappropriate, impracticable, or damaging to the
28 apparatus in question;

29 (e) The establishment of exemptions from the inspection and
30 testing requirements of RCW 19.94.163 with respect to classes of
31 weighing or measuring instruments or devices found to be of such a
32 character that periodic inspection and testing is unnecessary to
33 ensure continued accuracy;

34 (f) The establishment of inspection and approval techniques, if
35 any, to be used with respect to classes of weighing or measuring
36 instruments or devices that are designed specifically to be used
37 commercially only once and then discarded, or are uniformly
38 mass-produced by means of a mold or die and are not individually
39 adjustable;

1 (g) The establishment of inspection and testing procedures to be
2 used for classes of weighing or measuring instruments or devices
3 found to be few in number, highly complex, and of such character that
4 differential or special inspection and testing is necessary,
5 including railroad track scales. The department's procedures shall
6 include requirements for the provision, maintenance, and transport of
7 any weight or measure necessary for the inspection and testing at no
8 expense to the state;

9 (h) Specifications, tolerances, and other technical requirements
10 for commercial weighing and measuring instruments or devices that
11 must be consistent with the most recent edition of the national
12 institute of standards and technology handbook 44 except where
13 modified to achieve state objectives; and

14 (i) Packaging, labeling, and method of sale of commodities that
15 must be consistent with the most recent edition of the national
16 institute of standards and technology handbook 44 and 130 (for legal
17 metrology and engine fuel quality) except where modified to achieve
18 state objectives.

19 (5) Rules adopted under this section must also include
20 specifications and tolerances for the acceptable range of accuracy
21 required of weighing or measuring instruments or devices and must be
22 designed to eliminate from use, without prejudice to weighing or
23 measuring instruments or devices that conform as closely as
24 practicable to official specifications and tolerances, those that:
25 (a) Are of such construction that they are faulty, that is, that are
26 not reasonably permanent in their adjustment or will not repeat their
27 indications correctly; or (b) facilitate the perpetration of fraud.

28 (6) Rules adopted by the director related to the sale of
29 electricity sold as a vehicle fuel and electric vehicle fueling
30 systems may be modified to achieve state objectives, reviewed, and,
31 if necessary, amended, to maintain consistency with evolving
32 technology. These rules may take effect no earlier than January 1,
33 2024. To ensure existing infrastructure may continue operating
34 without substantial equipment replacement or alteration, electric
35 vehicle supply equipment installed and placed into service before
36 January 1, 2024, is exempt from the rules of this section until
37 January 1, 2034. Electric vehicle supply equipment that is replaced
38 or retrofitted with new hardware after January 1, 2024, must be
39 considered as having been installed and placed into service after
40 January 1, 2024.

1 minute, liquid petroleum gas meters with one inch in diameter or
2 smaller dispensers, fabric meters, cordage meters, and taxi meters.

3 (b) The following are medium weighing or measuring instruments or
4 devices: Scales of four hundred one to five thousand pounds capacity,
5 liquid fuel metering devices with flows of more than twenty but not
6 more than one hundred fifty gallons per minute, and mass flow meters.

7 (c) The following are large weighing or measuring instruments or
8 devices: Liquid petroleum gas meters with greater than one inch
9 diameter dispensers, liquid fuel metering devices with flows over one
10 hundred fifty gallons per minute, and scales of more than five
11 thousand pounds capacity and scales of more than five thousand pounds
12 capacity with supplemental devices.

13 (3) The weighing or measuring instrument or device owner may
14 appeal the civil penalty.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 19.94
16 RCW to read as follows:

17 (1) An electric vehicle service provider that fails to meet the
18 requirements established under sections 4 through 6 of this act, or
19 any rule adopted pursuant to the authority granted to the department
20 under sections 4 through 6 of this act, is subject to a civil penalty
21 of \$200 per electric vehicle supply equipment for the first violation
22 and \$500 per electric vehicle supply equipment for each subsequent
23 violation within one year of the first violation.

24 (2) Moneys collected under this section must first be used to
25 cover the department's costs to enforce this section. Any remaining
26 moneys must be deposited into the electric vehicle account created in
27 RCW 82.44.200.

28 **Sec. 12.** RCW 46.08.185 and 2013 c 60 s 1 are each amended to
29 read as follows:

30 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~
31 ~~station))~~ supply equipment must be indicated by vertical signage
32 identifying the station as ~~((an))~~ publicly available electric vehicle
33 ~~((charging station))~~ supply equipment and indicating that it is only
34 for electric vehicle charging. The signage must be consistent with
35 the manual on uniform traffic control devices, as adopted by the
36 department of transportation under RCW 47.36.030, and contain the
37 information required in section 4 of this act. ~~((Additionally, the~~
38 ~~electric vehicle charging station must be indicated by green pavement~~

1 ~~markings-))~~ Supplementary signage may be posted to provide additional
2 information including, but not limited to, the amount of the monetary
3 penalty under subsection (2) of this section for parking in the
4 station while not connected to the charging equipment.

5 (2) It is a parking infraction, with a monetary penalty of one
6 hundred twenty-four dollars, for any person to park a vehicle in (~~a~~
7 ~~electric vehicle charging station provided on public or private~~
8 ~~property~~) a parking space served by publicly available electric
9 vehicle supply equipment if the vehicle is not connected to the
10 charging equipment. The parking infraction must be processed as
11 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and
12 46.20.270(~~(+3))~~) (2).

13 (3) For purposes of this section, "publicly available electric
14 vehicle (~~charging station~~" means a public or private parking space
15 ~~that is served by charging equipment that has as its primary purpose~~
16 ~~the transfer of electric energy to a battery or other energy storage~~
17 ~~device in an electric vehicle~~) supply equipment" has the same
18 meaning as provided in RCW 19.94.010 and described in sections 2 and
19 3 of this act.

20 NEW SECTION. Sec. 13. A new section is added to chapter 19.94
21 RCW to read as follows:

22 If an electric vehicle service provider sells or intends to sell
23 consumer data collected during or associated with a charging session,
24 the electric vehicle service provider shall disclose all types of
25 data collected to the consumer.

26 NEW SECTION. Sec. 14. Section 13 of this act takes effect only
27 if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is
28 not enacted by June 30, 2021.

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