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218th LEGISLATURE

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Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Bateman, Diegnan and Gopal

SYNOPSIS

Establishes goals, initiatives, and programs to encourage and support use of plug-in electric vehicles.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Environment and Energy Committee.



(Sponsorship Updated As Of: 1/16/2019)

1 AN ACT concerning the use of electric vehicles, and amending and
2 supplementing various parts of the statutory law.

3

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

6

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

26 The Legislature further finds and declares that the State has not
27 established goals for the use of plug-in electric vehicles or programs
28 to encourage the use of these vehicles; that an important part of
29 increasing the use of plug-in electric vehicles is the development of
30 a Statewide plug-in electric vehicle charging infrastructure that
31 supports the use of plug-in electric vehicles, as well as policies,
32 regulations, and programs to support that development; that State
33 agencies require clear direction to create and implement the
34 necessary policies, regulations, programs, initiatives, and
35 incentives; that the two major market barriers that limit the
36 purchase of light duty plug-in electric vehicles by consumers are
37 price and range anxiety, which is a concern on the part of the public
38 that plug-in electric vehicles cannot be reliably operated over long
39 distances because of a lack of convenient, publicly accessible
40 charging infrastructure.

41 The Legislature therefore determines that it is in the public
42 interest to establish goals for the increased use of plug-in electric
43 vehicles, pursue attainment of those goals through the development
44 of a Statewide plug-in electric vehicle charging infrastructure, and
45 develop this infrastructure by establishing a Statewide electric

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 vehicle charging infrastructure plan; that this plan shall be
2 incorporated into the State Energy Master Plan and any subsequent
3 updates to the State Energy Master Plan; that the State shall include
4 State agencies, market stakeholders, and other subject matter
5 experts in the development and establishment of the plan; and that
6 the State shall further bolster the increased use of plug-in electric
7 vehicles by providing rebates for the purchase of these vehicles, and
8 maximize consumer awareness of the availability of rebates and
9 public plug-in electric vehicle charging infrastructure through
10 Statewide public education programs.

11

12 2. (New section) As used in sections 1 through 7 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill):

14 “Advanced mobility solution” means an alternative method for
15 providing mobility to an entire community, through novel business
16 models that change vehicle ownership and use, including, but not
17 limited to, ride hailing services, car sharing services, fractional
18 ownership and vehicle subscription services, autonomous vehicles,
19 and transportation network companies.

20 “Board” means the Board of Public Utilities.

21 “Charger ready” means the pre-wiring of electrical infrastructure
22 at a parking space, or set of parking spaces, to facilitate easy and
23 cost-efficient future installation of electric vehicle service
24 equipment, including, but not limited to, Level Two EVSE and DC
25 Fast Charger, and a clearly defined process by which prospective
26 users of vehicle chargers may request and benefit from installation
27 of an appropriate EVSE at the pre-wired parking space;

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

32 “Community location” means a charging location that is not a
33 corridor location, and that is established in a town center,
34 commercial area, retail center, or other site, or near concentrations
35 of multi-family dwellings, to provide vehicle charging services to
36 local plug-in electric vehicle drivers near where they live or work.

37 “Corridor location” means a charging location located along a
38 travel corridor roadway, or within two miles of that roadway, which
39 is intended to provide access to vehicle charging services for long
40 distance drivers and en-route vehicle charging services for local
41 drivers.

42 “DC Fast Charger” means electric vehicle service equipment that
43 provides at least 50 kilowatts of direct current electrical power for
44 charging a plug-in electric vehicle through a standardized
45 connector, and which is approved for installation for that purpose
46 under the National Electric Code through Underwriters Laboratories
47 Certification or an equivalent certifying organization.

1 “Department” means the Department of Environmental
2 Protection.

3 “Electric vehicle service equipment” or “EVSE” means the
4 equipment, including the cables, cords, conductors, connectors,
5 couplers, enclosures, attachment plugs, power outlets, switches and
6 controls, network interfaces, and point of sale equipment and
7 associated apparatus designed and used for the purpose of
8 transferring energy from the electric supply system to a plug-in
9 electric vehicle. “EVSE” may deliver either alternating current or
10 direct current electricity as determined by industry equipment
11 standards.

12 “Essential public charging network” or “network” means the
13 public charging infrastructure installed pursuant to section 10 of
14 P.L. , c. (C.) (pending before the Legislature as this bill), as part
15 of the Statewide initiative to encourage the plug-in electric vehicle
16 market in the State, and which provides a basic level of Statewide
17 public charging infrastructure sufficient to minimize range anxiety
18 and meet other public charging needs.

19 “Industry equipment standards” means the electric vehicle
20 charging equipment industry standards, including the CHAdeMO
21 standard and the Society of Automotive Engineers Combined
22 Charging Standard (CCS).

23 “Level One EVSE” means a supply of single phase 120 Vac
24 electricity, presented as either a standard wall plug into which the
25 charging cord provided with a plug-in electric vehicle can be
26 connected, or an EVSE with a standard vehicle plug connector that
27 complies with SAE J1772, or an equivalent standard for 120 Vac
28 charging as may be adopted in the future and accepted by the board,
29 and which is approved for installation for this purpose under the
30 National Electric Code through Underwriters Laboratories
31 Certification or an equivalent certifying organization.

32 “Level Two EVSE” means EVSE that provides a plug-in electric
33 vehicle with single phase alternating current electrical power at
34 208-240 Vac, through a standardized plug connector that complies
35 with SAE J1772 standards, or an equivalent wireless power transfer
36 interface, or equivalent standards for 208-240 Vac charging as may
37 be adopted in the future and accepted by the board, and which is
38 approved for installation for this purpose under the National
39 Electric Code through Underwriters Laboratories Certification or an
40 equivalent certifying organization.

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

46 “Local government unit” means a county, municipality, or any
47 board, commission, committee, authority or agency thereof that is
48 subject to the provisions of the “Local Public Contracts Law,”

1 P.L.1971, c.198 (C.40A:11-1 et seq.), including a housing authority
2 or redevelopment agency created or continued under the "Local
3 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
4 seq.).

5 "Low-income, urban, or environmental justice community"
6 means a community where at least half of the households have a
7 household income that does not exceed 2.50 times the official
8 federal poverty level based on family size, established and adjusted
9 under the federal "Community Services Block Grant Act," 42
10 U.S.C. s.9902(2); is urban, as determined by the Department of
11 Community Affairs, due to the population and development density
12 in the community; or has been burdened with environmental justice
13 issues, as determined by the Department of Environmental
14 Protection, including, but not limited to, exposure to high levels of
15 air pollution, close proximity to major industrial facilities or
16 hazardous waste sites, or other environmental hazards.

17 "Owner or operator" means an entity that owns or operates
18 EVSE locations or equipment for use by plug-in electric vehicle
19 drivers, including an electric public utility, a site host, or a third-
20 party provider.

21 "Plug-in electric vehicle" means a vehicle that has a battery or
22 equivalent energy storage device that can be charged from an
23 electricity supply external to the vehicle with an electric plug.
24 "Plug-in electric vehicle" includes a plug-in hybrid vehicle. A plug-
25 in electric vehicle may be a light duty, medium duty, or heavy duty
26 vehicle.

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

30 "Range anxiety" means consumer concerns that public electric
31 charging infrastructure may not be widely available, resulting in
32 fewer electric vehicle purchases due to a perceived risk that a plug-
33 in electric vehicle driver may be stranded with a fully discharged
34 battery while on the road with no recharging source.

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

40 "Site host" means the entity with authority to host EVSE and
41 network services at a given location in the State, proposing to serve
42 as a charging location for use by the public or other authorized
43 users.

44 "Third-party provider" means a non-utility entity that owns or
45 provides EVSE or related equipment, or provides related services
46 for the development, financing, design, installation, and operation
47 of charging locations and the associated EVSE.

1 “Travel corridor” means the subset of heavily used public roads
2 designated by the Electric Vehicle Working Group pursuant to
3 section 4 of P.L. , c. (C.) (pending before the Legislature
4 as this bill) for inclusion in the essential public charging network
5 established pursuant to section 10 of P.L. , c. (C.) (pending
6 before the Legislature as this bill), including the Garden State
7 Parkway, the New Jersey Turnpike, the Atlantic City Expressway,
8 federal interstate highways, and the subset of federal or State roads
9 which collectively support the majority of long distance travel
10 through and within the State as well as the majority of daily travel
11 by local drivers.

12

13 3. a. There are established the following State goals for the use
14 of plug-in electric vehicles and the development of plug-in electric
15 vehicle charging infrastructure in the State to support that use:

16 (1) at least 330,000 of the registered light duty vehicles in the
17 State shall be plug-in electric vehicles by December 31, 2025;

18 (2) at least 2,000,000 of the registered light duty vehicles in the
19 State shall be plug-in electric vehicles by December 31, 2035;

20 (3) at least 90 percent of all new light duty vehicles sold in the
21 State shall be plug-in electric vehicles by December 31, 2040;

22 (4) (a) By December 31, 2021, at least 600 DC Fast Chargers
23 shall be available for public use at no less than 300 charging
24 locations in the State, in addition to any charging locations or EVSE
25 already in place as of January 1, 2019; and (b) at least 100 of the
26 300 or more charging locations shall be at travel corridor locations,
27 equipped with at least two DC Fast Chargers per location, each
28 capable of providing at least 150 kilowatts of charging power, and
29 no more than 25 miles between the charging locations; and (c) at
30 least 200 of the 300 or more charging locations shall be community
31 locations, equipped with at least two DC Fast Chargers per location,
32 each capable of providing at least 50 kilowatts of charging power or
33 more, and 150 kilowatts or more where feasible; and

34 (5) By December 31, 2021, at least 1000 Level Two chargers
35 shall be available for public use across the State, and after initial
36 installation, those EVSE may be upgraded to higher power or DC
37 Fast Chargers as appropriate by the owner or operator; and

38 (6) (a) By December 31, 2025, 25 percent of all multi-family
39 residential properties in the State shall be equipped with electric
40 vehicle charging equipment for the routine charging of electric
41 vehicles by residents through a combination of Level One EVSE,
42 Level Two EVSE, or charger ready parking spaces, which
43 collectively shall serve a percentage of resident parking spaces
44 equal to the percentage of light duty vehicles registered in the State
45 that are plug-in electric vehicles at the end of the preceding
46 calendar year, or the percentage of vehicles owned by residents that
47 are plug-in electric vehicles, whichever is higher, and (b) by
48 December 31, 2030, 50 percent of all multi-family properties shall

1 be equipped for electric vehicle charging as described in
2 subparagraph (a) of this paragraph;

3 (7) (a) By December 31, 2025, 25 percent of all overnight
4 lodging establishments shall be equipped with electric vehicle
5 charging equipment for routine electric vehicle charging by guests
6 of the establishment by providing Level Two EVSE, which
7 collectively shall serve a percentage of the guest parking spaces
8 equal to the percentage of light duty vehicles registered in the State
9 that are plug-in electric vehicles at the end of the preceding
10 calendar year, and (b) by December 31, 2030, 50 percent of all
11 overnight lodging establishments shall be equipped for electric
12 vehicle charging as described in subparagraph (a) of this paragraph;

13 (8) (a) By December 31, 2025, 25 percent of all places of
14 employment in the State shall provide at least two dedicated
15 parking spaces and two charging plugs for either Level One or
16 Level Two EVSE to their employees for routine electric vehicle
17 charging on or near the property, and (b) by December 31, 2030, 50
18 percent of all places of employment in the State shall provide
19 parking spaces and electric vehicle charging equipment as described
20 in subparagraph (a) of this paragraph;

21 (9) (a) By December 31, 2025, at least 40 percent of State-owned
22 non-emergency light duty vehicles shall be plug-in electric vehicles,
23 and (b) by December 31, 2035 and thereafter, 100 percent of State-
24 owned non-emergency light duty vehicles shall be plug-in electric
25 vehicles; and

26 (10) (a) By the end of calendar year 2019, at least 5 percent of
27 the new bus purchases made by the New Jersey Transit Corporation
28 shall be plug-in electric vehicles, and (b) the percentage of plug-in
29 electric vehicle purchases shall increase to 10 percent in 2020, 20
30 percent in 2021, 40 percent in 2022, 60 percent in 2023, 80 percent
31 in 2024, and 100 percent in 2025 and thereafter, with vehicle
32 electrification prioritized for low-income, urban, or environmental
33 justice communities; and

34 (11) By December 31, 2020, other benchmarks shall be
35 established for vehicle electrification and infrastructure
36 development that address medium-duty and heavy-duty on-road
37 diesel vehicles and associated charging infrastructure, similar to the
38 State goals for light duty vehicles and consistent with the
39 technology and electric vehicle markets for those vehicle types.

40 b. No later than January 1, 2020, and every five years thereafter,
41 until December 31, 2040, the Department of Environmental
42 Protection shall prepare and submit to the Governor and, pursuant
43 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a
44 report that:

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

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

1 (3) identifies barriers to the achievement of the goals; and
2 (4) makes recommendations for legislative or regulatory action
3 to address the barriers.

4
5 4. (New section) a. There is established in the Department of
6 Environmental Protection the Electric Vehicle Working Group. The
7 working group shall develop a Statewide Vehicle Charging
8 Infrastructure Plan for the long-term development and installation
9 of plug-in electric vehicle charging infrastructure of all types across
10 the State, and monitor its implementation and its effectiveness in
11 advancing the State goals for electric vehicle use established
12 pursuant to section 3 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 b. The working group shall consist of 19 members as follows:
15 (1) the Commissioner of Environmental Protection, the President
16 of the Board of Public Utilities, the Commissioner of
17 Transportation, the Executive Director of the New Jersey Transit
18 Corporation, the Executive Director of New Jersey Turnpike
19 Authority, the Executive Director of South Jersey Transportation
20 Authority, the Commissioner of Community Affairs, the Executive
21 Director of the Port Authority of New York and New Jersey, the
22 Chief Executive Officer of the New Jersey Economic Development
23 Authority, and the Director of the Division of Rate Counsel in, but
24 not of, the Department of the Treasury, who shall serve ex officio,
25 or their respective designees; and

26 (2) the following public members, appointed by the Governor:

27 (a) one representative of a stakeholder group representing the
28 interests of the plug-in electric vehicle market in New Jersey;

29 (b) three representatives each representing a different electric
30 public utility in the State;

31 (c) one representative of a potential site host for electric vehicle
32 charging equipment;

33 (d) one representative of a third-party provider of electric vehicle
34 charging locations or charging equipment;

35 (e) two representatives with appropriate expertise in plug-in
36 electric vehicles, charging infrastructure, or transportation
37 corridors, one of whom shall be recommended to the Governor by
38 the Commissioner of Environmental Protection and one of whom
39 shall be recommended to the Governor by the President of the
40 Board of Public Utilities; and

41 (f) one representative of local governments in the State.

42 c. All appointments to the working group shall be made no
43 later than 90 days after the effective date of P.L. , c. (C.)
44 (pending before the Legislature as this bill). The term of office of
45 each public member shall be five years. Each public member shall
46 serve until a successor has been appointed and qualified, and
47 vacancies shall be filled in the same manner as the original
48 appointments for the remainder of the unexpired term. A public

1 member is eligible for reappointment to the working group. The
2 members of the working group shall serve without compensation,
3 but shall be eligible for necessary and reasonable expenses incurred
4 in the performance of their official duties within the limits of funds
5 appropriated or otherwise made available for the working group's
6 purposes.

7 d. The working group shall organize as soon as practicable
8 following the appointment of its members and shall select a
9 chairperson and a vice-chairperson from among its members, as
10 well as a secretary who need not be a member of the working group.
11 A majority of the membership of the working group shall constitute
12 a quorum for the transaction of working group business. The
13 working group may meet and hold hearings at the place or places
14 the working group designates.

15 The working group shall be entitled to call to its assistance and
16 avail itself of the services of the employees of any State, county, or
17 municipal department, board, bureau, commission, or agency as the
18 working group may require and as may be available to the working
19 group for its purposes.

20 e. Within 90 days after organization, the working group shall
21 develop a public education program to be implemented by the
22 Department of Environmental Protection to educate consumers
23 about the availability and benefits of plug-in electric vehicles in
24 New Jersey, public vehicle charging infrastructure, programs or
25 policies that provide incentives for the use of plug-in electric
26 vehicles, and the State goals set forth in section 3 of P.L. ,
27 c. (C.) (pending before the Legislature as this bill).

28 f. (1) Within 180 days after organization, the working group,
29 in consultation with the Department of Transportation, the New
30 Jersey Transit Corporation, the New Jersey Turnpike Authority, the
31 South Jersey Transportation Authority, and the Port Authority of
32 New York and New Jersey, shall designate the travel corridors to be
33 integrated into, and serviced by, the essential public charging
34 network, established pursuant to section 10 of P.L. , c. (C.)
35 (pending before the Legislature as this bill). Upon designation of
36 the travel corridors, the working group shall notify the necessary
37 entities for implementation of the essential public charging network
38 and compliance with the requirements of section 10 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill).

40 (2) The working group may from time to time include additional
41 public roads in the essential public charging network as necessary
42 to achieve the density of public charging locations sufficient to
43 reduce range anxiety and provide efficient and effective access to
44 public electric vehicle servicing equipment.

45 g. No later than one year after its first organizational meeting,
46 the working group shall publish the Statewide Vehicle Charging
47 Infrastructure Plan. The working group shall annually update the
48 plan in accordance with the information provided by the

1 Department of Environmental Protection in the reports and plug-in
2 electric vehicle market updates issued pursuant to subsection b. of
3 section 3 of P.L. , c. (C.) (pending before the Legislature
4 as this bill).

5 h. The working group shall incorporate into the Statewide
6 Vehicle Charging Infrastructure Plan:

7 (1) Estimates of the quantity and types of electric vehicle
8 charging equipment and infrastructure required to be installed
9 through calendar year 2035 to achieve the plug-in electric vehicle
10 goals established in section 3 of P.L. , c. (C.) (pending
11 before the Legislature as this bill), and a schedule for installation of
12 that charging equipment and infrastructure, including but not
13 limited to, public DC fast chargers, Level Two EVSE, workplace
14 charging facilities, overnight charging facilities at overnight
15 lodging establishments, fleet charging infrastructure of various
16 types, residential charging for single family homes, and residential
17 charging for multi-family homes;

18 (2) Strategies for creating general market conditions necessary
19 for long-term development of public electric vehicle charging
20 infrastructure that fully address range anxiety, meet routine
21 charging needs, ensure attainment of the goals established in
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 and establish minimum standards for equitable, reliable, and
24 convenient access to highly visible electric vehicle charging
25 infrastructure of all types;

26 (3) Methods for monitoring and compiling data on Statewide
27 plug-in electric vehicle purchases, EVSE use, the percentage of
28 Statewide electric vehicle miles traveled, utility distribution system
29 impacts, and other statistics for assessing plug-in electric vehicle
30 adoption and developing and maintaining effective charging
31 infrastructure;

32 (4) Guidelines to ensure that infrastructure is being made
33 available across all socioeconomic and geographic segments of the
34 State, and programs that support the vehicle electrification needs for
35 low-income, urban, or environmental justice communities,
36 including electrified public transportation and innovative electrified
37 advanced mobility solutions;

38 (5) Recommended policies, regulations, programs, and other
39 initiatives that ensure responsible integration of plug-in electric
40 vehicle charging infrastructure with the electric grid, and which
41 maximize the beneficial impact of that infrastructure and vehicle
42 charging for the plug-in electric vehicle market and utility
43 ratepayers;

44 (6) Recommended policies, regulations, programs, or other
45 initiatives that may be taken by State agencies, the public electric
46 utilities, and other organizations or market participants to achieve
47 the long-term success of the goals established in P.L. ,
48 c. (C.) (pending before the Legislature as this bill);

1 (7) Statewide consumer awareness campaigns that highlight the
2 availability of electric vehicle charging infrastructure in the State,
3 with a specific focus on addressing consumer concerns about range
4 anxiety and the availability of public charging infrastructure, to be
5 implemented by the government entities represented in the working
6 group; and

7 (8) Updates on the implementation of the essential public
8 charging network pursuant to sections 10 through 14 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill) and the
10 Light Duty Plug-in Vehicle Rebate Program pursuant to sections 15
11 through 20 of P.L. , c. (C.) (pending before the Legislature
12 as this bill).

13 i. The working group shall coordinate the development and
14 publication of the Statewide Vehicle Charging Infrastructure Plan
15 with development and revision of the State Energy Master Plan,
16 incorporating relevant provisions to ensure that implementation of
17 the plans are consistent.

18 j. (1) The working group shall also study, develop, and
19 identify needs, opportunities, and strategies for expanding
20 electrification of vehicles beyond private ownership of light duty
21 plug-in electric vehicles, and to provide funding and programs to:

22 (a) ensure equitable participation in vehicle electrification
23 benefits and programs by low-income, urban, or environmental
24 justice communities and other communities that suffer from
25 deficient mobility options and disproportionate negative
26 environmental impacts;

27 (b) ensure the development of electric advanced mobility
28 solutions and other transportation alternatives that serve those
29 communities; and

30 (c) expand the electrification of the wide range of heavy duty and
31 medium duty vehicles typically powered by diesel fuel, that may
32 also benefit from electrification, including, but not limited to,
33 public buses, medium and heavy duty trucks, drayage equipment,
34 and other off-road transportation, with particular focus on the use of
35 these vehicles and equipment at and around New Jersey ports.

36 (2) The working group may develop any other programs to
37 further the use of electric vehicles in the State and shall incorporate
38 its findings and recommendations into its annual reports.

39 k. The working group shall issue a final report on the Statewide
40 Vehicle Charging Infrastructure Plan during the calendar year 2035
41 and shall dissolve 30 days after the final report is issued.

42 l. After dissolution of the working group, the Department of
43 Environmental Protection shall update and implement the Statewide
44 Vehicle Charging Infrastructure Plan.

45

46 5. (New section) The Department of Environmental Protection
47 shall adopt, pursuant to the "Administrative Procedure Act,"
48 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may

1 be necessary for the development and installation of plug-in electric
2 vehicle charging infrastructure to achieve the goals set forth in
3 section 3 of P.L. , c. (C.) (pending before the Legislature
4 as this bill) and for implementation of any initiatives and programs
5 established pursuant to P.L. , c. (C.) (pending before the
6 Legislature as this bill).

7
8 6. (New section) The Department of Community Affairs shall
9 adopt, pursuant to the “Administrative Procedure Act,” P.L.1968,
10 c.410 (C.52:14B-1 et seq.), rules and regulations as may be
11 necessary to achieve the goals set forth in section 3 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill) and to
13 implement the programs established pursuant to P.L. ,
14 c. (C.) (pending before the Legislature as this bill),
15 including:

16 (1) new policies, guidelines, and regulations affecting
17 municipalities, revision of building codes, standards, permitting,
18 and other processes or procedures related to electric vehicle
19 charging infrastructure of all types, in all impacted building types
20 that would facilitate development of routine charging infrastructure
21 in a variety of settings; and

22 (2) new programs, procedures, rules and regulations, and
23 guidelines that would facilitate development of vehicle charging
24 infrastructure of all types by local government units in the State,
25 including issuance of formal guidance that would allow local
26 government units to utilize the competitive contracting provisions
27 of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1
28 et seq.), in order to partner with private parties for the design,
29 permitting, financing, installation, operation, and management of all
30 EVSE installations; and

31 (3) any new programs, procedures, rules and regulations, and
32 guidelines that would increase the use of plug-in electric vehicles
33 and expand the number of EVSE installations available for the
34 public use.

35
36 7. (New section) The Department of Transportation, in
37 consultation with the New Jersey Transit Corporation, the New
38 Jersey Turnpike Authority, the South Jersey Transportation
39 Authority, and the New Jersey Economic Development Authority,
40 shall adopt, pursuant to the “Administrative Procedure Act,”
41 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may
42 be necessary for the development and installation of infrastructure
43 to achieve the goals set forth in section 3 of P.L. , c. (C.)
44 (pending before the Legislature as this bill) and for implementation
45 of programs established pursuant to P.L. , c. (C.) (pending
46 before the Legislature as this bill).

1 8. (New section) As used in sections 8 through 20 of P.L. ,
2 c. (C.) (pending before the Legislature as this bill):
3 “Board” means the Board of Public Utilities.
4 “Charger ready” means the pre-wiring of electrical infrastructure
5 at a parking space, or set of parking spaces, to facilitate easy and
6 cost-efficient future installation of electric vehicle service
7 equipment, including, but not limited to, Level Two EVSE, and a
8 clearly defined process by which prospective users of vehicle
9 chargers may request and benefit from installation of an appropriate
10 EVSE at the pre-wired parking space;
11 “Charging location” means a publicly accessible parking space
12 or set of parking spaces, with visible signage designating that the
13 parking space or spaces are available for use by the public for
14 charging plug-in electric vehicles.
15 “Community location” means a charging location that is not a
16 corridor location, and that is established in a town center,
17 commercial area, retail center, or other site, or near concentrations
18 of multi-family dwellings, to provide vehicle charging services to
19 local plug-in electric vehicle drivers near where they live or work.
20 “Corridor location” means a charging location located along a
21 travel corridor roadway, or within two miles of that roadway, which
22 is intended to provide access to vehicle charging services for long
23 distance drivers and en-route vehicle charging services for local
24 drivers.
25 “DC Fast Charger” means electric vehicle service equipment that
26 provides at least 50 kilowatts of direct current electrical power for
27 charging a plug-in electric vehicle through a standardized
28 connector, and which is approved for installation for that purpose
29 under the National Electric Code through Underwriters Laboratories
30 Certification or an equivalent certifying organization.
31 “Department” means the Department of Environmental
32 Protection.
33 “Electric vehicle service equipment” or “EVSE” means the
34 equipment, including the cables, cords, conductors, connectors,
35 couplers, enclosures, attachment plugs, power outlets, switches and
36 controls, network interfaces, and point of sale equipment and
37 associated apparatus designed and used for the purpose of
38 transferring energy from the electric supply system to a plug-in
39 electric vehicle. “EVSE” may deliver either alternating current or
40 direct current electricity as determined by industry standards.
41 “Eligible recipient” means any purchaser of an eligible vehicle
42 who did not receive the applicable electric vehicle rebate at the time
43 of purchase as part of a reduction of the eligible vehicle’s purchase
44 price, or any seller of an eligible vehicle who has disbursed the
45 electric vehicle rebate pursuant to P.L. , c. (C.) (pending
46 before the Legislature as this bill) to a purchaser at the time of sale
47 through a pass-through reduction in the sale price.

1 “Eligible vehicle” means a new light duty plug-in electric
2 vehicle, with an MSRP of \$55,000 or less, purchased after the
3 effective date of P.L. , c. (C.) (pending before the
4 Legislature as this bill).

5 “Essential public charging network” or “network” means the
6 public charging infrastructure installed pursuant to section 9 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), as part
8 of the Statewide initiative to encourage the plug-in electric vehicle
9 market in the State, and which provides a basic level of Statewide
10 public charging infrastructure sufficient to minimize range anxiety
11 and meet other public charging needs.

12 “Industry equipment standards” means the electric vehicle
13 charging equipment industry standards, including the CHAdeMO
14 standard and the Society of Automotive Engineers Combined
15 Charging Standard (CCS).

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

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

30 “Light Duty Plug-in Electric Vehicle Rebate Program” or “rebate
31 program” means the program established pursuant to section 14 of
32 P.L. , c. (C.) (pending before the Legislature as this bill) to
33 encourage the purchase of light duty plug-in electric vehicles.

34 “Local government unit” means a county, municipality, or any
35 board, commission, committee, authority or agency thereof that is
36 subject to the provisions of the “Local Public Contracts Law,”
37 P.L.1971, c.198 (C.40A:11-1 et seq.), including a housing authority
38 or redevelopment agency created or continued under the "Local
39 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
40 seq.).

41 “Managed charging” means policies, programs, regulations,
42 technologies, specially designed rates or tariffs, or other methods
43 that influence or control when or how vehicle charging takes place
44 in order to minimize harmful impacts to the electric distribution
45 system or the electric transmission system while maximizing
46 electric vehicle charging benefits.

47 “MSRP” means the published manufacturer’s suggested retail
48 price, as set by a vehicle’s manufacturer, at the time of sale.

1 “Owner or operator” means an entity that owns or operates
2 EVSE locations or equipment for use by plug-in electric vehicle
3 drivers, including an electric public utility, a site host, or a third-
4 party provider.

5 “Plug-in electric vehicle” means a vehicle that has a battery or
6 equivalent energy storage device that can be charged from an
7 electricity supply external to the vehicle with an electric plug.
8 “Plug-in electric vehicle” includes a plug-in hybrid vehicle. A plug-
9 in electric vehicle may be a light duty, medium duty, or heavy duty
10 vehicle.

11 “Plug-in Electric Vehicle Rebate Fund” or "fund" means a non-
12 lapsing account established to fund rebate disbursements under the
13 Light Duty Plug-in Electric Vehicle Rebate Program, established
14 pursuant to section 16 of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

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

19 “Range anxiety” means consumer concerns that public electric
20 charging infrastructure may not be widely available, resulting in
21 fewer electric vehicle purchases due to a perceived risk that a plug-
22 in electric vehicle driver may be stranded with a fully discharged
23 battery while on the road with no recharging source.

24 “Rebate disbursement” means the payment of an electric vehicle
25 rebate, established by the Board of Public Utilities pursuant to
26 section 14 of P.L. , c. (C.) (pending before the Legislature
27 as this bill), to an eligible recipient.

28 “Seller of an eligible vehicle” means an entity that sells an
29 eligible vehicle to a consumer or fleet owner in the State, and may
30 include an automobile dealership, third-party financing entity,
31 manufacturer selling directly to the public, or any other entity
32 selling motor vehicles to consumers in the State.

33 “Site host” means the entity with authority to host EVSE and
34 network services at a given location in the State, proposing to serve
35 as a charging location for use by the public or other authorized
36 users.

37 “Third-party provider” means a non-utility entity that owns or
38 provides EVSE or related equipment, or provides related services
39 for the development, financing, design, installation, and operation
40 of charging locations and the associated EVSE.

41 “Travel corridor” means the subset of heavily used public roads
42 designated by the Electric Vehicle Working Group pursuant to
43 section 4 of P.L. , c. (C.) (pending before the Legislature
44 as this bill) for inclusion in the essential public charging network
45 established pursuant to section 9 of P.L. , c. (C.) (pending
46 before the Legislature as this bill), including the Garden State
47 Parkway, the New Jersey Turnpike, the Atlantic City Expressway,
48 federal interstate highways, and the subset of federal or State roads

1 which collectively support the majority of long distance travel
2 through and within the State as well as the majority of daily travel
3 by local drivers.
4

5 9. (New section) a. Within 90 days after the designation of
6 travel corridors by the Electric Vehicle Working Group pursuant to
7 paragraph (1) of subsection f. of section 4 of P.L. , c. (C.)
8 (pending before the Legislature as this bill), the Board of Public
9 Utilities, in cooperation with the electric public utilities in the State,
10 the Department of Transportation, the New Jersey Turnpike
11 Authority, and the South Jersey Transportation Authority, shall
12 develop the essential public charging network, to be implemented
13 by the electric public utilities pursuant to subsection b. of this
14 section and section 10 of P.L. , c. (C.) (pending before the
15 Legislature as this bill). The essential public charging network
16 shall:

17 (1) provide sufficient public charging infrastructure to support a
18 significant expansion in the use of plug-in electric vehicles in the
19 State and consumer confidence in using these vehicles;

20 (2) integrate with the electric distribution system and the electric
21 transmission system; and

22 (3) provide a level of public charging infrastructure sufficient to
23 minimize consumer range anxiety.

24 b. By December 31, 2021 or as soon thereafter as practicable,
25 the board shall require electric public utilities, through contracts
26 with third-party providers and site hosts in their respective service
27 territories, to implement the charging network Statewide,
28 collectively providing, at a minimum, and in addition to any electric
29 vehicle service equipment in place on or before January 1, 2018:

30 (1) 100 DC Fast Charger locations at corridor locations equipped
31 with at least two DC Fast Chargers per location, each capable of
32 providing at least 150 kilowatts of power, with no more than 25
33 miles between locations wherever feasible;

34 (2) 200 DC Fast Charger locations at community locations
35 equipped with at least two DC Fast Chargers per location, each
36 capable of providing at least 50 kilowatts of power and up to at
37 least 150 kilowatts wherever feasible; and

38 (3) 1000 publicly accessible Level Two EVSE, which after the
39 initial installation may be upgraded to DC Fast Chargers or higher
40 power levels as deemed appropriate by the owner or operator of the
41 EVSE at the network location.

42 The provisions of this subsection shall not preclude the
43 installation of additional EVSE at any network location, or a Level
44 Two EVSE or DC Fast Charger of 50 KW or above, as considered
45 appropriate by the owner or operator the EVSE at the network
46 location.

47 c. (1) All network DC Fast Chargers shall provide at least two
48 plug types, compliant with the industry equipment standards as

1 defined at the time of installation, and other additional standards as
2 may be introduced based on technology improvements or changes
3 in applicable technical standards and approved for inclusion by the
4 board.

5 (2) All network equipment and infrastructure shall be equally
6 accessible by all plug-in electric vehicles, and the operators thereof,
7 and shall be available for use by the public without unreasonable
8 commercial or technical restrictions.

9 (3) All network charging locations shall be highly visible along
10 public roadways, with standardized signage easily visible on
11 roadways, and the locations shall be posted on line in a manner that
12 makes them easy to identify and locate.

13 (4) All network infrastructure development plans shall make use
14 of design innovations, technologies, and other methods to:

15 (a) minimize harmful impact on the electric grid wherever
16 needed and the integration and operation costs; and

17 (b) maximize the beneficial impact vehicle charging and
18 charging infrastructure may have on the electric grid.

19

20 10. (New section) a. No later than one year after the effective
21 date of P.L. , c. (C.) (pending before the Legislature as this
22 bill), each electric public utility in the State shall submit to the
23 board a proposed plan for the construction and long-term operation
24 of the essential public charging network within its service territory.
25 The proposed charging network plan shall:

26 (1) establish a process and timeframe for identifying site hosts,
27 third-party providers, and potential locations for the DC Fast
28 Chargers at corridor locations and community locations, and for the
29 publicly accessible Level Two EVSE required to be installed
30 pursuant to paragraph (2) of subsection b. of section 9 of P.L. ,
31 c. (C.) (pending before the Legislature as this bill);

32 (2) outline the terms of the agreements and contracts to be
33 entered into by the electric public utility and each of the site hosts
34 and third-party providers in order to install the components of the
35 network required pursuant to subsection b. of section 9 of P.L. ,
36 c. (C.) (pending before the Legislature as this bill) by
37 December 31, 2021, which may include, pending board approval, a
38 variety of approaches for owning and operating the network,
39 including (a) site host owned and operated EVSE, (b) third party
40 provider or electric public utility owned and operated EVSE, or (c)
41 mixed arrangements whereby multiple entities are involved in
42 owning and operating the locations and EVSE;

43 (3) provide cost estimates for the installation and operation of the
44 required network components;

45 (4) provide methods for the development, installation, and
46 operation of the network locations, EVSE, and electrical
47 infrastructure and for financing its installation and operation,
48 including, but not necessarily limited to (a) financing plans,

1 financial incentives, new rate designs, tariffs, and how the costs of
2 any programs offered in the proposal shall be recovered fully and in
3 a timely fashion through a separate utility rate clause as approved
4 by the board, (b) partnership programs with local government units
5 or other parties, managed charging or demand response programs,
6 streamlined processes and programs to facilitate interconnection, (c)
7 marketing and other programs to build consumer awareness, and (d)
8 technology trials or other programs that support the goals of P.L. ,
9 c. (C.) (pending before the Legislature as this bill).

10 b. The board may determine any electric public utility proposed
11 charging network plan submitted within 18 months prior to the
12 effective date of P.L. , c. (C.) (pending before the
13 Legislature as this bill) fulfills the requirements of subsection a. of
14 this section if the board determines the proposed charging network
15 plan is consistent with the goals and requirements of P.L. ,
16 c. (C.) (pending before the Legislature as this bill). The
17 board shall make the determination no later than 90 days after the
18 effective date of P.L. , c. (C.) (pending before the
19 Legislature as this bill) and shall notify the electric public utility
20 immediately:

21 (1) if the proposed charging network plan is determined to be
22 inconsistent with the goals and requirements of P.L. ,
23 c. (C.) (pending before the Legislature as this bill); and

24 (2) the date by which the electric public utility shall be required
25 to submit a new proposed charging network plan in compliance
26 with this section.

27 c. No later than 180 days after receipt of a proposed charging
28 network plan pursuant to subsection a. or b. of this section, the
29 board shall review and issue a determination approving, rejecting,
30 or approving with modifications the proposed charging network
31 plan. The board shall apply the following criteria for this review
32 and determination:

33 (1) The proposed charging network plan is consistent with, and
34 supports attaining the goals of P.L. , c. (C.) (pending
35 before the Legislature as this bill);

36 (2) The expenditures estimated and set forth in the proposed
37 charging network plan are reasonable for attaining the goals of
38 P.L. , c. (C.) (pending before the Legislature as this bill);
39 and

40 (3) The proposed charging network plan is likely to accomplish
41 the installation of the required elements of the network in a timely
42 manner.

43 d. The board order approving, or approving with modifications,
44 an electric public utility's proposed charging network plan shall
45 provide for and approve full and timely recovery through a separate
46 utility rate clause covering all reasonable costs, which may be
47 included in the electric public utility's rate base as either a capital
48 or regulatory asset. The electric public utility shall implement its

- 1 charging network plan by using funding sources other than
2 recovering electric public utility expenditures through customer
3 rates whenever feasible.
- 4 e. (1) Upon approval of a charging network plan pursuant to this
5 section, the electric public utility shall implement the charging
6 network plan, and may enter into any necessary agreements or
7 contracts with site hosts or third-party providers.
- 8 (2) An electric public utility charging network plan that provides
9 for network locations developed by site hosts or third-party
10 providers shall;
- 11 (a) use a competitive process, wherever feasible, to engage site
12 hosts or third-party providers, as applicable, in (a) developing
13 projects, (b) providing EVSE and services, and (c) owning and
14 operating the locations and EVSE for public use;
- 15 (b) leverage private investment wherever possible;
- 16 (c) provide customer choice in equipment;
- 17 (d) optimize net benefit for ratepayers;
- 18 (e) avoid unfair limits on the involvement of non-utility market
19 participants;
- 20 (f) maximize public benefit by (i) ensuring universal access, (ii)
21 encouraging the use of open standards, (iii) promoting
22 interoperability and network roaming, (iv) providing a consistent
23 consumer experience, and (v) provide for appropriate consideration
24 of future infrastructure needs; and
- 25 (g) promote development of a competitive market for continued
26 growth in public charging infrastructure beyond the network.
- 27 f. An electric public utility charging network plan that provides
28 for utility ownership and operation of locations or EVSE as part of
29 the network, as approved by the board, shall:
- 30 (1) use a competitive process to engage site hosts or third-party
31 providers for EVSE and services, as applicable;
- 32 (2) provide customer choice in equipment;
- 33 (3) optimize net benefit for ratepayers;
- 34 (4) avoid unfair limits on the involvement of non-utility market
35 participants; and
- 36 (5) maximize public benefit by (a) ensuring universal access, (b)
37 encouraging the use of open standards, (c) promoting
38 interoperability and network roaming, and providing a consistent
39 consumer experience, (d) providing for appropriate consideration of
40 future infrastructure needs, and (e) promoting development of a
41 competitive market for continued growth in public charging
42 infrastructure beyond the network.
- 43 g. The electric public utilities shall propose tariffs, incentive
44 programs, or other methods that ensure electricity costs for public
45 charging facilities are not restrictive during early market conditions
46 when utilization is low, as determined by the board, including
47 consideration of demand charge impacts, and the costs of such
48 tariffs, programs, or methods shall be recovered fully and in a

1 timely fashion through a separate utility rate clause as approved by
2 the board. The tariffs, programs, or other methods may be approved
3 for EVSE that are part of the network, or for any other EVSE that is
4 available for public use and which meets any additional
5 requirements deemed necessary by the board.

6 h. Electric public utilities may propose other programs,
7 incentives, tariffs, or initiatives to support the development of
8 vehicle charging infrastructure of all types, consistent with the
9 goals of P.L. , c. (C.) (pending before the Legislature as
10 this bill), including but not limited to:

11 (1) workplace EVSE programs for use by employees;

12 (2) EVSE programs for lodging establishments for use by
13 overnight guests;

14 (3) EVSE programs for residential use in multi-family and
15 single-family housing;

16 (4) EVSE for fleet operators;

17 (5) EVSE for NJ Transit Corporation;

18 (6) marketing and consumer awareness campaigns;

19 (7) innovative market or technology trials;

20 (8) solutions addressing demand charge implications on
21 electricity costs;

22 (9) programs that facilitate renewable energy and electricity
23 storage integration;

24 (10) programs that encourage vehicle charging at optimal times
25 of day; and

26 (11) programs or technology that enable interactive use of plug-
27 in electric vehicles as distributed energy resources that support and
28 enhance operation of the public grid through two-way exchanges of
29 electricity.

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

39 11. (New section) a. The New Jersey Turnpike Authority shall,
40 consistent with a charging network plan approved by the board
41 pursuant to section 9 of P.L. , c. (C.) (pending before the
42 Legislature as this bill):

43 (1) By December 31, 2021, or as soon thereafter as practicable,
44 establish publicly accessible EVSE parking spaces for the exclusive
45 use by plug-in electric vehicles at each of the service areas along
46 the New Jersey Turnpike and the Garden State Parkway;

47 (2) Provide at least two parking spaces for network DC Fast
48 Chargers with supporting EVSE at each location by December 31,

1 2021, and at least eight spaces for DC Fast Chargers at each
2 location that are charger ready with the electrical infrastructure
3 required to support future DC Fast Charger installations. The
4 allocation of these spaces shall not preclude the installation of
5 EVSE in addition to those required for the network, as the New
6 Jersey Turnpike Authority determines to be beneficial to the
7 increased use of electric vehicles in the State;

8 (3) Monitor usage of all EVSE at all of the New Jersey Turnpike
9 and Garden State Parkway service areas, and expand the EVSE
10 equipment and number of spaces served by EVSE as needed to
11 ensure reliable and convenient use by the public;

12 (4) Pursue public-private partnerships for the purpose of
13 facilitating the development, funding, and operation of the public
14 electric vehicle charging infrastructure required pursuant to P.L. ,
15 c. (C.) (pending before the Legislature as this bill); and

16 (5) Charge electric vehicle drivers using the EVSE a reasonable
17 amount to recover costs associated with installation and operation
18 of EVSE for public use, either directly, or through third parties that
19 have been contracted to provide vehicle charging services at each
20 service area.

21 b. For EVSE located on State-owned properties, or on properties
22 owned or controlled by local government units, and which are
23 owned or operated by a third party, charges for service may include
24 a fee that is transferable to the State agency or local government
25 unit as a concession pursuant to a written agreement between the
26 owner or operator and the State agency or local government unit.

27
28 12. The South Jersey Transportation Authority shall, consistent
29 with a charging network plan approved by the board pursuant to
30 section 9 of P.L. , c. (C.) (pending before the Legislature
31 as this bill):

32 (1) By December 31, 2021, or as soon thereafter as practicable,
33 establish publicly accessible EVSE parking spaces for the exclusive
34 use by plug-in electric vehicles at each of the service areas along
35 the Atlantic City Expressway;

36 (2) Provide at least two parking spaces for network DC Fast
37 Chargers with supporting EVSE at each location by December 31,
38 2021, and at least eight spaces for DC Fast Chargers at each
39 location that are charger ready with the electrical infrastructure
40 required to support future DC Fast Charger installations. The
41 allocation of these spaces shall not preclude the installation of
42 EVSE in addition to those required for the network, as the South
43 Jersey Transportation Authority determines to be beneficial to the
44 increased use of electric vehicles in the State;

45 (3) Monitor usage of all EVSE at all of the Atlantic City
46 Expressway service areas, and expand the EVSE equipment and
47 number of spaces served by EVSE as needed to ensure reliable and
48 convenient use by the public;

1 (4) Pursue public-private partnerships for the purpose of
2 facilitating the development, funding, and operation of the public
3 electric vehicle charging infrastructure required pursuant to P.L. ,
4 c. (C.) (pending before the Legislature as this bill); and

5 (5) Charge electric vehicle drivers using the EVSE a reasonable
6 amount to recover costs associated with installation and operation
7 of EVSE for public use, either directly, or through third parties that
8 have been contracted to provide vehicle charging services at each
9 service area.

10 b. For EVSE located on State agency-owned properties, or on
11 properties owned or controlled by local government units, and
12 which are owned or operated by a third party, charges for service
13 may include a fee that is transferable to the State agency or local
14 government unit as a concession pursuant to a written agreement
15 between the owner or operator and the State agency or local
16 government unit.

17
18 13. The Department of Transportation shall, consistent with a
19 charging network plan approved by the board pursuant to section 9
20 of P.L. , c. (C.) (pending before the Legislature as this
21 bill):

22 (1) By December 31, 2021, or as soon thereafter as practicable,
23 establish publicly accessible EVSE parking spaces at rest areas
24 along Interstate highways under its jurisdiction;

25 (2) In cooperation and consultation with the New Jersey
26 Turnpike Authority and the South Jersey Transportation Authority,
27 and other State and local authorities as required, shall establish
28 consistent and effective signage along the travel corridors and local
29 roadways in the State and at EVSE locations to inform the public of
30 EVSE locations, provide guidance for reaching the publicly
31 accessible charging locations, and indicate the type of EVSE
32 available at the location. The signage shall indicate the availability
33 of DC Fast Chargers wherever they are available;

34 (3) Coordinate with federal authorities to (a) ensure the use of
35 standardized signage indicating the availability of nearby EVSE
36 along federal interstate highways, similar to current signage in use
37 regarding fuel and other local amenities, and (b) negotiate any
38 necessary agreements or contracts to facilitate the installation of
39 EVSE at charging locations in the State along federal interstate
40 highways and the charging of electric vehicle drivers using the
41 EVSE a reasonable amount to recover New Jersey electric public
42 utility costs associated with installation and operation of EVSE for
43 public use, either directly, or through third parties that have been
44 contracted to provide vehicle charging services at each service area.

45 b. For EVSE located on State agency-owned properties, or on
46 properties owned or controlled by local government units, and
47 which are owned or operated by a third party, charges for service
48 may include a fee that is transferable to the State agency or local

1 government unit as a concession pursuant to a written agreement
2 between the owner or operator and the State agency or local
3 government unit.

4
5 14. (New section) a. No later than 90 days after the effective
6 date of P.L. , c. (C.) (pending before the Legislature as this
7 bill), the Board of Public Utilities, in cooperation with the State
8 Treasurer and the Department of Environmental Protection, shall
9 establish and implement a "Light Duty Plug-in Electric Vehicle
10 Rebate Program" for the purpose of encouraging the purchase of
11 light duty plug-in electric vehicles.

12 b. The board shall implement the rebate program until June
13 30th of the 10th year after the rebate program begins, or after
14 \$300,000,000 in rebate disbursements have been paid from the
15 fund, whichever occurs first.

16 c. (1) The board shall establish the electric vehicle rebate as a
17 one-time payment to the purchaser of a new light duty plug-in
18 electric vehicle in an amount set and calculated by the department
19 as equal to at least \$25 per mile of the eligible vehicle's electric
20 power range as certified by the United States Environmental
21 Protection Agency and determined by the Department of
22 Environmental Protection, up to a maximum of \$5,000 per eligible
23 vehicle.

24 (2) The board, in consultation with the department, shall
25 determine the electric vehicle rebate amount consistent with the
26 provisions of this section for all eligible vehicles available for sale
27 in the State and shall publish the schedule of rebate amounts for all
28 eligible vehicles quarterly.

29 (3) The board may adjust the rebate amount provided in
30 paragraph (1) of this subsection as necessary to achieve or sustain
31 the State's electric vehicle goals established pursuant to section 3 of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 provided that electric vehicle rebate amounts shall not be not
34 changed more frequently than once per aggregate disbursement of
35 \$100,000,000 from the "Plug-in Electric Vehicle Rebate Fund,"
36 established pursuant to section 16 of P.L. , c. (C.) (pending
37 before the Legislature as this bill);

38 (4) The board may establish limits on the number of electric
39 vehicle rebates issued to a purchaser as necessary.

40 d. The board shall monitor the rebate disbursements, and shall
41 annually reassess the design and implementation of the rebate
42 program. Provided the board's action does not violate the
43 provisions of subsection c. of this section, the board may:

44 (1) revise the rebate program, any aspect of the rebates, or the
45 related implementation procedures or processes; and

46 (2) establish additional rebates consistent with the goals of
47 P.L. , c. (C.) (pending before the Legislature as this bill).

1 e. Notwithstanding any other provision of law to the contrary,
2 a light duty plug-in hybrid vehicle shall not qualify for a rebate
3 under the “Light Duty Plug-in Electric Vehicle Rebate Program”
4 after December 31, 2022. An eligible recipient seeking a rebate for
5 a light duty plug-in hybrid vehicle shall file an application for the
6 rebate pursuant to section 17 of P.L. , c. (C.) (pending
7 before the Legislature as this bill) on or before December 31, 2022.

8 f. The board, in cooperation and consultation with the Electric
9 Vehicle Working Group established pursuant to section 4 of P.L. ,
10 c. (C.) (pending before the Legislature as this bill), shall
11 develop and implement a Statewide public education program to
12 publicize the availability of the electric vehicle rebates pursuant to
13 the rebate program and shall coordinate with motor vehicle
14 dealerships, electric public utilities, plug-in electric vehicle
15 manufacturers doing business in the State, and other relevant
16 stakeholder organizations to ensure public awareness of the rebate
17 program.

18
19 15. (New section) a. The seller of an eligible vehicle shall offer
20 the electric vehicle rebate in conjunction with, and in addition to,
21 any other incentive offered by the seller of the eligible vehicle.

22 b. A vehicle dealership, at its discretion, may provide a
23 purchaser the option to have the amount of the electric vehicle
24 rebate deducted from the final negotiated and agreed upon sale
25 price of the eligible vehicle, in which case the full amount of the
26 electric vehicle rebate shall be passed through to the purchaser in
27 full and payment thereof shall be effective immediately at the time
28 of the final sale and transfer of the eligible vehicle to the purchaser.

29 c. If the vehicle dealership does not deduct the amount of the
30 electric vehicle rebate from the final negotiated and agreed upon
31 sale price of the eligible vehicle, or the purchaser does not receive
32 the electric vehicle rebate at the time of purchase, the purchaser
33 may apply directly to the State Treasurer, pursuant to section 17 of
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 to receive any applicable rebate. The vehicle dealership shall
36 provide to those purchasers at the time of the final sale and transfer
37 of the ownership of the eligible vehicle all the paperwork and
38 transaction-related documentation required by the State Treasurer
39 pursuant to section 17 of P.L. , c. (C.) (pending before the
40 Legislature as this bill) for the purchaser to apply for the electric
41 vehicle rebate.

42 d. The Board of Public Utilities shall provide a website,
43 accessible by the public, that provides up-to-date information about
44 rebate availability, and a mechanism for securing for a specified,
45 limited time rebate commitment for an eligible vehicle purchase.

46 e. The board shall require each seller of a new plug-in electric
47 vehicle to notify the board, upon the final sale and transfer of

1 vehicle to a purchaser, the following information regarding each
2 plug-in electric vehicle sold:

- 3 (1) the vehicle's make, model, and battery size; and
- 4 (2) the physical address of the location where the vehicle is
5 expected to typically reside overnight.

6 f. The board shall provide on a quarterly basis to any electric
7 public utility operating in the State the information required and
8 collected pursuant to subsection e. of this section in order to
9 facilitate the appropriate planning for, and reinforcement of,
10 electricity distribution and infrastructure affected by vehicle
11 charging requirements.

12
13 16. (New section) a. There is established in the Department of
14 the Treasury a special, nonlapsing fund to be known as the "Plug-in
15 Electric Vehicle Rebate Fund," also referred to as "the fund." The
16 fund shall be administered by the State Treasurer and shall be
17 credited with:

- 18 (1) moneys deposited by the Board of Public Utilities pursuant
19 to this subsection for the purposes of the fund;
- 20 (2) moneys as are appropriated by the Legislature; and
- 21 (2) any return on investment of moneys deposited in the fund.

22 The board may deposit into the fund moneys received from the
23 societal benefits charge established pursuant to section 11 of
24 P.L.1999, c.23 (C.48:3-60), moneys made available to the board
25 pursuant to the implementation of the Regional Greenhouse Gas
26 Initiative and P.L.2007, c.340 (C.26:2C-45 et seq.), and moneys
27 available from other funding sources as determined by the board.

28 b. Moneys in the fund may be used by the Department of the
29 Treasury solely for authorized rebate disbursements to eligible
30 recipients. The moneys in the fund shall not be used for any
31 administrative costs incurred by the Board of Public Utilities, the
32 Department of Environmental Protection, or the State Treasurer to
33 implement P.L. , c. (C.) (pending before the Legislature as
34 this bill).

35 c. Notwithstanding the provisions of the "Local Budget Law,"
36 N.J.S.40A:4-1 et seq., to the contrary, a county, municipality, or an
37 authority as that term is defined in section 3 of P.L.1983, c.313
38 (C.40A:5A-3) required to comply with the provisions of P.L.2005,
39 c.219 (C.26:2C-8.26 et al.) may anticipate in its annual budget, or
40 any amendments or supplements thereto, those sums to be
41 reimbursed from the fund for the purchase of new light duty plug-in
42 electric vehicles by the county, municipality, or authority. For the
43 purposes of subsection 1. of section 3 of P.L.1976, c.68 (C.40A:4-
44 45.3) and subsection g. of section 4 of P.L.1976, c.68 (C.40A:4-
45 45.4), any rebate provided pursuant to P.L. , c. (C.)
46 (pending before the Legislature as this bill) shall be considered an
47 amount to be received from State funds in disbursement for local
48 expenditures and therefore exempt from the limitation on local

1 budgets imposed pursuant to section 2 of P.L.1976, c.68 (C.40A:4-
2 45.2).

3

4 17. (New section) a. An eligible recipient shall file an
5 application for an electric vehicle rebate with the Department of the
6 Treasury on a form to be developed by the State Treasurer and the
7 board, and with any documentation required by the State Treasurer
8 pursuant to subsection b. of this section. Neither the State
9 Treasurer nor the board may charge an application fee.

10 b. Moneys in the fund shall be allocated and used to provide
11 rebate disbursements in the manner provided in this section and
12 section 16 of P.L. , c. (C.) (pending before the Legislature
13 as this bill). The State Treasurer, in consultation with the board and
14 the department, shall determine the applicability and the calculation
15 of an electric vehicle rebate in accordance with section 14 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).
17 The State Treasurer may require an eligible recipient to submit any
18 documentation the State Treasurer determines necessary, including,
19 but not limited to, an invoice of sale indicating the applicable
20 purchase price, the amount of rebate provided to the purchaser of an
21 eligible vehicle, and the final cost of the vehicle after the rebate was
22 deducted.

23 c. Upon a determination that an application meets all
24 established criteria for a rebate disbursement from the fund, the
25 State Treasurer shall approve the application and award the
26 appropriate disbursement to the applicant. All rebate payments
27 shall be issued within 10 business days after the receipt of a
28 complete application and its approval.

29 d. The State Treasurer shall certify to the board every 30 days
30 the amount available in the fund for the next 30 days.

31

32 18. (New section) a. The State Treasurer shall adopt, in
33 consultation with the board and the department, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), rules and regulations:

36 (1) establishing the filing requirements for a complete
37 application for a rebate disbursement from the fund; and

38 (2) prescribing the necessary documentation of the purchase of
39 an eligible vehicle, pass through to the consumer of the applicable
40 rebate, or any other documentation required by the State Treasurer,
41 board, or department for rebate disbursement.

42 b. When establishing requirements for an application for rebate
43 disbursement, the State Treasurer shall strive to minimize the
44 complexity of the application process and any costs to an applicant
45 for complying with application requirements.

46

47 19. (New section) a. The State Treasurer may deny an
48 application for rebate disbursement from the fund, and any rebate

1 disbursement from the fund may be recoverable by the State
2 Treasurer, upon a finding that:

- 3 (1) the applicant is not an eligible recipient;
4 (2) the applicant provided false information to obtain a rebate
5 disbursement, or withheld information on an application that would
6 render the applicant ineligible for the rebate disbursement; or
7 (3) the applicant provided false information or withheld
8 information that resulted in the applicant receiving a larger rebate
9 disbursement than the amount the applicant would otherwise be
10 eligible.

11 b. Nothing in this section shall be construed to require the State
12 Treasurer, board, department, or any other State agency to
13 undertake an investigation or make any findings concerning the
14 conduct described in subsection a. of this section.

15
16 20. (New section) The Board of Public Utilities shall adopt,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), rules and regulations as may be necessary for
19 the development and installation of infrastructure to achieve the
20 goals set forth in section 3 of P.L. , c. (C.) (pending before
21 the Legislature as this bill) and for implementation of any initiatives
22 and programs established pursuant to P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 21. Section 2 of P.L.2003, c.266 (C.26:2C-8.16) is amended to
26 read as follows:

27 2. As used in **sections 1 through 7 of** P.L.2003, c.266
28 **[(C.2C:2C-8.15 et seq.)] (C.26:2C-8.15 et al.):**

29 "Advanced technology partial zero emission vehicle" means a
30 vehicle certified as an advanced technology partial zero emission
31 vehicle pursuant to the California Air Resources Board vehicle
32 standards for the applicable model year **[:]** .

33 "California Low Emission Vehicle program" means the second
34 phase of the low emission vehicle program being implemented in
35 the State of California, pursuant to the provisions of the Federal
36 Clean Air Act and the California Code of Regulations **[:]** .

37 "Commissioner" means the Commissioner of Environmental
38 Protection **[:]** .

39 "Department" means the Department of Environmental
40 Protection **[:]** .

41 "Federal Clean Air Act" means the federal "Clean Air Act," 42
42 U.S.C. s.7401 et seq., and any subsequent amendments or
43 supplements to that act **[:]** .

44 **["Low Emission Vehicle Review Commission" means the**
45 **commission established by subsection a. of section 5 of P.L.2003,**
46 **c.266 (C.26:2C-8.19);]**

1 "Partial zero emission vehicle" means a vehicle certified as a
2 partial zero emission vehicle pursuant to the California Air
3 Resources Board vehicle standards for the applicable model year
4 **【;】**.

5 "State implementation plan" means the State implementation
6 plan for national ambient air quality standards adopted for New
7 Jersey pursuant to the federal Clean Air Act **【;】**.

8 "Zero emission vehicle" means a vehicle certified as a zero
9 emission vehicle pursuant to the California Air Resources Board
10 zero emission vehicle standards for the applicable model year, but
11 shall not include an advanced technology partial zero emission
12 vehicle or a partial zero emission vehicle **【; and】**.

13 "Zero emission vehicle requirement" means the percentage or
14 number of those vehicles certified as zero emission vehicles
15 pursuant to the California Air Resources Board vehicle standards
16 and required to be delivered by a manufacturer for sale or lease for
17 the applicable model year, and any additional percentages or
18 numbers of advanced technology partial zero emission vehicles or
19 partial zero emission vehicles that may be delivered by a
20 manufacturer for sale or lease to satisfy the zero emission vehicle
21 requirement established by the California Air Resources Board in
22 lieu of vehicles that meet the pure zero emission vehicle standard.

23 (cf: P.L.2003, c.266, s.2)

24

25 22. Section 3 of P.L.2003, c.266 (C.26:2C-8.17) is amended to
26 read as follows:

27 3. a. Notwithstanding any provision of a State implementation
28 plan submitted by the Department of Environmental Protection to
29 the United States Environmental Protection Agency pursuant to the
30 requirements of the federal "Clean Air Act Amendments of 1990,"
31 42 U.S.C. s.7403 et seq., to the contrary, the department shall
32 implement the California Low Emission Vehicle program and the
33 California zero emission vehicle requirements in the State
34 beginning on January 1, 2009 **【**, except as provided pursuant to
35 sections 6 and 7 of P.L.2003, c.266 (C.26:2C-8.20 and C.26:2C-
36 8.21)**】**.

37 b. The Commissioner of Environmental Protection, within 30
38 days after a proposed major substantive change to the California
39 Low Emission Vehicle program or the California zero emission
40 vehicle requirements that, if adopted, would necessitate a
41 corresponding substantive change to the program in New Jersey
42 adopted pursuant to subsection a. of this section or rules and
43 regulations adopted pursuant thereto, shall provide written notice
44 and a summary of the proposed substantive change to the Senate
45 Environment and Energy Committee and the Assembly
46 Environment and Solid Waste Committee, or their successors as

1 designated respectively by the President of the Senate and the
2 Speaker of the General Assembly.

3 c. The commissioner shall adopt, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), any rules and regulations necessary to implement the
6 California Low Emission Vehicle program and the California zero
7 emission vehicle requirements in the State beginning on January 1,
8 2009.

9 (cf: P.L.2003, c.266, s.3)

10

11 23. Section 4 of P.L.2003, c.266 (C.26:2C-8.18) is amended to
12 read as follows:

13 4. a. **【The】** Except as provided in subsection e. of this section,
14 the Commissioner of Environmental Protection shall establish a
15 zero emission vehicle credit bank to allow manufacturers to earn
16 and bank vehicle equivalent credits for any advanced technology
17 partial zero emission vehicle or partial zero emission vehicle
18 produced and delivered for sale or lease in the State **【on or after**
19 **January 1, 1999 and through December 31, 2008】**.

20 (1) In establishing the credit bank required by this section, the
21 commissioner shall use the highest multiplier used by the California
22 Air Resources Board for determining the allowable vehicle
23 equivalent credits for each advanced technology partial zero
24 emission vehicle or partial zero emission vehicle delivered for sale
25 or lease in the State by a manufacturer on or after January 1, 1999
26 until the effective date of P.L.2003, c.266 (C.26:2C-8.15 et al.).

27 (2) Beginning on the effective date of P.L.2003,
28 c.266 (C.26:2C-8.15 et al.), the commissioner shall use the
29 multiplier used by the California Air Resources Board for the
30 applicable model year for each advanced technology partial zero
31 emission vehicle or partial zero emission vehicle delivered for sale
32 or lease in the State by a manufacturer on or after the effective date
33 of P.L.2003, c.266 (C.26:2C-8.15 et al.) **【and through December**
34 **31, 2008】**.

35 b. (1) Within 180 days after the effective date of P.L.2003,
36 c.266 (C.26:2C-8.15 et al.), the commissioner shall publish a list in
37 the New Jersey Register of the make and model of those motor
38 vehicles that qualify as advanced technology partial zero emission
39 vehicles or partial zero emission vehicles for the 1999 through 2003
40 model years.

41 (2) Annually thereafter, the commissioner shall publish a list in
42 the New Jersey Register of the make and model of those motor
43 vehicles that qualify as advanced technology partial zero emission
44 vehicles or partial zero emission vehicles for that respective model
45 year.

1 (3) The commissioner may revise any list published pursuant to
2 this subsection as necessary to comply with the California Air
3 Resources Board vehicle standards for the applicable model year.

4 c. Notwithstanding the provisions of the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
6 contrary, the commissioner shall, immediately upon filing the
7 proper notice with the Office of Administrative Law, adopt such
8 temporary rules and regulations as necessary to establish a zero
9 emission vehicle credit bank pursuant to subsection a. of this
10 section. These rules and regulations may include, but need not be
11 limited to, the documentation to be submitted by a manufacturer to
12 determine eligibility and participation in the credit bank established
13 pursuant to subsection a. of this section, and fees for administrative
14 services provided to implement the zero emission vehicle credit
15 bank to be assessed to those manufacturers seeking to earn and bank
16 credits. The temporary rules and regulations shall be in effect for a
17 period not to exceed 270 days after the date of the filing, except that
18 in no case shall the temporary rules and regulations be in effect one
19 year after the effective date of P.L.2003, c.266 (C.26:2C-8.15 et
20 al.). The temporary rules and regulations shall thereafter be
21 amended, adopted or readopted by the commissioner as the
22 commissioner determines is necessary in accordance with the
23 requirements of the "Administrative Procedure Act."

24 d. **【**The provisions of this section shall expire upon the passage
25 of a concurrent resolution by the Legislature directing the
26 department to implement the National Low Emission Vehicle
27 program pursuant to subsection a. of section 6 of P.L.2003,
28 c.266 (C.26:2C-8.20).**】** (Deleted by amendment, P.L. _____,
29 c. _____) (pending before the Legislature as this bill)

30 e. The Commissioner of Environmental Protection shall petition
31 the California Air Resources Board and the Governor of the State of
32 California to revise the California rules and regulations adopted to
33 implement the California Low Emission Vehicle program and the
34 California zero emission vehicle requirements to provide that the
35 vehicles "sold or leased" in the State meet program requirements
36 rather than vehicles "produced and delivered for sale or lease" in the
37 State. Upon the revision by the California Air Resources Board,
38 any reference to vehicles produced and delivered for sale or lease in
39 the State pursuant to State laws, rules, or regulations shall be
40 construed to mean vehicles sold or leased in the State until the
41 appropriate revisions to State laws, rules, or regulations may be
42 enacted or adopted.

43 (cf: P.L.2003, c.266, s.4)

44
45 24. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to
46 read as follows:

47 7. a. The agencies administering programs established pursuant
48 to this section shall maximize coordination in the administration of

1 the programs to avoid overlap between the uses of the fund
2 prescribed in this section.

3 b. Moneys in the fund, after appropriation annually for
4 payment of administrative costs authorized pursuant to subsection c.
5 of this section, shall be annually appropriated and used for the
6 following purposes:

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

39 (2) Twenty percent shall be allocated to the board to support
40 programs that are designed to reduce electricity demand or costs to
41 electricity customers in the low-income and moderate-income
42 residential sector with a focus on urban areas, including efforts to
43 address heat island effect and reduce impacts on ratepayers
44 attributable to the implementation of P.L.2007, c.340 (C.26:2C-45
45 et al.). For the purposes of this paragraph, the board, in
46 consultation with the authority and the department, shall determine
47 the types of programs to be supported and the mechanism by which

1 to quantify benefits to ensure that the supported programs result in a
2 measurable reduction in energy demand;

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

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

25 c. (1) The department may use up to four percent of the total
26 amount in the fund each year to pay for administrative costs
27 justifiable and approved in the annual budget process, incurred by
28 the department in administering the provisions of P.L.2007, c.340
29 (C.26:2C-45 et al.) and in administering programs to reduce the
30 emissions of greenhouse gases including any obligations that may
31 arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-
32 55).

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

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

1 d. The State Comptroller shall conduct or supervise
2 independent audit and fiscal oversight functions of the fund and its
3 uses.

4 e. Notwithstanding the provisions of this section to the contrary,
5 the first \$20,000,000 of funds received by the State each year from
6 participation in the Regional Greenhouse Gas Initiative shall be
7 deposited into the Plug-in Elective Vehicle Rebate Fund,
8 established pursuant to section 16 of P.L. , c. (C.) (pending
9 before the Legislature as this bill) for the provision of rebates by the
10 board pursuant to that act. Any remaining funds shall be
11 appropriated and used pursuant to subsections b. and c. of this
12 section.

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

14
15 25. Section 8 of P.L. L.2007, c.340 (C.26:2C-52) is amended to
16 read as follows:

17 8. a. Within one year after the date of enactment of P.L.2007,
18 c.340 (C.26:2C-45 et al.), the department, in consultation with the
19 New Jersey Economic Development Authority and the board, shall
20 adopt, in accordance with the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), guidelines and a priority
22 ranking system to be used to assist in annually allocating funds to
23 eligible projects or programs pursuant to subsection b. of section 7
24 of P.L.2007, c.340 (C.26:2C-51).

25 b. The guidelines and the priority ranking system developed
26 pursuant to this section for selecting projects or programs to be
27 awarded grants or other forms of financial assistance from the fund
28 shall include but need not be limited to an evaluation of each
29 eligible project or program as to its predicted ability to:

30 (1) result in a net reduction in greenhouse gas emissions in the
31 State or in greenhouse gas emissions from electricity produced out
32 of the State but consumed in the State or net sequestration of
33 carbon;

34 (2) result in significant reductions in greenhouse gases relative
35 to the cost of the project or program and the reduction of impacts on
36 ratepayers attributable to the implementation of P.L.2007, c.340
37 (C.26:2C-45 et al.), and the ability of the project or program to
38 significantly contribute to achievement of the State's 2020 limit and
39 2050 limit established pursuant to the "Global Warming Response
40 Act," P.L.2007, c.112 (C.26:2C-37 et al.), relative to the cost of the
41 project or program;

42 (3) reduce energy use;

43 (4) provide co-benefits to the State, including but not limited to
44 creating job opportunities, reducing other air pollutants, reducing
45 costs to electricity and natural gas consumers, improving local
46 electric system reliability, and contributing to regional initiatives to
47 reduce greenhouse gas emissions; and

1 (5) be directly responsive to the recommendations when
2 submitted by the department to the Legislature pursuant to section 6
3 of the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-
4 42).

5 c. Notwithstanding the provisions of subsections a. and b. of this
6 section to the contrary, the department shall give high priority to
7 grants for the electric vehicle rebate disbursements for the "Light
8 Duty Plug-in Electric Vehicle Rebate Program," established
9 pursuant to section 14 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 (cf: P.L.2007, c.340, s.8)

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

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

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

41 (2) Nuclear plant decommissioning costs;

42 (3) The costs of demand side management programs that were
43 approved by the board pursuant to its demand side management
44 regulations prior to April 30, 1997. For the purpose of establishing
45 initial unbundled rates pursuant to section 4 of **[this act]** P.L.1999,
46 c.23 (C.48:3-53 et seq.), the societal benefits charge shall be set to
47 recover the same level of demand side management program costs

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

1 be reduced or extended over a longer period of time. The board
2 shall make these determinations taking into consideration existing
3 market barriers and environmental benefits, with the objective of
4 transforming markets, capturing lost opportunities, making energy
5 services more affordable for low income customers and eliminating
6 subsidies for programs that can be delivered in the marketplace
7 without electric public utility and gas public utility customer
8 funding;

9 (4) Manufactured gas plant remediation costs, which shall be
10 determined initially in a manner consistent with mechanisms in the
11 remediation adjustment clauses for the electric public utility and gas
12 public utility adopted by the board; **[and]**

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

22 (6) The costs of electric vehicle rebates disbursed for the "Light
23 Duty Plug-in Electric Vehicle Rebate Program," established
24 pursuant to section 14 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). The board may order, pursuant to its rules
26 and regulations, an increase in the societal benefits charge to reflect
27 these costs.

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

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

46

47 27. This act shall take effect immediately.