

# SENATE, No. 3460

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 17, 2021

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**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.



(Sponsorship Updated As Of: 2/23/2021)

1 AN ACT concerning the provision of plug-in electric vehicle  
2 charging services and supplementing P.L.1960, c.39 (C.56:8-1 et  
3 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 provisions  
20 of this section shall be liable to a penalty of not more than \$500 for  
21 the first offense, and not more than \$1,000 for the second and each  
22 subsequent offense. Each sale made in violation of this section  
23 shall constitute an additional, separate, and distinct offense. The  
24 penalty provided for in this subsection shall be exclusive of, and in  
25 addition to, any moneys or property ordered to be paid or restored  
26 to any person in interest pursuant to section 2 of P.L.1966, c.39  
27 (C.56:8-14) or section 3 of P.L.1971, c.247 (C.56:8-15).

28 d. As used in this section:

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

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

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

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

43 2. This act shall take effect immediately.  
44  
45

#### 46 STATEMENT

47  
48 This bill would prohibit timed-use and per-charge pricing, and

1 excessive price increases, in the sale of plug-in electric vehicle  
2 charging services.

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

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