

ASSEMBLY, No. 5303

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

SYNOPSIS

Prohibits timed-use and per-charge pricing, and excessive price increases, in sale of plug-in electric vehicle charging services.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the provision of plug-in electric vehicle
2 charging services and supplementing P.L.1960, c.39 (C.56:8-
3 1 et seq.).

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

7
8 1. a. It shall be an unlawful practice for any person to sell, or
9 offer to sell, plug-in electric vehicle charging services to a
10 customer:

11 (1) on an hourly or other timed-use basis, or on a per-charge
12 basis; or

13 (2) at a price that constitutes an excessive price increase.

14 b. A person may sell or offer to sell plug-in electric vehicle
15 charging services to a customer on a per-kilowatt-hour basis,
16 subscription fee basis, or other reasonable basis as determined by
17 the Board of Public Utilities.

18 c. Notwithstanding the penalties provided for in section 1 of
19 P.L.1966, c.39 (C.56:8-13), any person who violates the
20 provisions of this section shall be liable to a penalty of not more
21 than \$500 for the first offense, and not more than \$1,000 for the
22 second and each subsequent offense. Each sale made in violation of
23 this section shall constitute an additional, separate, and distinct
24 offense. The penalty provided for in this subsection shall be
25 exclusive of, and in addition to, any moneys or property ordered to
26 be paid or restored to any person in interest pursuant to section 2 of
27 P.L.1966, c.39 (C.56:8-14) or section 3 of P.L.1971, c.247 (C.56:8-
28 15).

29 d. As used in this section:

30 “Electric vehicle service equipment” means the same as that term
31 is defined in section 2 of P.L.2019, c.362 (C.48:25-2).

32 “Excessive price increase” means a price that exceeds by more
33 than 20 percent the average price at which plug-in electric vehicle
34 charging services are sold or offered for sale by retail dealers in the
35 same region, as determined by Director of the Division of
36 Consumer Affairs in the Department of Law and Public Safety, in
37 consultation with the Attorney General.

38 “Plug-in electric vehicle” means the same as that term is defined
39 in section 2 of P.L.2019, c.362 (C.48:25-2).

40 “Plug-in electric vehicle charging services” means the transfer of
41 electricity from electric vehicle service equipment to a battery or
42 other storage device in a plug-in electric vehicle.

43
44 2. This act shall take effect immediately.

STATEMENT

This bill would prohibit timed-use and per-charge pricing, and excessive price increases, in the sale of plug-in electric vehicle charging services.

Specifically, the bill would make it an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), commonly known as the “Consumer Fraud Act,” to sell, or offer to sell, plug-in electric vehicle charging service to any customer: (1) on an hourly or other timed-use basis, or on a per-charge basis; or (2) at a price that constitutes an excessive price increase. The bill defines “excessive price increase” as a price that exceeds by more than 20 percent the average price at which plug-in electric vehicle charging services are sold or offered for sale by retail dealers in the same region. Under the bill, a person would be authorized to sell, or offer to sell, plug-in electric vehicle charging services to a customer on a per-kilowatt-hour basis, a subscription fee basis, or another reasonable basis as determined by the Board of Public Utilities.

Any person who violates the provisions of bill would be subject to a penalty of not more than \$500 for the first offense, and not more than \$1,000 for the second and each subsequent offense. Each sale made in violation of the bill would constitute an additional, separate, and distinct offense. Under the “Consumer Fraud Act,” violations of the bill could also result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to any injured party.