CHAPTER 441

AN ACT concerning certain electric public utility service rates and supplementing Title 48 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.48:7-6.1 Definitions; vehicle charging; residential rate for residential customer.

1. a. As used in this section:

"Designated parking space" means a parking space that is specifically designated for use by a resident of any premises intended for residential occupancy, including, but not limited to, a garage or other parking space located at the resident's premises or upon the premises of the planned real estate development where the resident resides and that is intended for a specific resident's exclusive use.

"Electric public utility" shall have the same meaning as provided in section 3 of P.L.1999, c.23 (C.48:3-51).

"Electric vehicle charging station" means a station that is installed in compliance with the State Uniform Construction Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

"Planned real estate development" or "development" means any real property situated within the State, whether contiguous or not, which consists of, or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, which are offered or disposed of pursuant to a common promotional plan, and which provide for common or shared elements or interests in real property, including, but not limited to, property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners' association, housing cooperative, or community trust or other trust device. "Planned real estate development" shall not include or apply to any form of timesharing.

"Point of utility delivery" means the point at which an electric public utility's electrical equipment or conductors connects to a customer's electrical equipment or conductors.

"Residential unit owner" means the owner of record of a residential dwelling unit located within a planned real estate development, or, in the case of a cooperative housing corporation, a shareholder of record owning the shares appurtenant to an individual residential dwelling unit. "Residential unit owner" shall not mean the owner of a commercial unit, space, or interest located within a planned real estate development.

b. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, an electric public utility shall charge a residential rate for service delivered to an electric public utility residential customer of record if the residential customer is a residential unit owner who uses an electric vehicle charging station at a designated parking space located at the residential customer's premises or upon the premises of the planned real estate development where the residential unit owner resides.

c. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, an electric public utility shall not charge greater than a residential rate, or greater than an equivalent electricity rate or load management program that is offered by an electric public utility specifically for residential electric vehicle charging, for service delivered to a planned real estate development for the use of an electric vehicle charging station which is located upon the premises of the planned real estate development and is intended for the use of a specific residential unit owner in a planned real estate development. Notwithstanding the provisions

of this subsection, in the event that the planned real estate development has a contract for the purchase of electric commodity service from a party other than the electric public utility serving the planned real estate development, the distribution charges, inclusive of demand charges and load management programs that are offered by the electric public utility, shall be comparable to those offered by the electric public utility to residential customers receiving basic generation service.

d. Nothing in subsection b. of this section shall prevent a planned real estate development that has installed an electric vehicle charging station from setting the price of the sale of electricity for the use of its electric vehicle charging equipment provided as a service pursuant to section 10 of P.L.2019, c.362 (C.48:25-10).

e. An electric public utility, upon the request of an applicant for electric service at a planned real estate development, shall install, up to the point of utility delivery, any distribution infrastructure necessary to facilitate the future installation of an electric vehicle charging station that provides Level 2 charging capability, under rates, terms and conditions as established by the board. Any prudent costs incurred by the electric public utility shall be deemed consistent with the provisions of R.S.48:2-27 governing the extension of public utility facilities, subject to any maximum cost as may be established by the board. The electric public utility shall be entitled to full and timely recovery of all such prudently incurred costs, provided that the cost of any electric vehicle charging station or installation thereof is not included.

2. This act shall take effect immediately, but shall remain inoperative for 120 days following the date of enactment.

Approved January 18, 2022.