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**SUBSTITUTE SENATE BILL 5192**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.)

1 AN ACT Relating to supporting access to electric vehicle supply  
2 equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517,  
3 and 46.08.185; adding new sections to chapter 19.94 RCW; prescribing  
4 penalties; and providing a contingent effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 19.94.010 and 2019 c 96 s 1 are each amended to read  
7 as follows:

8 (1) The definitions in this section apply throughout this chapter  
9 and to any rules adopted pursuant to this chapter unless the context  
10 clearly requires otherwise.

11 (a) "City" means a first-class city or a code city, as defined in  
12 RCW 35A.01.035, with a population of over fifty thousand persons.

13 (b) "City sealer" means the person duly authorized by a city to  
14 enforce and administer the weights and measures program within such  
15 city and any duly appointed deputy sealer acting under the  
16 instructions and at the direction of the city sealer.

17 (c) "Commodity in package form" means a commodity put up or  
18 packaged in any manner in advance of sale in units suitable for  
19 either wholesale or retail sale, exclusive, however, of an auxiliary  
20 shipping container enclosing packages that individually conform to  
21 the requirements of this chapter. An individual item or lot of any

1 commodity not in packaged form, but on which there is marked a  
2 selling price based on established price per unit of weight or of  
3 measure, shall be construed to be a commodity in package form.

4 (d) "Consumer package" or "package of consumer commodity" means a  
5 commodity in package form that is customarily produced or distributed  
6 for sale through retail sales agencies or instrumentalities for  
7 consumption by persons, or used by persons for the purpose of  
8 personal care or in the performance of services ordinarily rendered  
9 in or about a household or in connection with personal possessions.

10 (e) "Cord" means the measurement of wood intended for fuel or  
11 pulp purposes that is contained in a space of one hundred  
12 twenty-eight cubic feet, when the wood is ranked and well stowed.

13 (f) "Department" means the department of agriculture of the state  
14 of Washington.

15 (g) "Director" means the director of the department or duly  
16 authorized representative acting under the instructions and at the  
17 direction of the director.

18 (h) "Fish" means any waterbreathing animal, including shellfish,  
19 such as, but not limited to, lobster, clam, crab, or other mollusca  
20 that is prepared, processed, sold, or intended for sale.

21 (i) "Net weight" means the weight of a commodity excluding any  
22 materials, substances, or items not considered to be part of such  
23 commodity. Materials, substances, or items not considered to be part  
24 of a commodity shall include, but are not limited to, containers,  
25 conveyances, bags, wrappers, packaging materials, labels, individual  
26 piece coverings, decorative accompaniments, and coupons.

27 (j) "Nonconsumer package" or "package of nonconsumer commodity"  
28 means a commodity in package form other than a consumer package and  
29 particularly a package designed solely for industrial or  
30 institutional use or for wholesale distribution only.

31 (k) "Meat" means and shall include all animal flesh, carcasses,  
32 or parts of animals, and shall also include fish, shellfish, game,  
33 poultry, and meat food products of every kind and character, whether  
34 fresh, frozen, cooked, cured, or processed.

35 (l) "Official seal of approval" means the seal or certificate  
36 issued by the director or city sealer which indicates that a  
37 secondary weights and measures standard or a weighing or measuring  
38 instrument or device conforms with the specifications, tolerances,  
39 and other technical requirements adopted in RCW 19.94.190.

1 (m) "Person" means any individual, receiver, administrator,  
2 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
3 copartnership, joint venture, club, company, business trust,  
4 corporation, association, society, or any group of individuals acting  
5 as a unit, whether mutual, cooperative, fraternal, nonprofit, or  
6 otherwise.

7 (n) "Poultry" means all fowl, domestic or wild, that is prepared,  
8 processed, sold, or intended or offered for sale.

9 (o) "Service agent" means a person who for hire, award,  
10 commission, or any other payment of any kind, installs, tests,  
11 inspects, checks, adjusts, repairs, reconditions, or systematically  
12 standardizes the graduations of a weighing or measuring instrument or  
13 device.

14 (p) "Ton" means a unit of two thousand pounds avoirdupois weight.

15 (q) "Weighing or measuring instrument or device" means any  
16 equipment or apparatus used commercially to establish the size,  
17 quantity, capacity, count, extent, area, heaviness, or measurement of  
18 quantities, things, produce, or articles for distribution or  
19 consumption, that are purchased, offered or submitted for sale, hire,  
20 or award on the basis of weight, measure or count, including any  
21 accessory attached to or used in connection with a weighing or  
22 measuring instrument or device when such accessory is so designed or  
23 installed that its operation affects, or may effect, the accuracy or  
24 indication of the device. This definition shall be strictly limited  
25 to those weighing or measuring instruments or devices governed by  
26 Handbook 44 as adopted under RCW 19.94.190.

27 (r) "Weight" means net weight as defined in this section.

28 (s) "Weights and measures" means the recognized standards or  
29 units of measure used to indicate the size, quantity, capacity,  
30 count, extent, area, heaviness, or measurement of any consumable  
31 commodity.

32 (t) "Secondary weights and measures standard" means the physical  
33 standards that are traceable to the primary standards through  
34 comparisons, used by the director, a city sealer, or a service agent  
35 that under specified conditions defines or represents a recognized  
36 weight or measure during the inspection, adjustment, testing, or  
37 systematic standardization of the graduations of any weighing or  
38 measuring instrument or device.

1       (u) "Charging session" means an event starting when a user or a  
2 vehicle initiates a refueling event and stops when a user or a  
3 vehicle ends a refueling event.

4       (v) "Clearly marked" means, at a minimum, a sign, sticker,  
5 plaque, or any other visible marker that is readable, which may  
6 include standards from the Americans with disabilities act of 1990,  
7 2010 standards for accessible design.

8       (w) "Common interest community" has the same meaning as defined  
9 in RCW 64.90.010.

10       (x) "Direct current fast charger" means electric vehicle supply  
11 equipment capable of supplying direct current electricity to a  
12 vehicle fitted with the appropriate connection to support refueling  
13 the vehicle's energy storage battery.

14       (y) "Electric vehicle service provider" means the entity  
15 responsible for operating one or more networked or nonnetworked  
16 electric vehicle supply equipment. Operating includes, but is not  
17 limited to: Sending commands or messages to a networked electric  
18 vehicle supply equipment; receiving commands or messages from a  
19 networked electric vehicle supply equipment; or providing billing,  
20 maintenance, reservations, or other services to a nonnetworked or  
21 networked electric vehicle supply equipment. An electric vehicle  
22 service provider may designate another entity to act as the electric  
23 vehicle service provider for purposes of this chapter. A state  
24 agency, an electric utility as defined in RCW 19.405.020, or a  
25 municipal corporation as defined in RCW 39.69.010 is considered an  
26 electric vehicle service provider when responsible for operating one  
27 or more networked or nonnetworked electric vehicle supply equipment.

28       (z) "Electric vehicle supply equipment" means the unit  
29 controlling the power supply to one or more vehicles during a  
30 charging session including, but not limited to, level 2 electric  
31 vehicle supply equipment and direct current fast chargers.

32       (aa) "Installed" means operational and made available for a  
33 charging session.

34       (bb) "Kiosk" means a stand-alone physical unit that allows users  
35 to pay for and initiate a charging session at one or more electric  
36 vehicle supply equipment located at the same site as the kiosk.

37       (cc) "Level 2 electric vehicle supply equipment" means electric  
38 vehicle supply equipment capable of supplying 208 to 240 volt  
39 alternating current.

1 (dd) "Networked electric vehicle supply equipment" means electric  
2 vehicle supply equipment capable of receiving and sending commands or  
3 messages remotely from an electric vehicle service provider.

4 (ee) "Nonnetworked electric vehicle supply equipment" means  
5 electric vehicle supply equipment incapable of receiving and sending  
6 commands or messages remotely from an electric vehicle service  
7 provider, including electric vehicle supply equipment with remote  
8 communication capabilities that have been disabled or electric  
9 vehicle supply equipment with secondary systems that provide remote  
10 communication capabilities that have been installed.

11 (ff) "Publicly available electric vehicle supply equipment" means  
12 electric vehicle supply equipment and associated parking space or  
13 spaces designated by a property owner or lessee to be available to,  
14 and accessible by, the public.

15 (2) The director shall prescribe by rule other definitions as may  
16 be necessary for the implementation of this chapter.

17 NEW SECTION. Sec. 2. A new section is added to chapter 19.94  
18 RCW to read as follows:

19 (1) In addition to the definition of publicly available electric  
20 vehicle supply equipment provided in RCW 19.94.010 and except for the  
21 applicable exemptions in section 3 of this act, electric vehicle  
22 supply equipment is considered publicly available and is subject to  
23 the requirements of this chapter if:

24 (a) A lessee, electric vehicle service provider, or a property  
25 owner designates electric vehicle supply equipment to be available  
26 only to customers or visitors of a business or charging network;

27 (b) Any member of the public can obtain vehicular access to  
28 electric vehicle supply equipment and associated parking spaces  
29 located in a parking garage or gated facility for free or through  
30 payment of a fee; or

31 (c) The electric vehicle supply equipment and associated parking  
32 spaces are made available to the public for only limited time  
33 periods, then the electric vehicle supply equipment and associated  
34 parking spaces are considered publicly available electric vehicle  
35 supply equipment during those limited time periods only.

36 (2) The director may by rule subject additional types of electric  
37 vehicle supply equipment to the requirements of this chapter to  
38 benefit the public and provide protections to consumers.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 19.94  
2    RCW to read as follows:

3        (1)    Publicly available electric vehicle supply equipment is  
4    exempt from compliance with the requirements of sections 4 through 6  
5    of this act if:

6        (a)    Members of the public may use the electric vehicle supply  
7    equipment at no cost, including no charges, fees, memberships,  
8    minimum balance on an account, and other cost at all times; and

9        (b)    It is clearly marked that the electric vehicle supply  
10   equipment is available for use at no cost at all times.

11        (2)    This chapter does not apply to:

12        (a)    Workplace electric vehicle supply equipment and its  
13   associated parking spaces if it is clearly marked and operated as  
14   available exclusively to employees or contracted drivers, regardless  
15   of the physical accessibility of the electric vehicle supply  
16   equipment to the public, and that is available for use at no cost;

17        (b)    Electric vehicle supply equipment and associated parking  
18   spaces reserved exclusively and available for use at no cost for  
19   residents, tenants, visitors, or employees of a private residence or  
20   common interest community; or a residential building adjacent to a  
21   private residence;

22        (c)    Level 2 electric vehicle supply equipment located on or near  
23   the curb of a residential electric utility customer's property,  
24   directly connected to that residential electric utility customer's  
25   meter, and intended to serve only that residential electric utility  
26   customer.

27        (3)    The director may by rule provide exemptions from compliance  
28   with some or all requirements of this chapter to benefit the public  
29   and provide protections to consumers, including electric vehicle  
30   supply equipment that is not available or intended for use by the  
31   public but where charges, fees, or other costs are required to  
32   initiate a charging session.

33        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 19.94  
34   RCW to read as follows:

35        (1)    By January 1, 2023, the electric vehicle service provider  
36   must ensure all publicly available electric vehicle supply equipment  
37   is clearly marked and discloses all charges, fees, and costs  
38   associated with a charging session at each electric vehicle supply  
39   equipment or kiosk used to service that electric vehicle supply

1 equipment. At a minimum, the electric vehicle service provider must  
2 disclose to the user the following information at the point of sale,  
3 if applicable:

4 (a) A fee for use of the parking space;

5 (b) A nonmember plug-in fee from the electric vehicle service  
6 provider;

7 (c) Price to refuel in United States dollars per kilowatt-hour or  
8 megajoule;

9 (d) Any potential changes in the price to refuel, in United  
10 States dollars per kilowatt-hour or megajoule, due to variable  
11 pricing; and

12 (e) Any other fees charged for a charging session.

13 (2) If the charging session or portion of a charging session is  
14 offered at no cost, it must be disclosed at the electric vehicle  
15 supply equipment or kiosk used to service that electric vehicle  
16 supply equipment.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.94  
18 RCW to read as follows:

19 (1) By July 1, 2022, the department, in consultation with the  
20 department of commerce and the Washington utilities and  
21 transportation commission, must adopt rules requiring all electric  
22 vehicle service providers make available multiple payment methods at  
23 all publicly available level 2 electric vehicle supply equipment or  
24 direct current fast charger electric vehicle supply equipment  
25 installed in Washington and must review and, if necessary, amend the  
26 rules every two years, to maintain consistency with evolving  
27 technology. At a minimum, the rules must include:

28 (a) Deadlines for electric vehicle service provider compliance  
29 for publicly available level 2 electric vehicle supply equipment and  
30 direct current fast charger electric vehicle supply equipment  
31 installed prior to a specific date;

32 (b) Deadlines for electric vehicle service provider compliance  
33 for publicly available level 2 electric vehicle supply equipment and  
34 direct current fast charger electric vehicle supply equipment  
35 installed on or after a specific date;

36 (c) Minimum required payment methods that are convenient and  
37 reasonably support access for all current and future users at  
38 publicly available level 2 electric vehicle supply equipment or  
39 direct current fast charger electric vehicle supply equipment

1 installed in Washington. Payment methods may include, but are not  
2 limited to:

3 (i) A credit card reader device physically located on either the  
4 electric vehicle supply equipment unit or a kiosk used to service  
5 that electric vehicle supply equipment;

6 (ii) A toll-free number on each electric vehicle supply equipment  
7 and kiosk used to service that electric vehicle supply equipment that  
8 provides the user with the option to initiate a charging session and  
9 submit payment at any time that the electric vehicle supply equipment  
10 is operational and publicly available;

11 (iii) A mobile payment option used to initiate a charging  
12 session;

13 (d) Means for conducting a charging session in languages other  
14 than English;

15 (e) Means for facilitating charging sessions for consumers who  
16 are unbanked, underbanked, or low-moderate income, such as accepting  
17 prepaid cards through a card reader device.

18 (2) The electric vehicle service provider may not require a  
19 subscription, membership, or account or a minimum balance on an  
20 account in order to initiate a charging session at electric vehicle  
21 supply equipment subject to this section.

22 (3) For the purpose of this section, "mobile payment" means an  
23 electronic fund transfer initiated through a mobile phone or device.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.94  
25 RCW to read as follows:

26 (1) Interoperability standards provide safeguards to consumers  
27 and support access to electric vehicle supply equipment. In order for  
28 Washington to have reliable, accessible, and competitive markets for  
29 electric vehicle supply equipment that are necessary for the movement  
30 of goods and people by electric vehicles, interoperability standards  
31 that align with national and international best practices or  
32 standards are necessary.

33 (2) By July 1, 2022, the department, in consultation with the  
34 department of commerce and the Washington utilities and  
35 transportation commission, shall adopt rules establishing  
36 requirements for all electric vehicle service providers to, at a  
37 minimum, meet and maintain nonproprietary interoperability standards  
38 for publicly available level 2 electric vehicle supply equipment and  
39 direct current fast charger electric vehicle supply equipment and



1 shall review and, if necessary, amend the rules every two years, to  
2 maintain consistency with evolving technology. The requirements shall  
3 not provide that any charging provider must purchase or license  
4 proprietary technology or software from any other company, and shall  
5 not require that companies maintain interoperability agreements with  
6 other companies.

7 (3) For the purpose of this section, "interoperability" means the  
8 ability of hardware, software, or a communications network provided  
9 by one party, vendor, or service provider to interact with or  
10 exchange and make use of information, including payment information,  
11 between hardware, software, or a communications network provided by a  
12 different party, vendor, or service provider.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.94  
14 RCW to read as follows:

15 (1) This section applies to all electric vehicle service  
16 providers operating one or more publicly available level 2 electric  
17 vehicle supply equipment or direct current fast charger electric  
18 vehicle supply equipment installed in Washington. If an electric  
19 vehicle service provider also operates electric vehicle supply  
20 equipment that is not available to the public, the requirements of  
21 this section apply only to that electric vehicle service provider's  
22 publicly available level 2 electric vehicle supply equipment or  
23 direct current fast charger electric vehicle supply equipment  
24 installed in Washington.

25 (2) By January 1, 2023, electric vehicle service providers must  
26 report inventory and payment method information to the national  
27 renewable energy laboratory, alternative fuels data center. The  
28 information must be reported, at a minimum, annually and must  
29 include, but is not limited to:

30 (a) Electric vehicle service provider information;

31 (b) Electric vehicle supply equipment inventory for both active  
32 and retired, decommissioned, or removed electric vehicle supply  
33 equipment in Washington;

34 (c) Annual reports detailing electric vehicle supply equipment  
35 payment information.

36 **Sec. 8.** RCW 19.94.175 and 2019 c 96 s 3 are each amended to read  
37 as follows:

1 (1) Pursuant to RCW 19.94.015, the following annual registration  
2 fees shall be charged for each weighing or measuring instrument or  
3 device used for commercial purposes in this state:

- 4 (a) Weighing devices:
  - 5 (i) Small scales "zero to four  
6 hundred pounds capacity" ... \$ 16.00
  - 7 (ii) Intermediate scales "four  
8 hundred one pounds to five  
9 thousand pounds capacity" .. \$ 60.00
  - 10 (iii) Large scales "over five  
11 thousand pounds capacity" .. \$ 120.00
  - 12 (iv) Railroad track scales ..... \$ 1,200.00
- 13 (b) Liquid fuel metering devices:
  - 14 (i) Motor fuel meters with flows  
15 of twenty gallons or less per  
16 minute ..... \$ 16.00
  - 17 (ii) Motor fuel meters with flows  
18 of more than twenty but not  
19 more than one hundred fifty  
20 gallons per minute ..... \$ 50.00
  - 21 (iii) Motor fuel meters with flows  
22 over one hundred fifty gallons  
23 per minute ..... \$ 75.00
- 24 (c) Liquid petroleum gas meters:
  - 25 (i) With one inch diameter or  
26 smaller dispensers ..... \$ 40.00
  - 27 (ii) With greater than one inch  
28 diameter dispensers ..... \$ 80.00
- 29 (d) Fabric meters ..... \$ 15.00
- 30 (e) Cordage meters ..... \$ 15.00
- 31 (f) Mass flow meters ..... \$ 300.00
- 32 (g) Taxi meters ..... \$ 40.00

33 (2) Pursuant to RCW 19.94.015, a reasonable registration fee for  
34 electric vehicle supply equipment may be established through rule  
35 making to cover a portion or all of the costs associated with  
36 enforcing this chapter on electric vehicle supply equipment. The  
37 department may consider differential fees to reduce the potential

1 burden of the registration fee for electric vehicle service providers  
2 operating less than 25 publicly available electric vehicle supply  
3 equipment in Washington.

4 (3) With the exception of subsection (~~(3)~~) (4) of this section,  
5 no person shall be required to pay more than the annual registration  
6 fee for any weighing or measuring instrument or device in any one  
7 year.

8 (~~(3)~~) (4) The department or a city sealer may establish  
9 reasonable inspection and testing fees for each type or class of  
10 weighing or measuring instrument or device specially requested to be  
11 inspected or tested by the device owner. These inspection and testing  
12 fees shall be limited to those amounts necessary for the department  
13 or city sealer to cover the direct costs associated with such  
14 inspection and testing. The fees shall not be set so as to compete  
15 with service agents normally engaged in such services.

16 (~~(4)~~) (5) The weights and measures advisory group within the  
17 department must review the fees in subsection (1) of this section and  
18 report to stakeholders on the financial status of the program  
19 supported by the fees by September 1, 2024, and September 1st every  
20 five years thereafter.

21 **Sec. 9.** RCW 19.94.190 and 2019 c 96 s 4 are each amended to read  
22 as follows:

23 (1) The director and duly appointed city sealers must enforce the  
24 provisions of this chapter.

25 (2) The department's enforcement proceedings under this chapter  
26 are subject to the requirement to provide technical assistance in  
27 chapter 43.05 RCW and the administrative procedure act, chapter 34.05  
28 RCW. City sealers undertaking enforcement actions must provide  
29 equivalent procedures.

30 (3) In assessing the amount of a civil penalty, the department or  
31 city must give due consideration to the gravity of the violation and  
32 history of previous violations.

33 (4) The director must adopt rules for enforcing and carrying out  
34 the purposes of this chapter including but not limited to the  
35 following:

36 (a) Establishing state standards of weight, measure, or count,  
37 and reasonable standards of fill for any commodity in package form;

1 (b) The establishment of technical test procedures to be  
2 followed, any necessary report and record forms, and marks of  
3 rejection to be used by the director and city sealers in the  
4 discharge of their official duties as required by this chapter;

5 (c) The establishment of technical test procedures, reporting  
6 procedures, and any necessary record and reporting forms to be used  
7 by service agents when testing and inspecting instruments or devices  
8 under RCW 19.94.255(3) or when otherwise installing, repairing,  
9 inspecting, or standardizing the graduations of any weighing or  
10 measuring instruments or devices;

11 (d) The establishment of exemptions from the marking or tagging  
12 requirements of RCW 19.94.250 with respect to weighing or measuring  
13 instruments or devices of such a character or size that the marking  
14 or tagging would be inappropriate, impracticable, or damaging to the  
15 apparatus in question;

16 (e) The establishment of exemptions from the inspection and  
17 testing requirements of RCW 19.94.163 with respect to classes of  
18 weighing or measuring instruments or devices found to be of such a  
19 character that periodic inspection and testing is unnecessary to  
20 ensure continued accuracy;

21 (f) The establishment of inspection and approval techniques, if  
22 any, to be used with respect to classes of weighing or measuring  
23 instruments or devices that are designed specifically to be used  
24 commercially only once and then discarded, or are uniformly  
25 mass-produced by means of a mold or die and are not individually  
26 adjustable;

27 (g) The establishment of inspection and testing procedures to be  
28 used for classes of weighing or measuring instruments or devices  
29 found to be few in number, highly complex, and of such character that  
30 differential or special inspection and testing is necessary,  
31 including railroad track scales. The department's procedures shall  
32 include requirements for the provision, maintenance, and transport of  
33 any weight or measure necessary for the inspection and testing at no  
34 expense to the state;

35 (h) Specifications, tolerances, and other technical requirements  
36 for commercial weighing and measuring instruments or devices that  
37 must be consistent with the most recent edition of the national  
38 institute of standards and technology handbook 44 except where  
39 modified to achieve state objectives; and

1 (i) Packaging, labeling, and method of sale of commodities that  
2 must be consistent with the most recent edition of the national  
3 institute of standards and technology handbook 44 and 130 (for legal  
4 metrology and engine fuel quality) except where modified to achieve  
5 state objectives.

6 (5) Rules adopted under this section must also include  
7 specifications and tolerances for the acceptable range of accuracy  
8 required of weighing or measuring instruments or devices and must be  
9 designed to eliminate from use, without prejudice to weighing or  
10 measuring instruments or devices that conform as closely as  
11 practicable to official specifications and tolerances, those that:  
12 (a) Are of such construction that they are faulty, that is, that are  
13 not reasonably permanent in their adjustment or will not repeat their  
14 indications correctly; or (b) facilitate the perpetration of fraud.

15 (6) Rules adopted by the director related to the sale of  
16 electricity sold as a vehicle fuel and electric vehicle fueling  
17 systems may be modified to achieve state objectives, reviewed, and,  
18 if necessary, amended every two years, to maintain consistency with  
19 evolving technology. These rules may take effect no earlier than  
20 January 1, 2024. To ensure existing infrastructure may continue  
21 operating without substantial equipment replacement or alteration,  
22 electric vehicle supply equipment installed and placed into service  
23 before January 1, 2024, is exempt from the rules specifically related  
24 to metering accuracy requirements until January 1, 2034. Electric  
25 vehicle supply equipment that is replaced or retrofitted with new  
26 hardware after January 1, 2024, must be considered as having been  
27 installed and placed into service after January 1, 2024.

28 **Sec. 10.** RCW 19.94.517 and 2019 c 96 s 19 are each amended to  
29 read as follows:

30 (1) Whenever the department or a city sealer tests or inspects a  
31 weighing or measuring instrument or device and finds the instrument  
32 or device to be incorrect to the economic benefit of the owner/  
33 operator of the weighing or measuring instrument or device and to the  
34 economic detriment of the customer, the owner of the weighing or  
35 measuring instrument or device is subject to the following civil  
36 penalties:

37 Device deviations outside the tolerances stated in  
38 Handbook 44.

	Penalty
Small weighing or measuring instruments or devices:	
First violation . . . . .	\$ 200.00
Second or subsequent violation within one year of first violation . . . . .	\$ 500.00
Medium weighing or measuring instruments or devices:	
First violation . . . . .	\$ 400.00
Second or subsequent violation within one year of first violation . . . . .	\$ 1,000.00
Large weighing or measuring instruments or devices:	
First violation . . . . .	\$ 500.00
Second or subsequent violation within one year of first violation . . . . .	\$ 2,000.00
<u>Electric vehicle fuel measuring instruments or devices:</u>	
<u>First violation . . . . .</u>	<u>\$ 200.00</u>
<u>Second or subsequent violation within one year of first violation . . . . .</u>	<u>\$ 500.00</u>

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

1 (3) The weighing or measuring instrument or device owner may  
2 appeal the civil penalty.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 19.94  
4 RCW to read as follows:

5 (1) An electric vehicle service provider that fails to meet the  
6 requirements established under sections 4 through 6 of this act, or  
7 any rule adopted pursuant to the authority granted to the department  
8 under sections 4 through 6 of this act, is subject to a civil penalty  
9 of \$200 per electric vehicle supply equipment for the first violation  
10 and \$500 per electric vehicle supply equipment for each subsequent  
11 violation within one year of the first violation.

12 (2) Moneys collected under this section must first be used to  
13 cover the department's costs to enforce this section. Any remaining  
14 moneys must be deposited into the electric vehicle account created in  
15 RCW 82.44.200.

16 **Sec. 12.** RCW 46.08.185 and 2013 c 60 s 1 are each amended to  
17 read as follows:

18 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~  
19 ~~station))~~ supply equipment must be indicated by vertical signage  
20 identifying the station as ~~((an))~~ publicly available electric vehicle  
21 ~~((charging station))~~ supply equipment and indicating that it is only  
22 for electric vehicle charging. The signage must be consistent with  
23 the manual on uniform traffic control devices, as adopted by the  
24 department of transportation under RCW 47.36.030. ~~((Additionally, the~~  
25 ~~electric vehicle charging station must be indicated by green pavement~~  
26 ~~markings.))~~ Supplementary signage may be posted to provide additional  
27 information including, but not limited to, the amount of the monetary  
28 penalty under subsection (2) of this section for parking in the  
29 station while not connected to the charging equipment. An electric  
30 vehicle charging station must comply with the requirements in  
31 sections 2 through 5 of this act.

32 (2) It is a parking infraction, with a monetary penalty of one  
33 hundred twenty-four dollars, for any person to park a vehicle in ~~((an~~  
34 ~~electric vehicle charging station provided on public or private~~  
35 ~~property))~~ a parking space served by publicly available electric  
36 vehicle supply equipment if the vehicle is not connected to the  
37 charging equipment. The parking infraction must be processed as

1 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and  
2 46.20.270(~~(3)~~) (2).

3 (3) For purposes of this section, "electric vehicle (~~eharging~~  
4 ~~station"~~ means a public or private parking space that is served by  
5 ~~charging equipment that has as its primary purpose the transfer of~~  
6 ~~electric energy to a battery or other energy storage device in an~~  
7 ~~electric vehicle)~~ supply equipment" means electric vehicle supply  
8 equipment and associated parking spaces or spaces designated by a  
9 property owner or lessee to be available to, and accessible by, the  
10 public.

11 NEW SECTION. Sec. 13. A new section is added to chapter 19.94  
12 RCW to read as follows:

13 If an electric vehicle service provider sells or intends to sell  
14 consumer data collected during or associated with a charging session,  
15 the electric vehicle service provider shall disclose all types of  
16 data collected to the consumer.

17 NEW SECTION. Sec. 14. Section 13 of this act takes effect only  
18 if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is  
19 not enacted by June 30, 2021.

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