
SECOND SUBSTITUTE SENATE BILL 5192

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.)

READ FIRST TIME 03/19/21.

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.

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

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

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

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

30 (aa) "Installed" means operational and made available for a
31 charging session.

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

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

38 (dd) "Networked electric vehicle supply equipment" means electric
39 vehicle supply equipment capable of receiving and sending commands or
40 messages remotely from an electric vehicle service provider,

1 including electric vehicle supply equipment with secondary systems
2 that provide remote communication capabilities that have been
3 installed.

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.

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

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

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

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

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

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

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

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

37 NEW SECTION. Sec. 3. A new section is added to chapter 19.94
38 RCW to read as follows:

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

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

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

9 (2) Sections 4 through 7 of this act do not apply to:

10 (a) Workplace electric vehicle supply equipment and its
11 associated parking spaces if it is clearly marked and operated as
12 available exclusively to employees or contracted drivers, regardless
13 of the physical accessibility of the electric vehicle supply
14 equipment to the public;

15 (b) Electric vehicle supply equipment and associated parking
16 spaces reserved exclusively for residents, tenants, visitors, or
17 employees of a private residence or common interest community; or a
18 residential building adjacent to a private residence;

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

24 (d) Electric vehicle supply equipment and associated parking
25 spaces provided by a vehicle dealer licensed under chapter 46.70 RCW
26 at its established place of business.

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 the point of sale and prior to
39 a user or a vehicle initiating a charging session. At a minimum, the

1 electric vehicle service provider must disclose to the user the
2 following information at the point of sale, if applicable:

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

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

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

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

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

12 (2) If the charging session or portion of a charging session is
13 offered at no cost, it must be disclosed at the location where the
14 charging session is initiated and prior to a user or a vehicle
15 initiating a charging session.

16 (3) For the purpose of this section, "point of sale" means the
17 location where the charging session and associated commercial
18 transaction is initiated including, but not limited to, electric
19 vehicle supply equipment or kiosk used to service that electric
20 vehicle supply equipment.

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

23 (1) By January 1, 2023, the department, in consultation with the
24 department of commerce and the Washington utilities and
25 transportation commission, must adopt rules requiring all electric
26 vehicle service providers make available multiple payment methods at
27 all publicly available level 2 electric vehicle supply equipment or
28 direct current fast charger electric vehicle supply equipment
29 installed in Washington and may review and, if necessary, amend the
30 rules every two years, to maintain consistency with evolving
31 technology. At a minimum, the rules must include:

32 (a) Deadlines for electric vehicle service provider compliance
33 for publicly available direct current fast charger electric vehicle
34 supply equipment installed prior to a specific date;

35 (b) Deadlines for electric vehicle service provider compliance
36 for publicly available level 2 electric vehicle supply equipment
37 installed prior to a specific date;

1 (c) Deadlines for electric vehicle service provider compliance
2 for publicly available direct current fast charger electric vehicle
3 supply equipment installed on or after a specific date;

4 (d) Deadlines for electric vehicle service provider compliance
5 for publicly available level 2 electric vehicle supply equipment
6 installed on or after a specific date;

7 (e) Minimum required payment methods that are convenient and
8 reasonably support access for all current and future users at
9 publicly available level 2 electric vehicle supply equipment and
10 direct current fast charger electric vehicle supply equipment
11 installed in Washington. Payment methods may include, but are not
12 limited to:

13 (i) A credit card reader device physically located on or in
14 either the electric vehicle supply equipment unit or a kiosk used to
15 service that electric vehicle supply equipment. Contactless credit
16 card reader devices may be used as an option to meet the requirements
17 of this subsection;

18 (ii) A toll-free number on each electric vehicle supply equipment
19 and kiosk used to service that electric vehicle supply equipment that
20 provides the user with the option to initiate a charging session and
21 submit payment at any time that the electric vehicle supply equipment
22 is operational and publicly available;

23 (iii) A mobile payment option used to initiate a charging
24 session;

25 (f) Means for conducting a charging session in languages other
26 than English;

27 (g) Means for facilitating charging sessions for consumers who
28 are unbanked, underbanked, or low-moderate income, such as accepting
29 prepaid cards through a card reader device. Methods established in
30 (e) of this subsection may be used to meet this requirement if they
31 adequately facilitate charging sessions for these consumers.

32 (2) In adopting the rules required under subsection (1) of this
33 section, the department must seek to minimize costs and maximize
34 benefits to the public.

35 (3) The electric vehicle service provider may not require a
36 subscription, membership, or account or a minimum balance on an
37 account in order to initiate a charging session at electric vehicle
38 supply equipment subject to this section.

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

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

3 (1) Interoperability standards provide safeguards to consumers
4 and support access to electric vehicle supply equipment. In order for
5 Washington to have reliable, accessible, and competitive markets for
6 electric vehicle supply equipment that are necessary for the movement
7 of goods and people by electric vehicles, interoperability standards
8 that align with national and international best practices or
9 standards are necessary.

10 (2) By January 1, 2023, the department, in consultation with the
11 department of commerce and the Washington utilities and
12 transportation commission, must adopt rules establishing requirements
13 for all electric vehicle service providers to, at a minimum, meet and
14 maintain nonproprietary interoperability standards for publicly
15 available level 2 electric vehicle supply equipment and direct
16 current fast charger electric vehicle supply equipment and may review
17 and, if necessary, amend the rules every two years, to maintain
18 consistency with evolving technology. The requirements shall not
19 provide that any charging provider must purchase or license
20 proprietary technology or software from any other company, and shall
21 not require that companies maintain interoperability agreements with
22 other companies.

23 (3) For the purpose of this section, "interoperability" means the
24 ability of hardware, software, or a communications network provided
25 by one party, vendor, or service provider to interact with or
26 exchange and make use of information, including payment information,
27 between hardware, software, or a communications network provided by a
28 different party, vendor, or service provider.

29 (4) The requirements of this section shall not apply to publicly
30 available electric vehicle supply equipment provided by a
31 manufacturer of electric vehicles for the exclusive use by vehicles
32 it manufactures.

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

35 (1) This section applies to all electric vehicle service
36 providers operating one or more publicly available level 2 electric
37 vehicle supply equipment or direct current fast charger electric
38 vehicle supply equipment installed in Washington. If an electric
39 vehicle service provider also operates electric vehicle supply

1 equipment that is not available to the public, the requirements of
2 this section apply only to that electric vehicle service provider's
3 publicly available level 2 electric vehicle supply equipment or
4 direct current fast charger electric vehicle supply equipment
5 installed in Washington.

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

- 11 (a) Electric vehicle service provider information;
- 12 (b) Electric vehicle supply equipment inventory for both active
13 and retired, decommissioned, or removed electric vehicle supply
14 equipment in Washington;
- 15 (c) Electric vehicle supply equipment payment method information.

16 (3) The department may adopt additional reporting requirements to
17 support compliance with this act.

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

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

23	(a) Weighing devices:		
24	(i) Small scales "zero to four		
25	hundred pounds capacity" ...	\$	16.00
26	(ii) Intermediate scales "four		
27	hundred one pounds to five		
28	thousand pounds capacity" ..	\$	60.00
29	(iii) Large scales "over five		
30	thousand pounds capacity" ..	\$	120.00
31	(iv) Railroad track scales	\$	1,200.00
32	(b) Liquid fuel metering devices:		
33	(i) Motor fuel meters with flows		
34	of twenty gallons or less per		
35	minute	\$	16.00

1 inspected or tested by the device owner. These inspection and testing
2 fees shall be limited to those amounts necessary for the department
3 or city sealer to cover the direct costs associated with such
4 inspection and testing. The fees shall not be set so as to compete
5 with service agents normally engaged in such services.

6 ~~((4))~~ (5) The weights and measures advisory group within the
7 department must review the fees in subsection (1) of this section and
8 report to stakeholders on the financial status of the program
9 supported by the fees by September 1, 2024, and September 1st every
10 five years thereafter.

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

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

15 (2) The department's enforcement proceedings under this chapter
16 are subject to the requirement to provide technical assistance in
17 chapter 43.05 RCW and the administrative procedure act, chapter 34.05
18 RCW. City sealers undertaking enforcement actions must provide
19 equivalent procedures.

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

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

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

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

32 (c) The establishment of technical test procedures, reporting
33 procedures, and any necessary record and reporting forms to be used
34 by service agents when testing and inspecting instruments or devices
35 under RCW 19.94.255(3) or when otherwise installing, repairing,
36 inspecting, or standardizing the graduations of any weighing or
37 measuring instruments or devices;

38 (d) The establishment of exemptions from the marking or tagging
39 requirements of RCW 19.94.250 with respect to weighing or measuring

1 instruments or devices of such a character or size that the marking
2 or tagging would be inappropriate, impracticable, or damaging to the
3 apparatus in question;

4 (e) The establishment of exemptions from the inspection and
5 testing requirements of RCW 19.94.163 with respect to classes of
6 weighing or measuring instruments or devices found to be of such a
7 character that periodic inspection and testing is unnecessary to
8 ensure continued accuracy;

9 (f) The establishment of inspection and approval techniques, if
10 any, to be used with respect to classes of weighing or measuring
11 instruments or devices that are designed specifically to be used
12 commercially only once and then discarded, or are uniformly
13 mass-produced by means of a mold or die and are not individually
14 adjustable;

15 (g) The establishment of inspection and testing procedures to be
16 used for classes of weighing or measuring instruments or devices
17 found to be few in number, highly complex, and of such character that
18 differential or special inspection and testing is necessary,
19 including railroad track scales. The department's procedures shall
20 include requirements for the provision, maintenance, and transport of
21 any weight or measure necessary for the inspection and testing at no
22 expense to the state;

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

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

33 (5) Rules adopted under this section must also include
34 specifications and tolerances for the acceptable range of accuracy
35 required of weighing or measuring instruments or devices and must be
36 designed to eliminate from use, without prejudice to weighing or
37 measuring instruments or devices that conform as closely as
38 practicable to official specifications and tolerances, those that:

39 (a) Are of such construction that they are faulty, that is, that are

1 not reasonably permanent in their adjustment or will not repeat their
2 indications correctly; or (b) facilitate the perpetration of fraud.

3 (6) Rules adopted by the director related to the sale of
4 electricity sold as a vehicle fuel and electric vehicle fueling
5 systems may take effect no earlier than January 1, 2024, and may be
6 modified to achieve state objectives, reviewed, and, if necessary,
7 amended, to maintain consistency with evolving technology. To ensure
8 existing infrastructure may continue operating without substantial
9 equipment replacement or alteration, electric vehicle supply
10 equipment installed and placed into service before January 1, 2024,
11 is exempt from the rules of this section until January 1, 2034.
12 Electric vehicle supply equipment that is replaced or retrofitted
13 with new hardware after January 1, 2024, must be considered as having
14 been installed and placed into service after January 1, 2024.

15 (a) Exempt electric vehicle supply equipment installed and placed
16 into service before January 1, 2024, must:

17 (i) Comply with RCW 19.94.175; and

18 (ii) Be clearly marked, identifying the date of installation.

19 (b) For the purpose of this subsection (6), "retrofitted" means a
20 substantial modification outside of normal wear and tear maintenance.

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

23 (1) Whenever the department or a city sealer tests or inspects a
24 weighing or measuring instrument or device and finds the instrument
25 or device to be incorrect to the economic benefit of the owner/
26 operator of the weighing or measuring instrument or device and to the
27 economic detriment of the customer, the owner of the weighing or
28 measuring instrument or device is subject to the following civil
29 penalties:

30 Device deviations outside the tolerances stated in
31 Handbook 44.

32 Penalty

33 Small weighing or measuring instruments or devices:

34 First violation \$ 200.00

35 Second or subsequent
36 violation within one year

37 of first violation \$ 500.00

38 Medium weighing or measuring instruments or devices:

1	First violation	\$	400.00
2	Second or subsequent		
3	violation within one year		
4	of first violation	\$	1,000.00
5	Large weighing or measuring instruments or devices:		
6	First violation	\$	500.00
7	Second or subsequent		
8	violation within one year		
9	of first violation	\$	2,000.00
10	<u>Electric vehicle fuel measuring instruments or devices:</u>		
11	<u>First violation</u>	<u>\$</u>	<u>200.00</u>
12	<u>Second or subsequent</u>		
13	<u>violation within one year</u>		
14	<u>of first violation</u>	<u>\$</u>	<u>500.00</u>

15 (2) For the purposes of this section:

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

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

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

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

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

35 (1) An electric vehicle service provider that fails to meet the
36 requirements established under sections 4 through 6 of this act, or
37 any rule adopted pursuant to the authority granted to the department

1 under sections 4 through 6 of this act, is subject to a civil penalty
2 of \$200 per electric vehicle supply equipment for the first violation
3 and \$500 per electric vehicle supply equipment for each subsequent
4 violation within one year of the first violation.

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

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

11 (1) ~~((An))~~ Publicly available electric vehicle ~~((charging~~
12 ~~station))~~ supply equipment must be indicated by vertical signage
13 identifying the station as ~~((an))~~ publicly available electric vehicle
14 ~~((charging station))~~ supply equipment and indicating that it is only
15 for electric vehicle charging. The signage must be consistent with
16 the manual on uniform traffic control devices, as adopted by the
17 department of transportation under RCW 47.36.030, and contain the
18 information required in section 4 of this act. ~~((Additionally, the~~
19 ~~electric vehicle charging station must be indicated by green pavement~~
20 ~~markings.))~~ Supplementary signage may be posted to provide additional
21 information including, but not limited to, the amount of the monetary
22 penalty under subsection (2) of this section for parking in the
23 station while not connected to the charging equipment.

24 (2) It is a parking infraction, with a monetary penalty of one
25 hundred twenty-four dollars, for any person to park a vehicle in ~~((an~~
26 ~~electric vehicle charging station provided on public or private~~
27 ~~property))~~ a parking space served by publicly available electric
28 vehicle supply equipment if the vehicle is not connected to the
29 charging equipment. The parking infraction must be processed as
30 prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and
31 46.20.270 ~~((+3))~~ (2).

32 (3) For purposes of this section, "publicly available electric
33 vehicle ~~((charging station"~~ means a public or private parking space
34 ~~that is served by charging equipment that has as its primary purpose~~
35 ~~the transfer of electric energy to a battery or other energy storage~~
36 ~~device in an electric vehicle))~~ supply equipment" has the same
37 meaning as provided in RCW 19.94.010 and described in sections 2 and
38 3 of this act.

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

3 If an electric vehicle service provider sells or intends to sell
4 consumer data collected during or associated with a charging session,
5 the electric vehicle service provider shall disclose all types of
6 data collected to the consumer.

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

--- END ---