

CHAPTER 278

AN ACT concerning electric vehicle charging station incentive programs and amending and supplementing P.L.2019, c.362.

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

1. Section 2 of P.L.2019, c.362 (C.48:25-2) is amended to read as follows:

C.48:25-2 Definitions relative to the use of electric plug-in vehicles.

2. As used in sections 1 through 11 of P.L.2019, c.362 (C.48:25-1 et seq.) and section 2 of P.L.2023, c.278 (C.48:25-12):

"Board" means the Board of Public Utilities.

"Charger ready" means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of electric vehicle service equipment, including, but not limited to, Level Two EVSE and DC Fast Chargers.

"Charging location" means a publicly accessible parking space or set of parking spaces, with visible signage designating that the parking space or parking spaces are available for use by the public for charging plug-in electric vehicles.

"Community location" means a charging location that is not a corridor location, and that is established in a town center, commercial area, retail center, or near concentrations of multi-family dwellings, to provide vehicle charging services to local plug-in electric vehicle drivers near where they live and work.

"Corridor location" means a charging location located along a travel corridor roadway, or within one mile of that roadway, which is intended to provide access to vehicle charging services for long distance drivers and en route vehicle charging services for local drivers.

"DC Fast Charger" means EVSE that provides at least 50 kilowatts of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards, and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

"Department" means the Department of Environmental Protection.

"Downtime" means any period of time during which the hardware or software used to facilitate the functional operation of EVSE, or both, are offline and not available for use, and during which the EVSE is, consequently, unable to successfully dispense electricity, as expected.

"Electric vehicle service equipment" or "EVSE" means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or direct current electricity consistent with fast charging equipment standards.

"Fast charging equipment standards" means standards for high power direct current charging, based on the CHAdeMO standard and the Society of Automotive Engineers Combined Charging Standard (CCS), or other non-proprietary standards as may be approved by the board in the future.

"Eligible vehicle" means a new light duty plug-in electric vehicle, with an MSRP of below \$55,000, purchased or leased after the effective date of P.L.2019, c.362 (C.48:25-1 et al.) and registered in New Jersey.

"Exempted downtime" means any period of EVSE downtime that results from factors outside the EVSE operator's control, including, but not limited to, any period of EVSE downtime resulting from an electricity utility service interruption, from an Internet or cellular provider

service interruption, or from a service outage or interruption caused by a vehicle, provided that the EVSE operator can demonstrate that the EVSE would otherwise be operational.

"In-home electric vehicle service equipment" means electric vehicle service equipment used in a person's home to charge a plug-in electric vehicle.

"Incentivized EVSE" means electric vehicle service equipment that is installed, on or after the effective date of P.L.2023, c.278 (C.48:25-12 et al.), using any State or federal funding, or pursuant to an EVSE installation incentive authorized under P.L.2019, c.362 (C.48:25-1 et seq.) or any other State law.

"Level One EVSE" means EVSE that provides single phase 120V AC electricity, presented as either a standard wall plug into which the charging cord provided with a plug-in electric vehicle can be connected, or an EVSE with a standard vehicle plug connector that complies with SAE J1772, or an equivalent standard for 120V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

"Level Two EVSE" means EVSE that provides a plug-in electric vehicle with single phase alternating current electrical power at 208-240V AC, through a standardized plug connector that complies with SAE J1772 standards, or an equivalent wireless power transfer interface, or equivalent standards for 08-240V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or an equivalent certifying organization.

"Light duty vehicle" means any two-axle, four-wheel vehicle, designed primarily for passenger travel or light duty commercial use, and approved for travel on public roads. "Light duty vehicle" includes, but is not limited to, any vehicle commonly referred to as a car, minivan, sport utility vehicle, cross-over, or pick-up truck.

"Low-income, urban, or environmental justice community" means a community: (1) in which at least one half of the households are at or below twice the poverty threshold as determined annually by the United States Census Bureau; (2) that is urban, as determined by the Department of Community Affairs, due to the population and development density in the community; or (3) that has been burdened with environmental justice issues, as determined by the department, including, but not limited to, exposure to high levels of air pollution, close proximity to major industrial facilities or hazardous waste sites, or other environmental hazards.

"MSRP" means the published manufacturer's suggested retail price, as set by a vehicle's manufacturer, at the time of sale or lease.

"National Electric Vehicle Infrastructure Formula Program" or "NEVI Formula Program" means the federal program, established pursuant to the "Infrastructure Investment and Jobs Act" (IIJA), Pub.L.117-58, and pursuant to which the Federal Highway Administration is authorized to provide funding to the states to facilitate the strategic, nationwide deployment of electric vehicle infrastructure and the related establishment of an interconnected, interstate network that is designed to facilitate data collection, access, and reliability in association with the increased use of electric vehicles and electric vehicle infrastructure across the nation.

"Plug-in electric vehicle" means a vehicle that has a battery or equivalent energy storage device that can be charged from an electricity supply external to the vehicle with an electric plug. "Plug-in electric vehicle" includes a plug-in hybrid vehicle.

"Plug-in hybrid vehicle" means a vehicle that can be charged from a source of electricity external to the vehicle through an electric plug, but is not exclusively powered by electricity.

"Routine charging" means vehicle charging that takes place where a vehicle is parked for a long period of time, such as at the owner's residence overnight, a hotel, or a workplace during work hours, and which provides the primary and most common form of vehicle charging.

"Seller or lessor of an eligible vehicle" means an entity that is licensed to sell or lease an eligible vehicle to a consumer or fleet owner in the State.

"Site-wide basis" means the average site-wide uptime status of all incentivized EVSE that has been installed, at the same site of operations, on or after the effective date of P.L.2023, c.278 (C.48:25-12 et al.).

"State agency" means any of the principal departments in the Executive Branch of State Government, any division, board, bureau, office, commission, or other instrumentality thereof, and any independent State authority, commission, instrumentality, or agency.

"Travel corridor" means heavily used public roads in the State, as designated by the department, which shall include, but need not be limited to, the Garden State Parkway, the New Jersey Turnpike, the Atlantic City Expressway, federal interstate highways, and the subset of federal or State roads which collectively support the majority of long distance travel through and within the State as well as the majority of daily travel by local drivers.

"Uptime" means the period of time during which the hardware and software used to facilitate the functional operation of EVSE are both online and are both in use or available for use, and during which period of time the EVSE is capable of successfully dispensing electricity, as expected.

C.48:25-12 State agency, incentives, installation of electric vehicle service equipment, requirements.

2. a. The Board of Public Utilities, the Department of Environmental Protection, the Department of Transportation, and any other State agency that offers an incentive for the installation of electric vehicle service equipment, pursuant to P.L.2019, c.362 (C.48:25-1 et seq.) or any other State law, shall:

(1) require, as a condition of providing any such incentive, that the electric vehicle service equipment subject to such incentive, together with all other incentivized EVSE installed at the same site, remains operational at least 97 percent of the time, not including any period of exempted downtime, and except as otherwise provided by paragraph (2) of this subsection, as calculated on an annual and site-wide basis; and

(2) regularly review the site-wide uptime requirement established pursuant to paragraph (1) of this subsection, on at least a biennial basis, in order to ensure that it is consistent with the minimum uptime requirement applicable to federal funding recipients under the NEVI Formula Program. Whenever a State agency determines that the minimum uptime requirement established for recipients of State agency incentive funding, pursuant to paragraph (1) of this subsection, is inconsistent with the minimum uptime requirement being applied to recipients of federal funding under the NEVI Formula Program, the State agency shall take appropriate action to revise the site-wide State-level uptime requirement, established pursuant to this subsection, as necessary to ensure that it comports with the comparable federal NEVI Formula Program requirement.

b. Each State agency subject to this section shall develop and implement a system to monitor compliance with, and enforce, the site-wide uptime requirement established, for incentivized EVSE, pursuant to subsection a. of this section.

c. When reviewing or modifying the site-wide uptime requirement established pursuant to subsection a. of this section, and when developing and implementing the compliance monitoring and enforcement system required by subsection b. of this section, each State agency

shall engage in a comprehensive and public stakeholder engagement process and shall review and consider the most recent standards, guidelines, and requirements related to EVSE uptime, downtime, and exempted downtime, which are applicable to federal funding recipients under the NEVI Formula Program.

d. The site-wide uptime requirement established pursuant to subsection a. of this section shall apply to any EVSE that is the subject of an EVSE incentive provided by a State agency, pursuant to P.L.2019, c.362 (C.48:25-1 et seq.) or any other State law, and which is installed at the site of operations either on or after the effective date of P.L.2023, c.278 (C.48:25-12 et al.). Nothing in this section shall be deemed to require the site-wide uptime calculation performed pursuant to subsection a. of this section to include the uptime status of any EVSE installed prior to the effective date of P.L.2023, c.278 (C.48:25-12 et al.).

e. State agencies shall ensure Statewide consistency for any standards, guidelines, and requirements established pursuant to P.L.2023, c.278 (C.48:25-12 et al.).

3. This act shall take effect immediately.

Approved January 16, 2024.