

# HOUSE BILL No. 1385

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-40.5.

**Synopsis:** Electric vehicle infrastructure pilot programs. Authorizes an electric utility (defined for purposes of these provisions as a public utility that is subject to the jurisdiction of the utility regulatory commission (IURC)) to request approval from the IURC to implement a pilot program to do any of the following: (1) Install, own, or operate charging infrastructure and make-ready infrastructure for electric vehicles. (2) Provide incentives or rebates to customers to encourage customer investment in electric vehicles and in associated individual electric vehicle infrastructure. Provides that an electric utility's request may include a request for: (1) assurance of cost recovery for pilot program costs, up to the amount of an approved cost estimate; and (2) deferral of pilot program costs. Provides that the IURC shall approve an electric utility's request if the IURC finds the proposed pilot program and costs to be reasonable and consistent with state policy. Specifies that an electric utility is not prohibited from: (1) installing, owning, or operating charging infrastructure or make-ready infrastructure; and (2) seeking to include the associated costs in the electric utility's basic rates and charges by initiating a proceeding before the IURC. Provides that in such a case, the IURC shall approve the inclusion of the costs in the electric utility's basic rates and charges if the IURC finds that the costs incurred are reasonable and consistent with state policy.

**Effective:** July 1, 2021.

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## Manning, Karickhoff

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January 14, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1385

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-1-40.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]:  
4 **Chapter 40.5. Electric Vehicle Infrastructure**  
5 **Sec. 1. The general assembly makes the following findings:**  
6 **(1) That:**  
7 **(A) the promotion of electric vehicles; and**  
8 **(B) the development and encouragement of charging**  
9 **infrastructure and make-ready infrastructure to support**  
10 **the deployment of electric vehicles;**  
11 **are in the public interest.**  
12 **(2) That electric utilities can play an important role in**  
13 **promoting:**  
14 **(A) electric vehicles; and**  
15 **(B) the development and encouragement of electric vehicle**  
16 **charging infrastructure and make-ready infrastructure to**  
17 **support the deployment of electric vehicles.**



1           **Sec. 2. (a) As used in this chapter, "charging infrastructure"**  
2 **means:**

- 3           **(1) structures;**  
4           **(2) machinery;**  
5           **(3) equipment;**  
6           **(4) hardware;**  
7           **(5) software; and**  
8           **(6) other capital investments;**

9 **installed to support and charge one (1) or more electric vehicles.**

10           **(b) The term includes battery charging stations, rapid charging**  
11 **stations, and battery exchange stations.**

12           **Sec. 3. As used in this chapter, "commission" refers to the**  
13 **Indiana utility regulatory commission created by IC 8-1-1-2.**

14           **Sec. 4. As used in this chapter, "electric utility" means a public**  
15 **utility (as defined in IC 8-1-2-1(a)) that:**

- 16           **(1) furnishes retail electric service to customers in Indiana;**  
17 **and**  
18           **(2) is under the jurisdiction of the commission for the**  
19 **approval of rates and charges.**

20           **Sec. 5. (a) As used in this chapter, "electric vehicle" means a**  
21 **vehicle that derives all or a substantial part of its power from**  
22 **electricity supplied by the electric grid.**

23           **(b) The term includes:**

- 24           **(1) all-electric vehicles; and**  
25           **(2) plug-in hybrid electric vehicles.**

26           **Sec. 6. As used in this chapter, "make-ready infrastructure"**  
27 **means the:**

- 28           **(1) structures;**  
29           **(2) machinery;**  
30           **(3) equipment;**  
31           **(4) hardware;**  
32           **(5) software;**  
33           **(6) storage batteries; and**  
34           **(7) other capital investments;**

35 **installed to connect charging infrastructure to an electric utility's**  
36 **distribution system, including any necessary upgrades to the**  
37 **electric utility's distribution system.**

38           **Sec. 7. As used in this chapter, "pilot program" means a small**  
39 **scale implementation of:**

- 40           **(1) charging infrastructure; and**  
41           **(2) make-ready infrastructure;**

42 **that allows for a preliminary study that evaluates the feasibility**



1 and design of a larger scale deployment of such infrastructure  
 2 necessary to support electric vehicles.

3 **Sec. 8. (a)** An electric utility may request approval from the  
 4 commission to implement a pilot program to do any of the  
 5 following:

6 (1) Install, own, or operate charging infrastructure and  
 7 make-ready infrastructure.

8 (2) Provide incentives or rebates to customers to encourage  
 9 customer investment in electric vehicles and in associated  
 10 individual electric vehicle infrastructure.

11 (b) An electric utility's request under subsection (a) may include  
 12 a request for:

13 (1) assurance of cost recovery for pilot program costs, up to  
 14 the amount of an approved cost estimate; and

15 (2) deferral of pilot program costs.

16 (c) The commission shall approve an electric utility's request  
 17 under subsections (a) and (b) if the commission finds the proposed  
 18 pilot program and costs to be reasonable and consistent with state  
 19 policy.

20 (d) This section does not prohibit an electric utility from:

21 (1) installing, owning, or operating charging infrastructure or  
 22 make-ready infrastructure; and

23 (2) seeking to include the associated costs in the electric  
 24 utility's basic rates and charges through a proceeding  
 25 initiated under IC 8-1-2-61.

26 The commission shall approve the inclusion of the costs described  
 27 in subdivision (2) in the electric utility's basic rates and charges if  
 28 the commission finds that the costs incurred are reasonable and  
 29 consistent with state policy.

30 **Sec. 9.** The commission may adopt rules under IC 4-22-2 to  
 31 implement this chapter. In adopting rules under this section, the  
 32 commission may adopt emergency rules in the manner provided by  
 33 IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency  
 34 rule adopted by the commission under this section and in the  
 35 manner provided by IC 4-22-2-37.1 expires on the date on which  
 36 a rule that supersedes the emergency rule is adopted by the  
 37 commission under IC 4-22-2-24 through IC 4-22-2-36.

