

[Third Reprint]

ASSEMBLY, No. 2360

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

**Assemblymen Bergen, Calabrese, Assemblywomen Vainieri Huttle,
Downey, Assemblyman Houghtaling and Assemblywoman Swain**

SYNOPSIS

Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces.

CURRENT VERSION OF TEXT

As amended by the Senate on December 20, 2021.

(Sponsorship Updated As Of: 1/10/2022)

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. As used in this section:

8 “Designated parking space” means a parking space that is
9 specifically designated for use by a ¹**[particular residential unit**
10 **owner]** resident of any premises intended for residential
11 occupancy¹, including, but not limited to, a garage ¹**[**, a deeded
12 parking space, and a **]** or other¹ parking space ¹**[**in a limited
13 common element that is restricted for use by one or more residential
14 unit owners **]** located at the resident’s premises or upon the premises
15 of the planned real estate development where the resident resides¹
16 ²and that is intended for a specific resident’s exclusive use^{2 3}**[;]** ³.

17 “Electric public utility” shall have the same meaning as provided
18 in section 3 of P.L.1999, c.23 (C.48:3-51) ³**[;]** ³.

19 “Electric vehicle charging station” means a station that is
20 ²**[designed]** installed² in compliance with the State Uniform
21 Construction Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-
22 119 et seq.), that delivers electricity from a source outside an
23 electric vehicle into one or more electric vehicles. An electric
24 vehicle charging station may include several charge points
25 simultaneously connecting several electric vehicles to the station
26 and any related equipment needed to facilitate charging plug-in
27 electric vehicles ³**[;]** ³.

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

39 ³“Point of utility delivery” means the point at which an electric
40 public utility’s electrical equipment or conductors connects to a
41 customer’s electrical equipment or conductors.³

42 “Residential unit owner” means the owner of record of a
43 residential dwelling unit located within a planned real estate
44 development, or, in the case of a cooperative housing corporation, a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATU committee amendments adopted December 10, 2020.

²Assembly floor amendments adopted May 20, 2021.

³Senate floor amendments adopted December 20, 2021.

1 shareholder of record owning the shares appurtenant to an
2 individual residential dwelling unit. “Residential unit owner” shall
3 not mean the owner of a commercial unit, space, or interest located
4 within a planned real estate development.

5 b. Notwithstanding the provisions of any law, rule, regulation,
6 or order to the contrary, an electric public utility shall charge a
7 residential rate for service delivered to ¹[a] an electric public utility
8 residential¹ customer of record if the ¹residential¹ customer ¹[is a
9 residential unit owner within a planned real estate development
10 who]¹ ³is a residential unit owner who³ uses an electric vehicle
11 charging station at a designated parking space ¹[within that
12 development. That customer shall be prohibited from selling
13 electricity in any capacity from the electric vehicle charging station
14 at that designated parking space within that development] located at
15 the residential customer’s premises or upon the premises of the
16 planned real estate development where the ³[resident] residential
17 unit owner³ resides.

18 c. Notwithstanding the provisions of any law, rule, regulation,
19 or order to the contrary, an electric public utility shall not charge
20 greater than a residential rate ², or greater than an equivalent
21 electricity rate or load management program that is offered by an
22 electric public utility specifically for residential electric vehicle
23 charging,² for service delivered to a planned real estate
24 development for the use of an electric vehicle charging station
25 which is located upon the premises of the planned real estate
26 development and is intended for the use of ²[the] a specific
27 ³[resident] residential unit owner³ in² a planned real estate
28 ²[development’s residents] development². Notwithstanding the
29 provisions of this subsection, in the event that the planned real
30 estate development has a contract for the purchase of ³[electricity]
31 electric commodity service³ from a party other than the electric
32 public utility serving the planned real estate development, ³the
33 distribution charges, inclusive of demand charges and load
34 management programs that are offered by³ the electric public utility
35 ³[may charge the planned real estate development the agreed upon
36 rate¹], shall be comparable to those offered by the electric public
37 utility to residential customers receiving basic generation service³.

38 ²d. Nothing in subsection b ³.³ of this section shall prevent a
39 ³planned real estate³ development that has installed an electric
40 vehicle charging station from setting the price of the sale of
41 electricity for the use of its electric vehicle charging equipment
42 provided as a service pursuant to section 10 of P.L.2019, c.362
43 (C.48:25-10).²

44 ³e. An electric public utility, upon the request of an applicant for
45 electric service at a planned real estate development, shall install,
46 up to the point of utility delivery, any distribution infrastructure

1 necessary to facilitate the future installation of an electric vehicle
2 charging station that provides Level 2 charging capability, under
3 rates, terms and conditions as established by the board. Any
4 prudent costs incurred by the electric public utility shall be deemed
5 consistent with the provisions of R.S.48:2-27 governing the
6 extension of public utility facilities, subject to any maximum cost as
7 may be established by the board. The electric public utility shall be
8 entitled to full and timely recovery of all such prudently incurred
9 costs, provided that the cost of any electric vehicle charging station
10 or installation thereof is not included.³

11

12 2. This act shall take effect immediately, but shall remain
13 inoperative for ³**【60】** 120³ days following the date of enactment.