

1.1 A bill for an act

1.2 relating to transportation; requiring certain government purchases of electric  
1.3 vehicles; regulating electric vehicle infrastructure; establishing incentives for  
1.4 adoption and use of electric vehicles; amending Minnesota Statutes 2008,  
1.5 sections 16C.135, by adding a subdivision; 160.93, subdivisions 4, 5, by adding a  
1.6 subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4; proposing  
1.7 coding for new law in Minnesota Statutes, chapters 325F; 471.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2008, section 16C.135, is amended by adding a  
1.10 subdivision to read:

1.11 Subd. 4. **Electric vehicle purchases.** (a) For purposes of this subdivision,  
1.12 "governing authority" means the commissioner of administration or another state agency,  
1.13 as to agencies and departments of the state and the Board of Trustees of the Minnesota  
1.14 State Colleges and Universities, as to Minnesota State Colleges and Universities.

1.15 (b) A governing authority shall ensure that electric vehicles, as defined in section  
1.16 169.011, subdivision 26a, constitute at least 25 percent of all purchases made by the  
1.17 authority on or after July 1, 2012, of passenger automobiles, as defined in section 168.002,  
1.18 subdivision 24. This paragraph applies to all commissioners of a state agency, and to all  
1.19 passenger automobiles purchased regardless of use, including but not limited to, purchases  
1.20 for a central motor pool or on behalf of another agency or unit of government.

1.21 (c) On or after July 1, 2012, until July 1, 2022, when purchasing a vehicle that is a  
1.22 pickup truck, as defined in section 169.011, subdivision 31, a governing authority shall, to  
1.23 the extent possible, purchase vehicles manufactured in Minnesota.

1.24 (d) In calculating the percentage under paragraph (b), and in meeting the requirement  
1.25 under paragraph (c), a governing authority may exclude a vehicle purchased if (1) an

2.1 electric vehicle is not available at similar cost to a comparable vehicle, or (2) no electric  
2.2 vehicle is capable of carrying out the purpose for which a vehicle is purchased.

2.3 (e) In calculating similar cost under this subdivision, a governing authority must  
2.4 include all expected costs of maintenance and operation of the vehicle, including  
2.5 anticipated repair and fuel costs, over the expected period of ownership of the vehicle.

2.6 Sec. 2. Minnesota Statutes 2008, section 160.93, subdivision 4, is amended to read:

2.7 Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a  
2.8 designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance  
2.9 with this section and the requirements of the commissioner. A person who violates  
2.10 this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89,  
2.11 subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable  
2.12 to the commission of a petty misdemeanor traffic offense.

2.13 Sec. 3. Minnesota Statutes 2008, section 160.93, subdivision 5, is amended to read:

2.14 Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic  
2.15 shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes  
2.16 as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders  
2.17 as defined in section 169.011, subdivision 74. The commissioner may prescribe the  
2.18 conditions under which the lanes may be used.

2.19 (b) The commissioner may not operate a dynamic shoulder lane on marked Trunk  
2.20 Highway 35W from its intersection with marked Trunk Highway 94 to its intersection  
2.21 with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along  
2.22 this portion of marked Trunk Highway 35W may only be used by:

2.23 (1) a vehicle with more than one occupant;

2.24 (2) a single-occupant vehicle if (i) the fee under subdivision 1 is paid, or (ii) the  
2.25 vehicle is an electric vehicle, as defined in section 169.011, subdivision 26a;

2.26 (3) a transit bus providing public transit, as defined in section 174.22, subdivision  
2.27 7; and

2.28 (4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.

2.29 (c) The commissioner shall erect signs to indicate when the lanes may be used.

2.30 Sec. 4. Minnesota Statutes 2008, section 160.93, is amended by adding a subdivision  
2.31 to read:

2.32 Subd. 6. **Electric vehicle exemption.** (a) For purposes of this section, "electric  
2.33 vehicle" has the meaning given in section 169.011, subdivision 26a.

3.1 (b) Notwithstanding subdivisions 1 and 5, and notwithstanding occupancy  
3.2 requirements established for other vehicles, the commissioner may allow operators of  
3.3 electric vehicles that bear decals, labels, or other identifiers under subdivision 7, regardless  
3.4 of occupancy, to use any high-occupancy vehicle lane or dynamic shoulder lane on the  
3.5 trunk highway system without payment of a fee.

3.6 (c) A person may not operate an electric vehicle on any high-occupancy vehicle lane  
3.7 or dynamic shoulder lane under paragraph (b) in violation of the requirements of the  
3.8 commissioner, or without properly displaying a decal, label, or other identifier that has  
3.9 been issued to that vehicle. Violation of this subdivision is a petty misdemeanor.

3.10 (d) If the commissioner implements the authority under paragraph (b), the  
3.11 commissioner may subsequently, on a finding that the use of the lanes by single-occupant  
3.12 electric vehicles significantly increases congestion, violates federal law, or results in a  
3.13 loss of federal funds: (1) withdraw one or more lanes from the program temporarily or  
3.14 permanently; or (2) terminate the program.

3.15 Subd. 7. **Distinctive identifiers.** (a) If the commissioner of transportation  
3.16 implements the authority granted in subdivision 6, paragraph (b), the commissioner of  
3.17 public safety shall design, specify placement of, and make available for issuance, for a fee  
3.18 determined by the department to be sufficient to reimburse the department for the actual  
3.19 costs incurred under this subdivision, distinctive decals, labels, or other identifiers that  
3.20 clearly identify electric vehicles. The identifier must have reflected properties, bear a  
3.21 unique number, and be visible to law enforcement. The unique number must be noted on  
3.22 the vehicle's registration.

3.23 (b) If the commissioner of transportation implements the authority granted in  
3.24 subdivision 6, paragraph (b), the commissioner of public safety shall include a summary  
3.25 of the provisions of subdivisions 6 and 7 on each motor vehicle renewal notice.

3.26 (c) The commissioner of transportation may direct the commissioner of public  
3.27 safety to discontinue the issuance of the distinctive labels, decals, or identifiers upon a  
3.28 finding that the high-occupancy vehicle lanes and dynamic shoulder lanes are operating at  
3.29 capacity or upon termination of the program.

3.30 Sec. 5. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision  
3.31 to read:

3.32 Subd. 26a. **Electric vehicle.** (a) "Electric vehicle" means a motor vehicle that is able  
3.33 to be powered by an electric motor drawing current from rechargeable storage batteries,  
3.34 fuel cells, or other portable sources of electrical current, and meets or exceeds applicable  
3.35 regulations in Code of Federal Regulations, title 49, part 571, and successor requirements.

- 4.1            (b) "Electric vehicle" includes:  
4.2            (1) a neighborhood electric vehicle;  
4.3            (2) a medium-speed electric vehicle; and  
4.4            (3) a plug-in hybrid electric vehicle.

4.5            **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.6            Sec. 6. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision  
4.7            to read:

4.8            Subd. 54a. **Plug-in hybrid electric vehicle.** "Plug-in hybrid electric vehicle"  
4.9            means an electric vehicle that (1) contains an internal combustion engine, and also allows  
4.10           power to be delivered to the drive wheels by a battery-powered electric motor, (2) when  
4.11           connected to the electrical grid via an electrical outlet, is able to recharge its battery, and  
4.12           (3) has the ability to travel at least 20 miles powered substantially by electricity.

4.13           **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.14           Sec. 7. Minnesota Statutes 2008, section 216B.02, subdivision 4, is amended to read:

4.15           Subd. 4. **Public utility.** "Public utility" means persons, corporations, or other legal  
4.16           entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining,  
4.17           or controlling in this state equipment or facilities for furnishing at retail natural,  
4.18           manufactured, or mixed gas or electric service to or for the public or engaged in the  
4.19           production and retail sale thereof but does not include (1) a municipality or a cooperative  
4.20           electric association, organized under the provisions of chapter 308A, producing or  
4.21           furnishing natural, manufactured, or mixed gas or electric service ~~or~~ (2) a retail seller of  
4.22           compressed natural gas used as a vehicular fuel which purchases the gas from a public  
4.23           utility; or (3) a retail seller of electricity used to recharge a battery that powers an electric  
4.24           vehicle, as defined in section 169.011, subdivision 26a, and that is not otherwise a public  
4.25           utility under this chapter. Except as otherwise provided, the provisions of this chapter  
4.26           shall not be applicable to any sale of natural, manufactured, or mixed gas or electricity  
4.27           by a public utility to another public utility for resale. In addition, the provisions of this  
4.28           chapter shall not apply to a public utility whose total natural gas business consists of  
4.29           supplying natural, manufactured, or mixed gas to not more than 650 customers within a  
4.30           city pursuant to a franchise granted by the city, provided a resolution of the city council  
4.31           requesting exemption from regulation is filed with the commission. The city council  
4.32           may rescind the resolution requesting exemption at any time, and, upon the filing of the  
4.33           rescinding resolution with the commission, the provisions of this chapter shall apply to the

5.1 public utility. No person shall be deemed to be a public utility if it furnishes its services  
5.2 only to tenants or cooperative or condominium owners in buildings owned, leased, or  
5.3 operated by such person. No person shall be deemed to be a public utility if it furnishes  
5.4 service to occupants of a manufactured home or trailer park owned, leased, or operated by  
5.5 such person. No person shall be deemed to be a public utility if it produces or furnishes  
5.6 service to less than 25 persons.

5.7 **Sec. 8. [325F.185] ELECTRIC VEHICLE INFRASTRUCTURE.**

5.8 Any electric vehicle infrastructure installed in this state must:

5.9 (1) allow for utilization of the electric vehicle infrastructure by any make, model,  
5.10 or type of electric vehicle capable of being charged via a 40-amp, 240-volt electrical  
5.11 charging circuit; and

5.12 (2) be capable of providing bidirectional charging, without significant upgrading,  
5.13 once electrical utilities achieve the capability to draw electricity from electric vehicles  
5.14 connected to the utility grid.

5.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.16 **Sec. 9. [471.573] ELECTRIC VEHICLE INFRASTRUCTURE.**

5.17 A home rule charter or statutory city shall, to the extent practicable, expedite  
5.18 the process of applying for and issuing permits for the installation of electric vehicle  
5.19 infrastructure.

5.20 For the purpose of this section, "electric vehicle infrastructure" means structures,  
5.21 electrical circuitry, and other electrical equipment and ancillary structures and equipment  
5.22 that enable an electric vehicle to recharge its battery or to exchange a battery pack, but  
5.23 does not include any infrastructure owned by an electric utility.

5.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.