

[First Reprint]

SENATE, No. 3285

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 14, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator BRIAN P. STACK

District 33 (Hudson)

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: 11/8/2021)

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 resident of any premises
10 intended for residential occupancy, including, but not limited to, a
11 garage or other parking space located at the resident’s premises or
12 upon the premises of the planned real estate development where the
13 resident resides **;**¹ and that is intended for a specific resident’s
14 exclusive use.¹

15 “Electric public utility” shall have the same meaning as provided
16 in section 3 of P.L.1999, c.23 (C.48:3-51) **;**¹ .¹

17 “Electric vehicle charging station” means a station that is
18 **’[designed] installed’** in compliance with the State Uniform
19 Construction Code, adopted pursuant to P.L.1975, c.217 (C.52:27D-
20 119 et seq.), that delivers electricity from a source outside an
21 electric vehicle into one or more electric vehicles. An electric
22 vehicle charging station may include several charge points
23 simultaneously connecting several electric vehicles to the station
24 and any related equipment needed to facilitate charging plug-in
25 electric vehicles **’[;] .’**¹

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

37 ¹“Point of utility delivery” means the point at which an electric
38 public utility’s electrical equipment or conductors connects to a
39 customer’s electrical equipment or conductors.¹

40 “Residential unit owner” means the owner of record of a
41 residential dwelling unit located within a planned real estate
42 development, or, in the case of a cooperative housing corporation, a
43 shareholder of record owning the shares appurtenant to an
44 individual residential dwelling unit. “Residential unit owner” shall

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:

¹Senate floor amendments adopted December 20, 2021.

1 not mean the owner of a commercial unit, space, or interest located
2 within a planned real estate development.

3 b. Notwithstanding the provisions of any law, rule, regulation,
4 or order to the contrary, an electric public utility shall charge a
5 residential rate for service delivered to an electric public utility
6 residential customer of record if the residential customer ¹is a
7 residential unit owner who¹ uses an electric vehicle charging station
8 at a designated parking space located at the residential customer's
9 premises or upon the premises of the planned real estate
10 development where the ¹~~residential~~ residential unit owner¹ resides.

11 c. Notwithstanding the provisions of any law, rule, regulation,
12 or order to the contrary, an electric public utility shall not charge
13 greater than a residential rate ¹, or greater than an equivalent
14 electricity rate or load management program that is offered by an
15 electric public utility specifically for residential electric vehicle
16 charging,¹ for service delivered to a planned real estate
17 development for the use of an electric vehicle charging station
18 which is located upon the premises of the planned real estate
19 development and is intended for the use of ¹~~the~~ a specific
20 residential unit owner in a¹ planned real estate ¹~~development's~~
21 ~~residents~~ development¹. Notwithstanding the provisions of this
22 subsection, in the event that the planned real estate development has
23 a contract for the purchase of ¹~~electricity~~ electric commodity
24 service¹ from a party other than the electric public utility serving
25 the planned real estate development, ¹the distribution charges,
26 inclusive of demand charges and load management programs that
27 are offered by¹ the electric public utility ¹~~may charge the planned~~
28 ~~real estate development the agreed upon rate.~~ , shall be comparable
29 to those offered by the electric public utility to residential
30 customers receiving basic generation service.

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

37 e. An electric public utility, upon the request of an applicant for
38 electric service at a planned real estate development, shall install,
39 up to the point of utility delivery, any distribution infrastructure
40 necessary to facilitate the future installation of an electric vehicle
41 charging station that provides Level 2 charging capability, under
42 rates, terms and conditions as established by the board. Any
43 prudent costs incurred by the electric public utility shall be deemed
44 consistent with the provisions of R.S.48:2-27 governing the
45 extension of public utility facilities, subject to any maximum cost as
46 may be established by the board. The electric public utility shall be
47 entitled to full and timely recovery of all such prudently incurred

1 costs, provided that the cost of any electric vehicle charging station
2 or installation thereof is not included.¹

3

4 2. This act shall take effect immediately, but shall remain
5 inoperative for ¹~~60~~¹²⁰ days following the date of enactment.