



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0280/1
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**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 573**

December 6, 2021 - Offered by Senator COWLES.

1 **AN ACT** *to create* 16.9565, 66.0440, 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 facilities and the installation and operation of electric vehicle
4 charging facilities by a state agency or a political subdivision.

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 facility. Under the bill, the fee charged for parking near the charging facility must be a flat fee or be based on the amount of time the user is parked near or connected to the facility, on the amount of electricity used, or on the cost or rate charged to the person by the person's electric provider. 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 facilities. Additionally, the bill specifies that a person who owns, operates, manages, leases, or controls a charging facility 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 that does not operate an electric utility from owning, operating, managing, leasing, or controlling a charging facility, but a political subdivision may authorize another person to own and operate a charging facility available to the public on its property. Under the bill, a municipal

electric utility may own or operate a charging facility if no tax revenue subsidizes the charging facility and if no revenue generated by the charging facility is transferred to the general fund of the municipality that owns the municipal electric utility. The bill also prohibits state agencies from owning, operating, managing, leasing, or controlling charging facilities, but state agencies may own or operate charging facilities that are used only for charging state agency vehicles.

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

1 **SECTION 1.** 16.9565 of the statutes is created to read:

2 **16.9565 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) “State agency” means an association, authority, board, department,
6 commission, independent agency, institution, office, society, or other body in state
7 government created or authorized to be created by the constitution or any law.

8 **(2)** No state agency may own, operate, manage, lease, or control a charging
9 facility.

10 **(3)** Notwithstanding sub. (2), a state agency may own or operate a charging
11 facility that is not available to the public if the sole purpose of the charging facility
12 is charging vehicles owned or leased by a state agency.

13 **SECTION 2.** 66.0440 of the statutes is created to read:

14 **66.0440 Electric vehicle charging facilities. (1)** In this section:

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

17 (b) “Municipal utility” has the meaning given in s. 16.957 (1) (q).

18 (c) “Political subdivision” means a city, village, town, or county.

1 **(2)** No political subdivision may own, operate, manage, lease, or control a
2 charging facility.

3 **(3)** Notwithstanding sub. (2) and subject to sub. (5), a political subdivision may
4 authorize an electric provider, as defined in s. 16.957 (1) (f), or a person described in
5 s. 196.01 (5) (b) 8. to own and operate a charging facility that is available to the public
6 on property owned by the political subdivision.

7 **(4)** Notwithstanding sub. (2), a political subdivision may own or operate a
8 charging facility that is not available to the public if the sole purpose of the charging
9 facility is charging vehicles owned or leased by a political subdivision.

10 **(5)** Notwithstanding sub. (2), a municipal utility existing on the effective date
11 of this subsection [LRB inserts date], may own and operate a charging facility that
12 is available to the public if all of the following apply:

13 (a) The charging facility receives any approvals from the public service
14 commission required under ch. 196.

15 (b) No tax revenue subsidizes, directly or indirectly, any costs associated with
16 the charging facility. This paragraph does not prohibit a municipal utility from using
17 grant money from this state or the federal government to pay costs associated with
18 constructing a charging facility if the purpose of the grant is to expand the
19 availability of electric vehicle charging infrastructure.

20 (c) Notwithstanding s. 66.0811 (2), no revenue generated by the charging
21 facility is transferred to the general fund of the municipality that owns the municipal
22 utility or otherwise directly or indirectly supplements any portion of the
23 municipality's budget.

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

1 196.01 (5) (b) 8. A person who owns, operates, manages, leases, or controls a
2 charging facility, as defined in s. 196.025 (8) (a) 1., that supplies electricity to a user
3 of the charging facility exclusively for charging electric vehicles if all of the following
4 apply:

5 a. If the person charges a fee for parking near the charging facility, the fee is
6 a flat fee, is based on the amount of time a user parks near or is connected to the
7 charging facility, is based on the cost or rate charged to the person by the person's
8 electric provider, as defined in s. 16.957 (1) (f), or is based on the amount of electricity
9 the user consumes.

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

13 c. The person notifies the person's electric provider, as defined in s. 16.957 (1)
14 (f), about the charging facility.

15 d. The person does not otherwise directly or indirectly provide electricity to the
16 public for a fee.

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

18 196.025 (8) ELECTRIC VEHICLE CHARGING FACILITIES. (a) In this subsection:

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

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

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

1 a. The fee charged is a flat fee, is based on the amount of time a user parks near
2 or is connected to the charging facility, is based on the cost or rate charged to the
3 customer by the customer's electric provider, or is based on the amount of electricity
4 the user consumes.

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

8 2. This paragraph does not apply to a charging facility that a customer
9 purchases using a grant from an electric provider or that an electric provider
10 partially or entirely owns. Incurring infrastructure or interconnection costs related
11 to a charging facility does not confer any ownership of the charging facility to an
12 electric provider.

13 **SECTION 5. Nonstatutory provisions.**

14 (1) REGISTRATION OF CERTAIN ELECTRIC VEHICLE CHARGING FACILITIES.

15 (a) In this subsection:

16 1. "Charging facility" has the meaning given in s. 196.025 (8) (a) 1.

17 2. "Political subdivision" has the meaning given in s. 66.0440 (1) (c).

18 (b) A political subdivision that owns or operates a charging facility installed
19 before the effective date of this paragraph shall register with and provide proof of
20 installation or ownership to the public service commission no later than the first day
21 of the 7th month beginning after the effective date of this paragraph.

22 **(END)**