



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-0407/2  
KP&EVM:emw

## 2021 SENATE BILL 573

September 24, 2021 - Introduced by Senators COWLES, ROTH, KOOYENGA, BERNIER and PFAFF, cosponsored by Representatives VANDERMEER, NEYLON, BORN, KUGLITSCH, ARMSTRONG, BRANDTJEN, DUCHOW, GUNDRUM, MOSES, MURSAU, OLDENBURG, SPIROS, DOYLE, KNODL, LOUDENBECK, EDMING, TAUCHEN, THIESFELDT and PETRYK. Referred to Committee on Utilities, Technology and Telecommunications.

1     **AN ACT to create** 66.0440, 84.01 (38), 196.01 (5) (b) 8. and 196.025 (8) of the  
2             statutes; **relating to:** allowing persons to charge fees for the use of electric  
3             vehicle charging stations and the installation and operation of electric vehicle  
4             charging stations by the Department of Transportation or a political  
5             subdivision.

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### *Analysis by the Legislative Reference Bureau*

This bill allows a person to charge a fee to users who park an electric vehicle near the person's charging station. Under the bill, the fee charged for parking near the charging station must be a flat fee or be based on the amount of time the user is parked near or connected to the station or on the amount of electricity used. The bill also prohibits electric utilities and electric cooperatives from restricting customers from charging a fee to users who park near or connect to the customers' charging stations. Additionally, the bill specifies that a person who owns, operates, manages, leases, or controls a charging station is not a public utility if the person does not otherwise provide electricity to others for a fee.

The bill also prohibits a political subdivision from owning, operating, managing, leasing, or controlling a charging facility that is available to the public unless authorized by the governing body of the political subdivision and prohibits the Department of Transportation from authorizing the installation or operation of a charging facility that is available to the public or located at a wayside unless the department submits to the Joint Committee on Finance a request for authorization

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to install or operate the charging facility and the Joint Committee on Finance approves the request.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 66.0440 of the statutes is created to read:

2           **66.0440 Electric vehicle charging facilities. (1)** In this section:

3           (a) “Charging facility” means electric vehicle charging equipment, including  
4 Level 1, Level 2, and fast charging equipment and analogous successor technologies.

5           (b) “Political subdivision” means a city, village, town, or county.

6           **(2)** No political subdivision may own, operate, manage, lease, or control a  
7 charging facility that is available to the public unless authorized by the governing  
8 body of the political subdivision.

9           **SECTION 2.** 84.01 (38) of the statutes is created to read:

10           84.01 **(38)** ELECTRIC VEHICLE CHARGING FACILITIES. (a) In this subsection,  
11 “charging facility” means electric vehicle charging equipment, including Level 1,  
12 Level 2, and fast charging equipment and analogous successor technologies.

13           (b) The department may not authorize the installation or operation of a  
14 charging facility that is available to the public or that is located at a wayside, as  
15 defined under s. 84.04 (1) (e), unless the department submits to the joint committee  
16 on finance a request for authorization to install or operate the charging facility and  
17 the joint committee on finance approves the request.

18           **SECTION 3.** 196.01 (5) (b) 8. of the statutes is created to read:

19           196.01 **(5)** (b) 8. A person who owns, operates, manages, leases, or controls a  
20 charging facility, as defined in s. 196.025 (8) (a) 1., that supplies electricity to a user

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1 of the charging facility exclusively for charging electric vehicles if all of the following  
2 apply:

3 a. If the person charges a fee for parking near the charging facility, the fee is  
4 a flat fee, is based on the amount of time a user parks near or is connected to the  
5 charging facility, or is based on the amount of electricity the user consumes.

6 b. All of the electricity that a user receives by connecting to the person's  
7 charging facility is obtained from the electric provider, as defined in s. 16.957 (1) (f),  
8 serving the area in which the charging facility is located.

9 c. The person does not otherwise directly or indirectly provide electricity to the  
10 public for a fee.

11 **SECTION 4.** 196.025 (8) of the statutes is created to read:

12 196.025 (8) ELECTRIC VEHICLE CHARGING FACILITIES. (a) In this subsection:

13 1. "Charging facility" means electric vehicle charging equipment, including  
14 Level 1, Level 2, and fast charging equipment and analogous successor technologies.

15 2. "Electric provider" has the meaning given in s. 16.957 (1) (f).

16 (b) 1. The commission shall prohibit an electric provider from restricting a  
17 customer from charging a fee to users who park near or connect to the customer's  
18 charging facility if all of the following apply:

19 a. The fee charged is a flat fee, is based on the amount of time a user parks near  
20 or is connected to the charging facility, or is based on the amount of electricity the  
21 user consumes.

22 b. All of the electricity that a user receives by connecting to the customer's  
23 charging facility is obtained from the electric provider serving the area in which the  
24 charging facility is located.

