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Sens. Brown, Ennis, Paradee, Pinkney, Poore, Sokola,
Townsend, Walsh; Reps. Baumbach, Bentz, Brady, Lynn,
Chukwuocha, Morrison, Osienski, K. Williams, Wilson-
Anton, Lambert, Bush

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 21

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ELECTRIC VEHICLE CHARGING.

WHEREAS, ownership of electric vehicles is steadily increasing both in Delaware and nationally; and

WHEREAS, a constraining factor of electric vehicle ownership is charging infrastructure; and

WHEREAS, electric vehicles can help to reduce local air pollution relative to internal combustion engine powered vehicles, thereby having public health and environmental benefits in Delaware; and

WHEREAS, electric vehicles have relatively lower emissions of carbon dioxide and other gases linked to climate change relative to internal combustion engine powered vehicles, thereby lowering Delaware's contribution to climate change; and

WHEREAS, several State agencies, as part of pilot projects, host electric vehicle charging stations, but do not have authorization to recoup costs associated with operation of the stations; and

WHEREAS, in conjunction with Delaware's existing policies, installing charging stations at State facilities can reduce barriers to electric vehicle ownership caused by a relative lack of charging infrastructure.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 80, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8062. State electric vehicle charging infrastructure.

(a) As used in this section:

(1) "Agency" means as defined in § 6301 of Title 29.

(2) "All-Electric Vehicle" means an electric vehicle that operates solely from an internal electric battery.

(3) "Costs" means the costs associated with electricity used by the agency's EVSEs, installation of the agency's EVSEs, and maintenance of the infrastructure and equipment of the agency's EVSEs.

23 (4) “Electric Vehicle Supply Equipment” or “EVSE” means equipment that connects an electric vehicle to an
24 external source of electricity to recharge the electric vehicle’s internal battery.

25 (5) “Electric Vehicle” or “EV” includes plug-in hybrid vehicles and all-electric vehicles, and means a motor
26 vehicle, as defined in § 101 of Title 21, that satisfies both of the following:

27 a. Uses one or more electric motors for propulsion.

28 b. Is powered through an internal battery that is charged using an external electricity source.

29 (6) “Plug-in Hybrid Vehicle” means an electric vehicle that operates with an internal combustion engine and
30 an electric motor that can be plugged into an external electric power source to charge the internal battery.

31 (b) An agency that has installed EVSE may make the EVSE available for use, at the agency’s discretion, by the
32 public or employees, or both.

33 (c) If an agency provides access to its EVSE for charging to an electric vehicle not owned by the State, it may
34 charge a fee for the use of its EVSE that does not exceed the agency’s costs. The agency shall use the fees collected for the
35 payment of the electricity used by the EVSE and for the maintenance of the EVSE infrastructure and equipment.

36 (d) Agency EVSE must be located on state-owned or state-leased real property used for state offices, service
37 centers, maintenance facilities, correctional facilities, visitor centers, research centers, health-care facilities, recreational
38 facilities, or other state-owned or state-leased real property where state employees work or receive visitors conducting
39 business with State agencies.

SYNOPSIS

This Act amends the Delaware Energy Act to encourage the adoption of electric vehicles in the State by creating more accessible electric vehicle charging infrastructure.

Specifically, this Act permits State agencies to charge a fee for public or employee use of electric vehicle supply equipment installed by the agency so long as the fees do not exceed the agency’s costs. “Costs” means the costs associated with electricity used by the agency’s electric vehicle supply equipment, installation of the agency’s electric vehicle supply equipment, and maintenance of the infrastructure and equipment of the agency’s electric vehicle supply equipment.

This Act limits the locations where the charging infrastructure may be placed by the State to state-owned or state-leased properties used by state employees or visitors.

Author: Senator Hansen