

Title 48.
Chapter 25. (New)
Electric Vehicles
§§1-11 -
C.48:25-1 to
48:25-11

P.L. 2019, CHAPTER 362, *approved January 17, 2020*
Senate Committee Substitute (**Corrected Copy**) for
Senate Committee Substitute for Senate, No. 2252

1 **AN ACT** concerning the use of plug-in electric vehicles,
2 supplementing Title 48 of the Revised Statutes, and amending
3 P.L.2007, c.340 and P.L.1999, c.23.

4

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

7

8 1. (New section) The Legislature finds and declares: that plug-
9 in electric vehicle technology has improved significantly for
10 vehicles of all types; that plug-in electric vehicles with longer
11 ranges are now widely available at a lower cost and present a viable
12 alternative to vehicles fueled by fossil fuels; that more plug-in
13 electric vehicle makes and models will be introduced in the State
14 motor vehicle market over the next several years; that vehicle
15 electrification offers a wide range of benefits, such as improved air
16 quality, reduced greenhouse gas emissions, and savings in motor
17 vehicle operating costs for vehicle owners; that increased use of
18 plug-in electric vehicles can contribute significantly to the
19 attainment of existing State air pollution and energy goals,
20 including the objectives of the “Global Warming Response Act,”
21 P.L.2007, c.112 (C.26:2C-37 et seq.) and the State’s Energy Master
22 Plan; and that New Jersey is already committed to implementing the
23 California Low Emission Vehicle Program pursuant to P.L.2003,
24 c.266 (C.26:2C-8.15 et al.), and part of this program is a
25 commitment to increasing the use of low emission vehicles and zero
26 emission vehicles, including plug-in electric vehicles.

27 The Legislature therefore determines that it is in the public
28 interest to establish goals for the increased use of plug-in electric
29 vehicles in the State, to support the increased use of plug-in electric
30 vehicles by providing incentives for the purchase or lease of such
31 vehicles and for related charging equipment, and to increase
32 consumer awareness of the availability of incentives through a
33 Statewide public education program.

34

35 2. (New section) As used in sections 1 through 11 of
36 P.L. , c. (C.) (pending before the Legislature as this bill):

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.

1 “Board” means the Board of Public Utilities.

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

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

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

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

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

27 “Department” means the Department of Environmental
28 Protection.

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

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

43 “Eligible vehicle” means a new light duty plug-in electric
44 vehicle, with an MSRP of below \$55,000, purchased or leased after
45 the effective date of P.L. , c. (C.) (pending before the
46 Legislature as this bill) and registered in New Jersey.

1 “In-home electric vehicle service equipment” means electric
2 vehicle service equipment used in a person’s home to charge a plug-
3 in electric vehicle.

4 “Level One EVSE” means EVSE that provides single phase
5 120V AC electricity, presented as either a standard wall plug into
6 which the charging cord provided with a plug-in electric vehicle can
7 be connected, or an EVSE with a standard vehicle plug connector
8 that complies with SAE J1772, or an equivalent standard for 120V
9 AC charging as may be adopted in the future and accepted by the
10 board, and which is approved for installation for this purpose under
11 the National Electric Code through an Underwriters Laboratories
12 Certification or an equivalent certifying organization.

13 “Level Two EVSE” means EVSE that provides a plug-in electric
14 vehicle with single phase alternating current electrical power at
15 208-240V AC, through a standardized plug connector that complies
16 with SAE J1772 standards, or an equivalent wireless power transfer
17 interface, or equivalent standards for 208-240V AC charging as
18 may be adopted in the future and accepted by the board, and which
19 is approved for installation for this purpose under the National
20 Electric Code through Underwriters Laboratories Certification or an
21 equivalent certifying organization.

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

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

37 “MSRP” means the published manufacturer’s suggested retail
38 price, as set by a vehicle’s manufacturer, at the time of sale or lease.

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

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

46 “Routine charging” means vehicle charging that takes place
47 where a vehicle is parked for a long period of time, such as at the

1 owner's residence overnight, a hotel, or a workplace during work
2 hours, and which provides the primary and most common form of
3 vehicle charging.

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

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

14

15 3. (New section) a. There are established the following State
16 goals for the use of plug-in electric vehicles and the development of
17 plug-in electric vehicle charging infrastructure in the State to
18 support that use:

19 (1) at least 330,000 of the total number of registered light duty
20 vehicles in the State shall be plug-in electric vehicles by December
21 31, 2025;

22 (2) at least 2 million of the total number of registered light duty
23 vehicles in the State shall be plug-in electric vehicles by December
24 31, 2035;

25 (3) at least 85 percent of all new light duty vehicles sold or
26 leased in the State shall be plug-in electric vehicles by December
27 31, 2040;

28 (4) (a) By December 31, 2025, at least 400 DC Fast Chargers
29 shall be available for public use at no fewer than 200 charging
30 locations in the State, (b) at least 75 of the 200 or more charging
31 locations shall be at travel corridor locations, equipped with at least
32 two DC Fast Chargers per location, each capable of providing at
33 least 150 kilowatts of charging power, and no more than 25 miles
34 between the charging locations, and (c) at least 100 of the 200 or
35 more charging locations shall be community locations, equipped
36 with at least two DC Fast Chargers per location, each capable of
37 providing 50 kilowatts of charging power or more, and 150
38 kilowatts or more where feasible. The department may, in its
39 discretion, increase the goals set forth in this paragraph pursuant to
40 any strategic mapping of plug-in electric vehicle charging
41 infrastructure the department conducts;

42 (5) By December 31, 2025, at least 1,000 Level Two chargers
43 shall be available for public use across the State, and after initial
44 installation, those EVSE may be upgraded to higher power or DC
45 Fast Chargers as appropriate by the owner or operator of the EVSE;
46 and

1 (6) (a) By December 31, 2025, at least 15 percent of all multi-
2 family residential properties in the State shall be equipped with
3 EVSE for the routine charging of plug-in electric vehicles by
4 residents through a combination of Level One EVSE, Level Two
5 EVSE, or charger ready parking spaces, which collectively shall
6 serve a percentage of resident parking spaces equal to the
7 percentage of light duty vehicles registered in the State that are
8 plug-in electric vehicles at the end of the preceding calendar year,
9 or the percentage of vehicles owned by residents that are plug-in
10 electric vehicles, whichever is higher, and (b) by December 31,
11 2030, 30 percent of all multi-family properties shall be equipped for
12 electric vehicle charging as described in subparagraph (a) of this
13 paragraph;

14 (7) (a) By December 31, 2025, 20 percent of all franchised
15 overnight lodging establishments shall be equipped with EVSE for
16 routine electric vehicle charging by guests of the establishment by
17 providing Level Two EVSE, which collectively shall serve a
18 percentage of the guest parking spaces equal to the percentage of
19 light duty vehicles registered in the State that are plug-in electric
20 vehicles at the end of the preceding calendar year, and (b) by
21 December 31, 2030, 50 percent of all franchised overnight lodging
22 establishments shall be equipped with EVSE as described in
23 subparagraph (a) of this paragraph;

24 (8) (a) By December 31, 2025, at least 25 percent of State-
25 owned non-emergency light duty vehicles shall be plug-in electric
26 vehicles, and (b) by December 31, 2035 and thereafter, 100 percent
27 of State-owned non-emergency light duty vehicles shall be plug-in
28 electric vehicles;

29 (9) (a) By December 31, 2024, at least 10 percent of the new bus
30 purchases made by the New Jersey Transit Corporation shall be
31 zero emission buses, and (b) the percentage of zero emission bus
32 purchases shall increase to 50 percent by December 31, 2026, and
33 100 percent by December 31, 2032 and thereafter. Zero emission
34 buses shall not produce any emissions at the tailpipe, and shall be
35 prioritized for low-income, urban, or environmental justice
36 communities; and

37 (10) By December 31, 2020, the department, in consultation with
38 the board, shall establish other goals for vehicle electrification and
39 infrastructure development that address medium-duty and heavy-
40 duty on-road diesel vehicles and associated charging infrastructure,
41 similar to the State goals for light duty vehicles and consistent with
42 the technology and plug-in electric vehicle markets for those
43 vehicle types.

44 b. The board and the department may, pursuant to P.L. ,
45 c. (C.)(pending before the Legislature as this bill) and any
46 other existing statutory authority, adopt policies and programs to
47 accomplish the goals established pursuant to this section.

1 c. No later than December 31, 2020, and every five years
2 thereafter, until December 31, 2040, the department, in consultation
3 with the board, shall prepare and submit to the Governor and,
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
5 Legislature, a report that:

6 (1) assesses the current state of the plug-in electric vehicle
7 market in New Jersey;

8 (2) measures the State's progress towards achieving the goals
9 established in subsection a. of this section;

10 (3) identifies barriers to the achievement of the goals; and

11 (4) makes recommendations for legislative or regulatory action
12 to address barriers to the achievement of the goals.

13
14 4. (New section) a. No later than 180 days after the effective
15 date of P.L. , c. (C.)(pending before the Legislature as this
16 bill), the Board of Public Utilities shall establish and implement a
17 light duty plug-in electric vehicle incentive program for the purpose
18 of encouraging the purchase or lease of new light duty plug-in
19 electric vehicles in the State.

20 b. The board shall implement the light duty plug-in electric
21 vehicle incentive program until June 30th of the 10th year after
22 establishment of the incentive program.

23 c. (1) Any incentive offered pursuant to this section shall take
24 the form of a one-time payment to the purchaser or lessee of an
25 eligible vehicle.

26 (2) For the first year an incentive is offered, the amount of the
27 incentive shall be equal to \$25 per mile of EPA-rated electric-only
28 range up to a maximum of \$5,000 per eligible vehicle. For each
29 subsequent year an incentive is offered, the board may, after
30 consideration of stakeholder input, change the amount of the
31 incentive and the manner in which an incentive is calculated,
32 provided that no incentive shall exceed \$5,000 per eligible vehicle.
33 The board shall publish the amount of any incentives on its Internet
34 website.

35 (3) The board may limit the number of plug-in electric vehicle
36 incentives that it issues to a single person.

37 (4) The board may establish other requirements and parameters
38 for the incentive program as it deems necessary and reasonable to
39 further the goals of P.L. , c. (C.)(pending before the
40 Legislature as this bill).

41 d. The board shall monitor the disbursement of incentives
42 under the incentive program, and annually reassess the design and
43 implementation of the incentive program. Provided the board's
44 action is consistent with the provisions of subsection c. of this
45 section, the board may:

46 (1) revise the incentive program, any aspect of the incentives, or
47 the related implementation procedures or processes; and

1 (2) develop additional incentives consistent with the goals of
2 P.L. , c. (C.) (pending before the Legislature as this bill) in
3 order to ensure efficient and equitable electrification of
4 transportation in the State.

5 e. Notwithstanding any other provision of law to the contrary,
6 a light duty plug-in hybrid vehicle shall not qualify for an incentive
7 under the light duty plug-in electric vehicle incentive program after
8 December 31, 2022.

9
10 5. (New section) a. The seller or lessor of an eligible vehicle
11 shall offer the light duty plug-in electric vehicle incentive
12 established pursuant to section 4 of P.L. , c. (C.)(pending
13 before the Legislature as this bill) in conjunction with, and in
14 addition to, any other incentive offered by the seller or lessor of an
15 eligible vehicle.

16 b. A seller or lessor of an eligible vehicle shall provide a
17 purchaser or lessee the option to have the amount of the light duty
18 plug-in electric vehicle incentive deducted from the final negotiated
19 and agreed upon sale or lease price of the eligible vehicle, in which
20 case the full amount of the incentive shall be passed through to the
21 purchaser or lessee in full and payment thereof shall be effective
22 immediately at the time of the final sale or lease and transfer of the
23 eligible vehicle to the purchaser or lessee. The board shall establish
24 a process for reimbursing a seller or lessor of an eligible vehicle the
25 cost of an incentive provided by the seller or lessor pursuant to this
26 subsection.

27 c. The board shall require each seller or lessor of an eligible
28 vehicle to provide to the board, upon the final sale or lease and
29 transfer of an eligible vehicle to a purchaser or lessee, the eligible
30 vehicle's make, model, and battery size, and any other information
31 as the board determines relevant.

32
33 6. (New section) a. The Board of Public Utilities may
34 establish and implement a program to provide incentives for the
35 purchase and installation of in-home electric vehicle service
36 equipment.

37 b. Any incentive program established pursuant to this section
38 may be implemented only until June 30th of the 10th year after
39 establishment of the program.

40 c. (1) Any incentive offered pursuant to this section shall take
41 the form of a one-time payment to the person purchasing the in-
42 home electric vehicle service equipment.

43 (2) The amount of the incentive offered pursuant to this section
44 shall be determined by the board, but shall not exceed \$500 per
45 person. Any incentive a person receives pursuant to this section
46 shall be in addition to any incentive the person receives for the
47 purchase or lease of a new light duty plug-in electric vehicle

1 pursuant to sections 4 and 5 of P.L. , c. (C.)(pending before
2 the Legislature as this bill).

3 (3) The board may establish other requirements and parameters
4 for the program as it deems necessary and reasonable to further the
5 goals of P.L. , c. (C.)(pending before the Legislature as this
6 bill).

7 d. The board shall monitor the disbursement of incentives
8 under the incentive program, and annually reassess the design and
9 implementation of the incentive program. Provided the board's
10 action is consistent with the provisions of subsection c. of this
11 section, the board may:

12 (1) revise the incentive program, any aspect of the incentives, or
13 the related implementation procedures or processes; and

14 (2) in consultation with the department, develop additional
15 incentives for electric vehicle service equipment consistent with the
16 goals of P.L. , c. (C.) (pending before the Legislature as
17 this bill) in order to ensure efficient and equitable electrification of
18 transportation in the State.

19 e. The board shall determine the form and manner of the
20 application for, and the disbursement of, incentives pursuant to this
21 section.

22

23 7. (New section) a. There is established in the Board of Public
24 Utilities a special, nonlapsing fund to be known as the Plug-in
25 Electric Vehicle Incentive Fund. The fund shall be administered by
26 the board and shall be credited with:

27 (1) moneys deposited into the fund by the board pursuant to
28 subsection b. of this section;

29 (2) moneys that are appropriated by the Legislature; and

30 (3) any return on investment of moneys deposited in the fund.

31 b. (1) The board shall deposit into the fund, each year, \$30
32 million of moneys received from the societal benefits charge
33 established pursuant to section 12 of P.L.1999, c.23 (C.48:3-60),
34 moneys made available to the board pursuant to the implementation
35 of the Regional Greenhouse Gas Initiative and P.L.2007, c.340
36 (C.26:2C-45 et seq.), and moneys available from other funding
37 sources, as determined by the board, to make disbursements under
38 the light duty plug-in electric vehicle incentive program established
39 pursuant to section 4 of P.L. , c. (C.)(pending before the
40 Legislature as this bill).

41 (2) The board may deposit into the fund, each year, such
42 additional amounts from the societal benefits charge, as the board
43 deems necessary, to make disbursement under an incentive program
44 for in-home electric vehicle service equipment established pursuant
45 to section 6 of P.L. , c. (C.)(pending before the Legislature
46 as this bill).

1 c. Moneys in the fund shall be used by the board solely for the
2 purpose of disbursing the incentives established pursuant to sections
3 4 and 6 of P.L. , c. (C.)(pending before the Legislature as
4 this bill). The board shall recover any administrative costs incurred
5 in connection with P.L. , c. (C.)(pending before the
6 Legislature as this bill) separately from moneys received from the
7 societal benefits charge.

8 d. (1) The board shall provide no less than \$30 million in
9 disbursements under the light duty plug-in electric vehicle incentive
10 program established pursuant to section 4 of
11 P.L. , c. (C.)(pending before the Legislature as this bill)
12 each year for 10 years.

13

14 8. (New section) The Board of Public Utilities shall develop a
15 website, accessible by the public, that provides up-to-date
16 information about the availability of the incentives established
17 pursuant to sections 4 and 6 of P.L. , c. (C.) (pending
18 before the Legislature as this bill).

19

20 9. (New section) No later than 180 days after the effective date
21 of P.L. , c. (C.) (pending before the Legislature as this bill),
22 the Department of Environmental Protection shall, after
23 consideration of stakeholder input, develop and implement a public
24 education program to educate consumers about the availability and
25 benefits of plug-in electric vehicles, the State goals for plug-in
26 electric vehicle deployment established in section 3 of
27 P.L. , c. (C.) (pending before the Legislature as this bill),
28 and the availability of incentives established pursuant to sections 4
29 and 6 of P.L. , c. (C.) (pending before the Legislature as
30 this bill).

31

32 10. (New section) Unless otherwise provided in Title 48 of the
33 Revised Statutes, or any other federal or State law, an entity
34 owning, controlling, operating, or managing electric vehicle service
35 equipment shall not be deemed an electric public utility solely
36 because of such ownership, control, operation, or management. The
37 charging of a plug-in electric vehicle shall be deemed a service and
38 not a sale of electricity by an electric power supplier or basic
39 generation service provider pursuant to P.L.1999, c.23 (C.48:3-
40 49 et al.).

41

42 11. (New section) The board may, in consultation with the
43 department, adopt, pursuant to the "Administrative Procedure Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
45 necessary for the implementation of P.L. , c. (C.) (pending
46 before the Legislature as this bill).

1 12. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to
2 read as follows:

3 7. a. The agencies administering programs established
4 pursuant to this section shall maximize coordination in the
5 administration of the programs to avoid overlap between the uses of
6 the fund prescribed in this section.

7 b. Moneys in the fund, after appropriation annually for
8 payment of administrative costs authorized pursuant to subsection c.
9 of this section, shall be annually appropriated and used for the
10 following purposes:

11 (1) Sixty percent shall be allocated to the New Jersey Economic
12 Development Authority to provide grants and other forms of
13 financial assistance to commercial, institutional, and industrial
14 entities to support end-use energy efficiency projects and new,
15 efficient electric generation facilities that are state of the art, as
16 determined by the department, including but not limited to energy
17 efficiency and renewable energy applications, to develop combined
18 heat and power production and other high efficiency electric
19 generation facilities, to stimulate or reward investment in the
20 development of innovative carbon emissions abatement
21 technologies with significant carbon emissions reduction or
22 avoidance potential, to develop qualified offshore wind projects
23 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), and to
24 provide financial assistance to manufacturers of equipment
25 associated with qualified offshore wind projects. The authority, in
26 consultation with the board and the department, shall determine:
27 (a) the appropriate level of grants or other forms of financial
28 assistance to be awarded to individual commercial, institutional,
29 and industrial sectors and to individual projects within each of these
30 sectors; (b) the evaluation criteria for selecting projects to be
31 awarded grants or other forms of financial assistance, which criteria
32 shall include the ability of the project to result in a measurable
33 reduction of the emission of greenhouse gases or a measurable
34 reduction in energy demand, provided, however, that neither the
35 development of a new combined heat and power production facility,
36 nor an increase in the electrical and thermal output of an existing
37 combined heat and power production facility, shall be subject to the
38 requirement to demonstrate such a measurable reduction; and (c)
39 the process by which grants or other forms of financial assistance
40 can be applied for and awarded including, if applicable, the
41 payment terms and conditions for authority investments in certain
42 projects with commercial viability;

43 (2) Twenty percent shall be allocated to the board to support
44 programs that are designed to reduce electricity demand or costs to
45 electricity customers in the low-income and moderate-income
46 residential sector with a focus on urban areas, including efforts to
47 address heat island effect and reduce impacts on ratepayers

1 attributable to the implementation of P.L.2007, c.340 (C.26:2C-
2 45 et al.) or to support the light duty plug-in electric vehicle
3 incentive program and the incentive program for in-home electric
4 vehicle service equipment established pursuant to sections 4 and 6
5 of P.L. , c. (C.)(pending before the Legislature as this bill).
6 For the purposes of this paragraph, the board, in consultation with
7 the authority and the department, shall determine the types of
8 programs to be supported and the mechanism by which to quantify
9 benefits to ensure that the supported programs result in a
10 measurable reduction in energy demand or accomplishment of the
11 plug-in electric vehicle goals established pursuant to section 3 of
12 P.L. , c. (C.)(pending before the Legislature as this bill);

13 (3) Ten percent shall be allocated to the department to support
14 programs designed to promote local government efforts to plan,
15 develop and implement measures to reduce greenhouse gas
16 emissions, including but not limited to technical assistance to local
17 governments, and the awarding of grants and other forms of
18 assistance to local governments to conduct and implement energy
19 efficiency, renewable energy, and distributed energy programs and
20 land use planning where the grant or assistance results in a
21 measurable reduction of the emission of greenhouse gases or a
22 measurable reduction in energy demand. For the purpose of
23 conducting any program pursuant to this paragraph, the department,
24 in consultation with the authority and the board, shall determine:
25 (a) the appropriate level of grants or other forms of financial
26 assistance to be awarded to local governments; (b) the evaluation
27 criteria for selecting projects to be awarded grants or other forms of
28 financial assistance; (c) the process by which grants or other forms
29 of financial assistance can be applied for and awarded; and (d) a
30 mechanism by which to quantify benefits; and

31 (4) Ten percent shall be allocated to the department to support
32 programs that enhance the stewardship and restoration of the State's
33 forests and tidal marshes that provide important opportunities to
34 sequester or reduce greenhouse gases.

35 c. (1) The department may use up to four percent of the total
36 amount in the fund each year to pay for administrative costs
37 justifiable and approved in the annual budget process, incurred by
38 the department in administering the provisions of P.L.2007, c.340
39 (C.26:2C-45 et al.) and in administering programs to reduce the
40 emissions of greenhouse gases including any obligations that may
41 arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-
42 55).

43 (2) The board may use up to two percent of the total amount in
44 the fund each year to pay for administrative costs justifiable and
45 approved in the annual budget process, incurred by the board in
46 administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.)
47 and in administering programs to reduce the emissions of

1 greenhouse gases including any obligations that may arise under
2 subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).

3 (3) The New Jersey Economic Development Authority may use
4 up to two percent of the total amount in the fund each year to pay
5 for administrative costs justifiable and approved in the annual
6 budget process, incurred by the authority in administering the
7 provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in
8 administering programs to reduce the emissions of greenhouse
9 gases.

10 d. The State Comptroller shall conduct or supervise
11 independent audit and fiscal oversight functions of the fund and its
12 uses.

13 (cf: P.L.2010, c.57, s.5)

14

15 13. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read
16 as follows:

17 12. a. Simultaneously with the starting date for the
18 implementation of retail choice as determined by the board pursuant
19 to subsection a. of section 5 of **[this act]** P.L.1999, c.23 (C.48:3-53
20 et seq.), the board shall permit each electric public utility and gas
21 public utility to recover some or all of the following costs through a
22 societal benefits charge that shall be collected as a non-bypassable
23 charge imposed on all electric public utility customers and gas
24 public utility customers, as appropriate:

25 (1) The costs for the social programs for which rate recovery
26 was approved by the board prior to April 30, 1997. For the purpose
27 of establishing initial unbundled rates pursuant to section 4 of **[this**
28 **act]** P.L.1999, c.23 (C.48:3-53 et seq.), the societal benefits charge
29 shall be set to recover the same level of social program costs as is
30 being collected in the bundled rates of the electric public utility on
31 the effective date of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.).
32 The board may subsequently order, pursuant to its rules and
33 regulations, an increase or decrease in the societal benefits charge
34 to reflect changes in the costs to the utility of administering existing
35 social programs. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-
36 53 et seq.) shall be construed to abolish or change any social
37 program required by statute or board order or rule or regulation to
38 be provided by an electric public utility. Any such social program
39 shall continue to be provided by the utility until otherwise provided
40 by law, unless the board determines that it is no longer appropriate
41 for the electric public utility to provide the program, or the board
42 chooses to modify the program;

43 (2) Nuclear plant decommissioning costs;

44 (3) The costs of demand side management programs that were
45 approved by the board pursuant to its demand side management
46 regulations prior to April 30, 1997. For the purpose of establishing

1 initial unbundled rates pursuant to section 4 of **[this act]** P.L.1999,
2 c.23 (C.48:3-53 et seq.), the societal benefits charge shall be set to
3 recover the same level of demand side management program costs
4 as is being collected in the bundled rates of the electric public
5 utility on the effective date of **[this act]** P.L.1999, c.23 (C.48:3-
6 53 et seq.). Within four months of the effective date of **[this act]**
7 P.L.1999, c.23 (C.48:3-53 et seq.), and every four years thereafter,
8 the board shall initiate a proceeding and cause to be undertaken a
9 comprehensive resource analysis of energy programs, and within
10 eight months of initiating such proceeding and after notice,
11 provision of the opportunity for public comment, and public
12 hearing, the board, in consultation with the Department of
13 Environmental Protection, shall determine the appropriate level of
14 funding for energy efficiency , plug-in electric vehicles and plug-in
15 electric vehicle charging infrastructure, and Class I renewable
16 energy programs that provide environmental benefits above and
17 beyond those provided by standard offer or similar programs in
18 effect as of the effective date of **[this act]** P.L.1999, c.23 (C.48:3-
19 53 et seq.); provided that the funding for such programs be no less
20 than 50 **[%]** percent of the total Statewide amount being collected
21 in **[public]** electric and gas public utility rates for demand side
22 management programs on the effective date of **[this act]** P.L.1999,
23 c.23 (C.48:3-53 et seq.) for an initial period of four years from the
24 issuance of the first comprehensive resource analysis following the
25 effective date of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.), and
26 provided that 25 **[%]** percent of this amount shall be used to
27 provide funding for Class I renewable energy projects in the State.
28 In each of the following fifth through eighth years, the Statewide
29 funding for such programs shall be no less than 50 percent of the
30 total Statewide amount being collected in **[public]** electric and gas
31 public utility rates for demand side management programs on the
32 effective date of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.),
33 except that as additional funds are made available as a result of the
34 expiration of past standard offer or similar commitments, the
35 minimum amount of funding for such programs shall increase by
36 an additional amount equal to 50 percent of the additional funds
37 made available, until the minimum amount of funding dedicated to
38 such programs reaches \$140,000,000 total. After the eighth year
39 the board shall make a determination as to the appropriate level of
40 funding for these programs. Such programs shall include a program
41 to provide financial incentives for the installation of Class I
42 renewable energy projects in the State, and the board, in
43 consultation with the Department of Environmental Protection, shall
44 determine the level and total amount of such incentives as well as
45 the renewable technologies eligible for such incentives which shall
46 include, at a minimum, photovoltaic, wind, and fuel cells. The

1 board shall simultaneously determine, as a result of the
2 comprehensive resource analysis, the programs to be funded by the
3 societal benefits charge, the level of cost recovery and performance
4 incentives for old and new programs and whether the recovery of
5 demand side management programs' costs currently approved by the
6 board may be reduced or extended over a longer period of time.
7 The board shall make these determinations taking into consideration
8 existing market barriers and environmental benefits, with the
9 objective of transforming markets, capturing lost opportunities,
10 making energy services more affordable for low income customers
11 and eliminating subsidies for programs that can be delivered in the
12 marketplace without electric public utility and gas public utility
13 customer funding;

14 (4) Manufactured gas plant remediation costs, which shall be
15 determined initially in a manner consistent with mechanisms in the
16 remediation adjustment clauses for the electric public utility and gas
17 public utility adopted by the board; and

18 (5) The cost, of consumer education, as determined by the
19 board, which shall be in an amount that, together with the consumer
20 education surcharge imposed on electric power supplier license fees
21 pursuant to subsection h. of section 29 of **[this act]** P.L.1999, c.23
22 (C.48:3-53 et seq.) and the consumer education surcharge imposed
23 on gas supplier license fees pursuant to subsection g. of section 30
24 of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.), shall be sufficient
25 to fund the consumer education program established pursuant to
26 section 36 of **[this act]** P.L.1999, c.23 (C.48:3-53 et seq.).

27 b. There is established in the Board of Public Utilities a
28 nonlapsing fund to be known as the "Universal Service Fund." The
29 board shall determine: the level of funding and the appropriate
30 administration of the fund; the purposes and programs to be funded
31 with monies from the fund; which social programs shall be provided
32 by an electric public utility as part of the provision of its regulated
33 services which provide a public benefit; whether the funds
34 appropriated to fund the "Lifeline Credit Program" established
35 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'
36 Lifeline Assistance Program" established pursuant to P.L.1981,
37 c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low
38 Income Home Energy Assistance Program established pursuant to
39 42 U.S.C. s.8621 et seq., and funds collected by electric and natural
40 gas utilities, as authorized by the board, to offset uncollectible
41 electricity and natural gas bills should be deposited in the fund; and
42 whether new charges should be imposed to fund new or expanded
43 social programs.

44 (cf: P.L.1999, c.23, s.12)

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46 14. This act shall take effect immediately.

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Establishes goals and incentives for increased use of plug-in

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electric vehicles in NJ.