

# SENATE, No. 2784

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## STATE OF NEW JERSEY 214th LEGISLATURE

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INTRODUCED MARCH 21, 2011

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires owners of certain newly developed shopping centers to provide electric vehicle charging stations.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning electric vehicle charging stations,  
2 supplementing Title 56 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. As used in this act:

8 “Board” means the New Jersey Board of Public Utilities.

9 “Electric vehicle charging station” means an electric recharging  
10 point complete with electric vehicle supply equipment that is  
11 capable of providing level 2 charging for plug-in electric motor  
12 vehicles.

13 “Electric vehicle supply equipment” means the conductors,  
14 including the underground, grounded, and equipment grounding  
15 conductors, and the electric vehicle connectors, attachment plugs,  
16 and all other fittings, devices, power outlets, or apparatuses that are  
17 installed specifically for the purpose of delivering electricity from  
18 the premises wiring to a plug-in electric motor vehicle.”

19 “Level 2 charging” means the provision of 208-240 volt alternate  
20 current electricity to an onboard charger of a plug-in electric motor  
21 vehicle in a single phase with a maximum current specified at 32  
22 continuous amps with a branch circuit breaker rated at 40 amps and  
23 a maximum continuous input power specified at 7.68 kilowatts.

24 “Plug-in electric motor vehicle” means a vehicle propelled to a  
25 significant extent by an electric motor which draws electricity from  
26 a battery that is capable of being recharged from an external source  
27 of electricity.

28 “Shopping center development” means a privately owned and  
29 operated commercial development that is or is to be owned and  
30 managed as a unit consisting of a building or series of buildings on  
31 a common site together with an adjacent parking area of no less  
32 than 100 parking spaces to which the public is invited.

33 “Shopping center owner” or “owner” means the owner of a  
34 shopping center development proposed for construction or  
35 constructed in this State.

36

37 2. a. The owner of a shopping center development or proposed  
38 shopping center development shall provide that no less than five  
39 percent of the parking spaces for the shopping center development  
40 are equipped with electric vehicle charging stations, and that such  
41 stations are available for use during the hours of operation of the  
42 shopping center development.

43 b. The provisions of subsection a. of this section shall not  
44 apply to (1) a shopping center development constructed prior to the  
45 first day of the fourth month following the date of enactment of  
46 P.L. , c. (C. )(pending before the Legislature as this bill), and (2)  
47 a proposed shopping center development for which a site plan  
48 application shall have been filed prior to the first day of the fourth

1 month following the date of enactment of P.L. , c. (C. ), whether  
2 or not that application shall have been approved or construction of  
3 that proposed development shall have been commenced.

4  
5 3. a. A shopping center owner may recover costs of compliance  
6 with the requirements of subsection a. of section 2 of P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill), including  
8 costs associated with installation of electric vehicle charging  
9 stations, from motorists who use the stations, in proportion to their  
10 use.

11 b. A shopping center owner imposing charges on motorists  
12 pursuant to subsection a. of this section for electric vehicle charging  
13 station service shall publicly display and maintain, in the manner  
14 regulated by the Director of the Division of Taxation pursuant to  
15 P.L.1952, c.258 (C.56:6-2.1 et seq.), a sign legible to the motorist  
16 stating the price per unit of time, unit of voltage, or other measure  
17 of usage, as determined by the board pursuant to section 4 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill), to be  
19 charged to the motorist for such service. All taxes and charges  
20 imposed with respect to the sale of electric vehicle charging station  
21 service shall, notwithstanding the provisions of section 14 of  
22 P.L.1966, c.30 (C.54:32B-14) to the contrary, be included in the  
23 price shown on that sign, but the sign shall contain a statement of  
24 the amount of taxes included in that price, or, without specifying  
25 the amount thereof, the sign shall state that taxes are included in the  
26 price. A shopping center development owner shall not charge for  
27 electric vehicle charging station service at any other price than the  
28 price so posted, including tax.

29 c. No shopping center development owner shall sell electric  
30 vehicle charging station service at a price which exceeds the  
31 maximum price set by the board.

32  
33 4. The Board of Public Utilities shall initiate a proceeding and,  
34 after notice, provision of the opportunity for comment, and a public  
35 hearing, shall adopt standards for a schedule of prices, including the  
36 maximum prices which a shopping center owner may charge  
37 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), to allow shopping center owners to recover  
39 their costs of compliance with section 2 of P.L. , c. (C. )  
40 (pending before the Legislature as this bill). Any standards, or  
41 modification thereof, shall be adopted by the board as a regulation  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.).

44  
45 5. Each shopping center development owner who shall fail to  
46 provide electric vehicle charging stations as required pursuant to  
47 section 2 of P.L. , c. (C. ) (pending before the Legislature as this  
48 bill); or who shall fail to post and publicly display, in the manner

1 required pursuant to subsection b. of section 3 of P.L. ,  
2 c. (C. )(pending before the Legislature as this bill), a sign stating  
3 the price per unit of electric vehicle charging station service; or who  
4 shall sell electric vehicle charging station service at a price  
5 inconsistent with the standards established by the board pursuant to  
6 section 4 of P.L. , c. (C. ) (pending before the Legislature as this  
7 bill), shall, upon conviction, be subject to a penalty of not more  
8 than \$500 for the first offense and not more than \$1,000 for the  
9 second and any subsequent offense.

10  
11 6. The following procedure shall be followed in actions for the  
12 enforcement of penalties set forth in section 4 of this act:

13 a. The penalty shall be sued for in the name of the Director of  
14 the Division of Taxation. The Superior Court and every municipal  
15 court is hereby authorized, upon the filing of a complaint in writing,  
16 duly verified by the Director of the Division of Taxation, or by any  
17 assistant or employee of the Director of the Division of Taxation,  
18 which may be made upon information or belief, that a shopping  
19 center development owner has violated any of the provisions of this  
20 act, to issue process at the suit of the Director of the Division of  
21 Taxation as plaintiff. Such process shall be either in the nature of a  
22 summons or warrant, which may issue without any order of the  
23 court or judge first being obtained against the person or persons so  
24 charged.

25 b. The officers to serve and execute all process under this act  
26 shall be officers authorized to serve all process out of the Superior  
27 Court or municipal court of competent jurisdiction.

28  
29 7. Any habitual violations of provisions of this act, or of any  
30 orders or rules or regulations made pursuant to this act, may be  
31 restrained by the Superior Court of competent jurisdiction in an  
32 action brought for such purpose by the Director of the Division of  
33 Taxation.

34  
35 8. a. The Director of the Division of Taxation shall, in  
36 accordance with the "Administrative Procedure Act," P.L.1968,  
37 c.410 (C.52:14B-1 et seq.), adopt and promulgate such rules and  
38 regulations as may be necessary for the implementation of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill).

40 b. To provide data for, and facilitate the production of, the  
41 report required by subsection c. , of this section, the Director of  
42 the Division of Taxation shall compile compliance and enforcement  
43 data on the implementation of the requirements of sections 2 and 3  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill) on  
45 determinations of whether a particular shopping center development  
46 was subject to and compliant with P.L. , c. (C. ) (pending before  
47 the Legislature as this bill) including statistics of the numbers of  
48 inspections, numbers of violations cited and categorized by type of

1 violation, corrective actions implemented by the owners, penalties  
2 assessed and penalties collected and such other information as the  
3 Chief Executive Officer of the New Jersey Economic Development  
4 Authority may request, and shall report the data for each State fiscal  
5 year to the Chief Executive Officer of the New Jersey Economic  
6 Development Authority on or before the first day of December of  
7 the following year for the first four fiscal years beginning after the  
8 date of enactment of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill).

10 c. The Chief Executive Officer of the New Jersey Economic  
11 Development Authority shall, on or before the April 1 following the  
12 end of the fourth State fiscal year beginning after the date of  
13 enactment of P.L. , c. (C. ) (pending before the Legislature as  
14 this bill) prepare and transmit to the Governor and the Legislature  
15 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report  
16 evaluating the requirements of P.L. , c. (C. ) and determining  
17 whether the requirements of P.L. , c. (C. ) have been rendered  
18 unnecessary by market forces.

19  
20 9. This act shall take effect immediately, but sections 1 through  
21 3 and sections 5 through 7 shall be inoperative until the first day of  
22 the fourth month following the date of enactment.

#### 23 24 25 STATEMENT

26  
27 This bill requires owners of certain shopping center  
28 developments to provide, during operating hours of the shopping  
29 center, electric vehicle charging stations for plug-in electric  
30 vehicles.

31 The bill defines “shopping center development” as a privately  
32 owned and operated commercial development that is or is to be  
33 owned and managed as a unit consisting of a building or series of  
34 buildings on a common site together with an adjacent parking area  
35 of no fewer than 100 parking spaces to which the public is invited.  
36 The bill requires at least five percent of the parking spaces in any  
37 such shopping center development to be equipped with electric  
38 vehicle charging stations. Shopping centers constructed, or for  
39 which a site plan application is pending, prior to the first day of the  
40 fourth month following the date of enactment are exempt from the  
41 charging station requirement.

42 The bill allows owners to recover the costs associated with the  
43 installation and operation of the charging stations through charges  
44 to motorists using the charging stations. The bill directs the Board  
45 of Public Utilities to set the maximum price the charging station  
46 owners may charge, and the Division of Taxation will promulgate  
47 regulations to enforce that limitation and will enforce rules  
48 concerning the posting of prices by shopping center owners. Note

1   that this regulatory scheme is similar to the Division of Taxation  
2   regulation of the retail sale of motor fuels pursuant to N.J.S.A.56:6-  
3   1 et seq.

4       Owners who do not comply with requirements of this bill will be  
5   subject to a fine of \$500 for the first offense and \$1,000 for each  
6   subsequent offense.

7       The bill also requires the director of the Division of Taxation to  
8   compile data on the implementation of the bill and transmit it to the  
9   Chief Executive Officer of the Economic Development Authority.