ATTACHMENT A

FINAL REGULATION ORDER

Adopt new sections 2360, 2360.1, 2360.2, 2360.3, 2360.4 and 2360.5 in new Chapter 8.3 of Division 3, Title 13, California Code of Regulations, to read as follows:

(Note: The chapter title and entire text of sections 2360, 2360.1, 2360.2, 2360.3, 2360.4 and 2360.5 set forth below is new language in "normal type" proposed to be added to the California Code of Regulations.)

Chapter 8.3. Electric Vehicle Supply Equipment Standards

§ **2360. Applicability.**

(a) This chapter applies to all Electric Vehicle Service Providers (EVSPs) operating one or more publicly available Level 2 or Direct Current Fast Charger (DCFC) Electric Vehicle Supply Equipment (EVSE) installed in California. If an EVSP also operates EVSE that are not publicly available, the requirements of this chapter apply only to that EVSP's publicly available Level 2 or DCFC EVSE installed in California.

(b) For the purposes of this chapter, the following definitions shall apply:

"Charging session" means an event starting when a user or a vehicle initiates a refueling event and stops when a user or a vehicle ends a refueling event.

"Clearly marked" means a sign, sticker, plaque or any other visible marker that is readable and indicates if the EVSE is available for private or public use.

"Common interest development" means a residential community apartment project, a residential condominium project, a residential planned development, or a residential stock cooperative.

"Direct Current Fast Charger (DCFC or DCFC EVSE)" means an EVSE capable of supplying direct current (DC) electricity to a vehicle fitted with the appropriate connection to support refueling the vehicle's energy storage battery.

"Electric Vehicle Service Provider (EVSP)" means the entity responsible for operating one or more networked or non-networked EVSE. Operating includes, but is not limited to, sending commands or messages to a networked EVSE; receiving commands or messages from a networked EVSE; or providing billing, maintenance, reservations, or other services to a non-networked or networked

EVSE. An EVSP may designate another entity to act as the EVSP for purposes of this chapter.

“Electric Vehicle Supply Equipment (EVSE)” means the unit controlling the power supply to one or more vehicles during a charging session.

“Installed” means the date the EVSE is first available for use by the public for a charging session.

“Kiosk” means a standalone physical unit that allows users to pay for and start a charging session at one or more EVSE located at the same site as the kiosk.

“Level 2 Electric Vehicle Supply Equipment (Level 2 EVSE)” means an EVSE capable of supplying 208 to 240 Volt alternating current (AC), single phase electricity to a vehicle fitted with an on-board charger that can accept and convert that AC electricity into DC electricity to refuel the vehicle’s energy storage battery.

“Mobile payment device” means hardware that enables a driver to complete a payment from a mobile phone via contactless payment.

“Networked Electric Vehicle Supply Equipment (Networked EVSE)” means an EVSE capable of receiving and sending commands or messages remotely from an EVSP.

“Non-networked Electric Vehicle Supply Equipment (Non-networked EVSE)” means an EVSE incapable of receiving and sending commands or messages remotely from an EVSP.

“Payment Card Industry Data Security Standard Level 1 (PCI-DSS Level 1)” means payment card information data security standards consistent with “Payment Card Industry (PCI) Data Security Standard - Requirements and Security Assessment Procedures” published by PCI Security Standards Council (Version 3.2.1, May 2018), which is incorporated by reference herein.

“Publicly available Electric Vehicle Supply Equipment (publicly available EVSE, publicly available DCFC EVSE, or publicly available Level 2 EVSE)” means an EVSE and associated parking space or spaces designated by a property owner or lessee to be available to, and accessible by, the public for any period of time. An EVSE designated by a lessee or a property owner to be available only to customers or visitors of the business is a publicly available EVSE for purposes of this chapter. EVSE and associated parking spaces located in parking garages or gated facilities are considered publicly available for purposes of this chapter if any member of the public can obtain vehicular access to the facility for free or through payment of a fee.

If an EVSE and associated parking space is made available to the public for only limited time periods, that EVSE and associated parking space is considered a publicly available EVSE during those limited time periods only, and must comply with this chapter during those limited time periods.

A publicly available EVSE does not include:

(i) A workplace EVSE and its associated parking space if it is clearly marked and operated as available exclusively to employees or contracted drivers. For the purposes of this chapter, "contracted drivers" includes participating drivers, as that term is defined in Public Utilities Code section 5431, regardless of the physical accessibility of the EVSE to the public;

(ii) An EVSE and associated parking spaces reserved exclusively to residents, tenants, visitors, or employees of a private residence or common interest development; or a residential building adjacent to a private residence; or

(iii) An EVSE provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.

"Radio-Frequency Identification (RFID) card" means a card that communicates with a reader through radio-frequency electromagnetic fields and is capable of transmitting payment information.

"Replaced" means that the EVSE has been substantially modified or substituted with another unit, as indicated by a change in the serial number, EVSE ID or the model name of the EVSE.

"Service provider application" means a mobile phone downloadable software package that connects users to an EVSP and enables users to begin, end, and pay for charging sessions.

"Station ID" means the physical site, typically identified by a street address, at which one or more EVSE are located.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 44268 and 44268.2**,** Health and Safety Code.

§ 2360.1. Requirements for Labeling Electric Vehicle Supply Equipment.

(a) Applicability. The requirements of this section apply to all EVSPs operating one or more publicly available Level 2 or DCFC EVSE installed in California.

(b) DCFC EVSE labeling deadline. By January 1, 2022, the EVSP shall install and maintain, for each publicly available DCFC EVSE that is operated by the EVSP, a label that complies with 16 CFR Part 309, Subpart B – Requirements for Alternative Fuels, Subject group 31 § 309.17 a(3) (as amended April 23, 2013).

(c) Level 2 EVSE labeling deadline. By July 1, 2023, the EVSP shall install and maintain, for each publicly available Level 2 EVSE that is operated by the EVSP, a label that complies with 16 CFR Part 309, Subpart B – Requirements for Alternative Fuels, Subject group 31 § 309.17 a(3) (as amended April 23, 2013).

(d) At a minimum, if the EVSE requires payment for use, the EVSP shall disclose to the user the following information at the point of sale, if applicable:

(1) A fee for use of the parking space.

(2) A nonmember plug-in fee from the EVSP.

(3) Price to refuel in U.S. dollars per kilowatt-hour or megajoule.

(4) Any potential changes in the price to refuel, in U.S. dollars per kilowatt-hour or megajoule, due to variable pricing. This may be specified as a range of prices, in U.S. dollars per kilowatt-hour or megajoule.

(5) Any other fees charged for a refueling session.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 44268 and 44268.2**,** Health and Safety Code.

§ 2360.2. Payment Method Requirements for Electric Vehicle Supply Equipment.

(a) Applicability. The requirements of this section apply to publicly available EVSE installed in California that require payment.

(b) The EVSP shall ensure that each EVSE subject to this section that it operates complies with the requirements of this section.

(c) Compliance deadlines.

(1) DCFC EVSE compliance deadline. A DCFC EVSE installed on or after January 1, 2022, shall comply with the requirements of this section. A DCFC EVSE installed prior to January 1, 2022, shall comply with the requirements of this section when the EVSE is replaced but in no case later than July 1, 2033.

(2) Level 2 EVSE compliance deadline. A Level 2 EVSE installed on or after July 1, 2023, shall comply with the requirements of this section. A Level 2 EVSE installed prior to July 1, 2023, shall comply with the requirements of this section when the EVSE is replaced but in no case later than July 1, 2033.

(d) All EVSE subject to this section shall have a credit card reader device physically located on either the EVSE unit or a kiosk used to service that EVSE. The credit card reader device shall comply with all of the following requirements:

(1) The credit card reader device shall accept, at a minimum, the Euro MasterCard Visa (EMV) chip and, at a minimum, one of the following credit card types: Visa, MasterCard, or American Express.

(2) The credit card reader device shall be non-locking and shall always permit customers to remove their credit card without damage to the card, including during a fault situation or power failure.

(3) The credit card reader device shall comply with PCI – DSS Level 1.

(e) All EVSE subject to this section shall have a mobile payment device physically located on the EVSE or kiosk used to service that EVSE.

(f) The EVSP shall provide and display a toll-free number on each EVSE or kiosk used to service that EVSE that provides the user with the option to initiate a charging session and submit payment at any time that the EVSE is operational and publicly available.

(g) The EVSP shall not require a subscription or membership in order to initiate a charging session for an EVSE subject to this section.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 44268 and 44268.2**,** Health and Safety Code.

§ 2360.3. Facilitating Roaming Agreements.

(a) Applicability. This section applies to ESVPs operating one or more networked EVSE installed in California.

(b) No later than July 1, 2021, the EVSP shall meet, at a minimum, and maintain the "California Open Charge Point Interface Interim Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes," adopted April 15, 2020, and incorporated by reference herein, for each applicable EVSE. This does not preclude the additional use of other communication protocols.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 44268 and 44268.2**,** Health and Safety Code.

§ 2360.4. Reporting for Electric Vehicle Service Providers.

(a) Applicability. The requirements of this section apply to all EVSPs operating or intending to operate one or more publicly available Level 2 or DCFC EVSE installed in California.

(b) Initial reporting deadline for existing EVSPs. No later than August 15, 2020, the EVSP shall collect and submit the following information to the Executive Officer:

(1) Initial EVSP contact information as specified in subsection (g).

(2) An EVSE model certification, as specified in subsection (h), for each EVSE model operated in California.

(3) EVSE inventory as specified in subsection (i). For this initial inventory report, the EVSP may omit information that it has not collected in the past if that information could not be reasonably obtained within the past 45 days.

(c) Initial reporting deadline for new EVSPs. If an EVSP intends to operate one or more publicly available Level 2 or DCFC EVSE installed in California on or after July 1, 2020, then that EVSP shall collect and submit the following information to the Executive Officer at least 45 days before installation of any EVSE in California:

(1) Initial contact information as specified in subsection (g).

(2) An EVSE model certification, as specified in subsection (h), for each EVSE model that the EVSP intends to install in California within the next 45 days.

(d) Reporting deadline for new EVSE models. If an EVSP intends to operate a new, unique EVSE model in California on or after July 1, 2020, then that EVSP shall collect and submit initial contact information to the Executive Officer as specified in subsection (g) at least 45 days prior to installation of that EVSE model in California.

(e) Annual reporting deadline for all EVSPs. On or before March 1 of each year, the designated contact for the EVSP shall collect and submit to the Executive Officer annual EVSE inventory information for the prior calendar year, as specified in subsection (i). If the EVSP operates one or more EVSE that require payment for use, the designated contact for the EVSP shall also collect and submit to the Executive Officer annual EVSE payment information for the prior calendar year, as specified in subsection (j). The first annual report is due March 1, 2022. For example, an EVSP must submit information no later than March 1, 2022, for EVSE that it operated between January 1, 2021, and December 31, 2021.

(f) Information updates. Any EVSP reporting under this subsection shall update its initial contact information and EVSE model certification within 45 days of any changes to that information.

(g) Initial EVSP contact information. The initial EVSP contact information reported by the EVSP shall include all of the following information:

(1) EVSP company name.

(2) Website for EVSP.

(3) Name of designated contact person.

(4) Email of designated contact person.

(5) Phone number of designated contact person.

(6) Mailing address of designated contact person.

(h) EVSE model certification. The EVSE model certification reported by the EVSP shall include all of the following information, for each EVSE model:

(1) Manufacturer name and model number.

(2) Type of EVSE (Level 2 or DCFC EVSE).

(3) Nominal voltage, current supported (amps), power supported (kilowatts).

(4) Number of ports.

(5) Number of connectors and connector standard.

(6) Type of payment devices installed.

(7) Manufacturer website.

(8) EVSP toll-free number or numbers displayed on the EVSE model.

(9) EVSE model photos: front, back, payment hardware, fee display (if display is multiple pages, include photos of complete information).

(10) Kiosk model photos: front, back, payment hardware, fee display (if display is multiple pages, include photos of complete information), if applicable.

(i) Annual EVSE inventory. The annual EVSE inventory report filed by the EVSP shall include all of the following information, broken down per publicly available EVSE operated by the EVSP in California:

(1) New EVSE installations in California in the reporting period:

(A) Station ID.

(B) Station Name.

(C) EVSE ID or serial number.

(D) Station Address.

(E) Geographic coordinates of the station (e.g., Latitude: 50.770774, Longitude: -126.104965).

(F) Model of EVSE.

(2) Listing of retired, decommissioned, or removed EVSE in California during the reporting period:

(A) Station ID.

(B) Station Name.

(C) EVSE ID or serial number.

(D) Station Address.

(E) Geographic coordinates of the station (e.g., Latitude: 50.770774, Longitude: -126.104965).

(F) Model of EVSE.

(j) Annual EVSE payment information for EVSE installed in California that require payment. The annual EVSE payment report filed by the EVSP shall include all of the following information, reported in statewide aggregated numbers:

(1) Total number of charging sessions started with a credit card.

(2) Total number of charging sessions started with a mobile payment.

(3) Total number of charging sessions started with a toll-free number.

(4) Total number of charging sessions started with a membership RFID card.

(5) Total number of charging sessions started with a service provider application.

(6) Total number of charging sessions with other methods of payment, including sessions that did not require payment.

(k) Reporting to the National Renewable Energy Laboratory (NREL) Alternative Fuels Data Center (AFDC):

(1) No later than six months after July 1, 2020, and thereafter at least once per month if there are any changes, each EVSP shall report to NREL in accordance with this subsection.

(2) For any EVSE decommissioned since the last report, the EVSP shall report the date the EVSE was decommissioned. For any EVSE no longer operated by the EVSP since the last report, the EVSP shall report the date the EVSP ceased operating the EVSE.

(3) The EVSP shall ensure that its data reported to NREL matches corresponding data reported to the Executive Officer in its annual EVSE inventory and usage information report.

(4) The data reported by the EVSP shall include all of the following, broken down per publicly available EVSE operated by the EVSP in California:

(A) Station ID.

(B) Station Name.

(C) Phone number to call if a user has problems at the station.

(D) Access type (e.g., private, private – government only, private – residential, public, public – limited hours, public – call-ahead, public – card key at all times, public – credit card at all times (no membership requirement)).

(E) Access Days/Times – hours of public operation for the station.

(F) Station Type – Primary customer the station is intended to serve (e.g., multi-unit dwelling, workplace, fleet, transportation network company, public).

(G) Payment Methods – list of payment methods accepted at the station.

(H) Payment Actions – list of how a user pays with their payment method at the station.

(I) Geographic coordinates of the station (e.g., Latitude: 50.770774, Longitude: -126.104965).

(J) Network – the network service provider (EVSP) of the station.

(K) Pricing information (e.g., $/kWh (kilowatt-hour), $/MJ (megajoule), demand response, variable, non-member fee, parking fee).

(L) Open Date – date station was first in service.

(M) Address – Country, State, Postal Code, City, Street Address, Directions.

(N) EVSE ID – a unique identifier for the EVSE within the network provided by the EVSP.

(O) Geographic coordinates of the EVSE (e.g., Latitude: 50.770774, Longitude: -126.104965).

(P) Manufacturer of EVSE.

(Q) Model of EVSE.

(R) Serial Number of EVSE.

(S) Power Sharing capabilities of EVSE - if this EVSE has multiple ports does it distribute power among all ports in use.

(T) Port ID – a unique identifier for each port, unique within the context of the EVSP servicing the EVSE.

(U) Level – classification of the port which indicates the rate of the battery refuel (e.g., AC Level 2 (3.3kW – 22kW), DC Fast (23kW+)).

(V) Connectors – connector types available at the EVSE to connect to the vehicle (e.g., SAE J1772, J1772 Combo, CHAdeMO).

(l) Confidential business information. If the EVSP believes any information required to be reported under this section is confidential business information, the EVSP shall prominently label the specific information considered to be confidential, and shall include an explanation for why the EVSP believes the identified information is confidential. All documents (including spreadsheets and other items not in a standard document format) designated as containing confidential business information also must prominently display the phrase “Contains Confidential Business Information” above the main document title and in a running header. All information reported and not identified as confidential business information is subject to public disclosure pursuant to California Code of Regulations, title 17, sections 91000 through 91022, and the California Public Records Act (Gov. Code, § 6250 et seq.). The Board may also

disclose information claimed by the applicant to be confidential as required by law.

(m) The EVSP shall submit the initial EVSP contact information, EVSE model certification, annual EVSE inventory and usage information, as well as any subsequent updates to that information, electronically via email to EVSE@arb.ca.gov, unless the Executive Officer has approved in writing another format.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 44268 and 44268.2**,** Health and Safety Code.

§ 2360.5. Civil Penalty Schedule.

(a) An EVSP cited for any violation of section 2360.1 is subject to a $300 penalty if the EVSP submits a demonstration of correction and pays the assessed penalty within 45 days of personal or certified mail receipt of the citation.

(b) An EVSP cited for any violation of section 2360.2 is subject to a $600 penalty if the EVSP submits a demonstration of correction and pays the assessed penalty within 45 days of personal or certified mail receipt of the citation.

(c) An EVSP cited for any violation of section 2360.4 is subject to a $600 penalty if the EVSP submits a demonstration of correction and pays the assessed penalty within 45 days of personal or certified mail receipt of the citation.

(d) An EVSP cited for any violation of section 2360.3 is subject to a $1,000 penalty if the EVSP submits a demonstration of correction and pays the assessed penalty within 45 days of personal or certified mail receipt of the citation.

(e) If an EVSP cited for any violation of this chapter fails to correct the cited violation within 45 days of personal or certified mail receipt of the citation, that EVSP is subject to an additional penalty of $1,000 per 45-day period that elapses before the cited violation is corrected, up to a maximum of $37,500.

(f) The penalties in this section apply per EVSE or per kiosk, as applicable.

(g) The Executive Officer shall annually adjust all penalties specified in this section for inflation based on the California Consumer Price Index, beginning July 1, 2021.

NOTE: Authority cited: Sections 39600, 39601 and 44268.2, Health and Safety Code. Reference: Sections 43016, 44268 and 44268.2**,** Health and Safety Code.