

A BILL TO BE ENTITLED

1 AN ACT

2 relating to mobile source emissions reductions and transportation  
3 electrification; authorizing fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. GENERAL PROVISIONS

6 SECTION 1.01. This Act may be cited as the Electric  
7 Transportation Act.

8 SECTION 1.02. It is the purpose of this Act to establish a  
9 framework for the electrification of transportation in Texas; to  
10 assure that there is an adequate and comprehensive network  
11 of electric vehicle charging stations across the State of Texas;  
12 to harmonize charging activities with the Texas utilities code; to  
13 create a program to register and regulate electric vehicle  
14 chargers, and to establish consumer protections; to make Texas the  
15 destination for electric vehicle manufacturing; to  
16 establish reasonable fees for the use of state highways; and to  
17 increase the use of zero emission electric vehicles by modifying  
18 the existing incentives programs.

ARTICLE 2. RETAIL ELECTRIC SERVICE

SECTION 2.01 Subsections (6) and (17), Section 31.002, Utilities Code, are amended to read as follows:

(6) "Electric utility" means a person or river authority that owns or operates for compensation in this state equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electricity in this state. The term includes a lessee, trustee, or receiver of an electric utility and a recreational vehicle park owner who does not comply with Subchapter C, Chapter 184, with regard to the metered sale of electricity at the recreational vehicle park. The term does not include:

- (A) a municipal corporation;
  - (B) a qualifying facility;
  - (C) a power generation company;
  - (D) an exempt wholesale generator;
  - (E) a power marketer;
  - (F) a corporation described by Section [32.053](#) to the extent the corporation sells electricity exclusively at wholesale and not to the ultimate consumer;
  - (G) an electric cooperative;
  - (H) a retail electric provider;
  - (I) this state or an agency of this state; or
  - (J) a person not otherwise an electric utility
- who:

1 (i) furnishes an electric service or commodity only to  
2 itself, its employees, or its tenants as an incident of  
3 employment or tenancy, if that service or commodity is not  
4 resold to or used by others;

5 (ii) owns or operates in this state equipment or  
6 facilities to produce, generate, transmit, distribute, sell, or  
7 furnish electric energy to an electric utility, if the equipment  
8 or facilities are used primarily to produce and generate  
9 electric energy for consumption by that person; [~~or~~]

10 (iii) owns or operates in this state a recreational  
11 vehicle park that provides metered electric service in  
12 accordance with Subchapter C, Chapter 184. (17) "Retail  
13 electric provider" means a person that sells electric energy to  
14 retail customers in this state. A retail electric provider may  
15 not own or operate generation assets; or

16 (iv) owns or operates equipment used solely to provide  
17 electricity charging service for consumption by an alternatively  
18 fueled vehicle as defined by Sec. 502.004, Transportation Code,  
19 and other vehicles as determined by the Commission.

20 (17) "Retail electric provider" means a person that sells  
21 electric energy to retail customers in this state. A retail  
22 electric provider may not own or operate generation assets. The

1 term does not include a person not otherwise a retail electric  
2 provider who owns or operates equipment used solely to provide  
3 electricity charging service for consumption by an alternatively  
4 fueled vehicle as defined by Sec. 502.004, Transportation Code,  
5 and other vehicles as determined by the Commission.

6 SECTION 2.02 Section 37.001(3), Utilities Code, is amended to  
7 read as follows:

8 (3) "Retail electric utility" means a person, political  
9 subdivision, electric cooperative, or agency that operates,  
10 maintains, or controls in this state a facility to provide  
11 retail electric utility service. The term does not include a  
12 corporation described by Section 32.053 to the extent that the  
13 corporation sells electricity exclusively at wholesale and not  
14 to the ultimate consumer. A qualifying cogenerator that sells  
15 electric energy at retail to the sole purchaser of the  
16 cogenerator's thermal output under Sections 35.061 and 36.007 is  
17 not for that reason considered to be a retail electric utility.  
18 The owner or operator of a qualifying cogeneration facility who  
19 was issued the necessary environmental permits from the Texas  
20 Natural Resource Conservation Commission after January 1, 1998,  
21 and who commenced construction of such qualifying facility  
22 before July 1, 1998, may provide electricity to the purchasers

1 of the thermal output of that qualifying facility and shall not  
2 for that reason be considered an electric utility or a retail  
3 electric utility, provided that the purchasers of the thermal  
4 output are owners of manufacturing or process operation  
5 facilities that are located on a site entirely owned before  
6 September, 1987, by one owner who retained ownership after  
7 September, 1987, of some portion of the facilities and that  
8 those facilities now share some integrated operations, such as  
9 the provision of services and raw materials. A person that owns  
10 or operates equipment used solely to provide electricity  
11 charging service for consumption by an alternatively fueled  
12 vehicle as defined by Sec. 502.004, Transportation Code, and  
13 other vehicles as determined by the Commission is not for that  
14 reason considered to be a retail electric utility.

15  
16

### ARTICLE 3. ELECTRIC VHICLE METERING

17 SECTION 3.01 Subtitle A, Title 14, Occupations Code, is amended  
18 by adding Chapter 2311 to read as follows:

19

#### CHAPTER 2311. ELECTRIC VEHICLE METERING

20

##### SUBCHAPTER A. GENERAL PROVISIONS

21

Sec. 2311.001. DEFINITIONS. (a) In this chapter:

1        (1) "Electric vehicle supply equipment" (EVSE) means the  
2 equipment, designed and used for the purpose of transferring energy  
3 from the electric supply system to a plug-in electric vehicle.

4        (2) "Electric vehicle charging provider" means any person  
5 that provides electric vehicle supply equipment that is engaged in  
6 a commercial transaction.

7        (3) "Department" means the Texas Department of Licensing and  
8 Regulation.

9        5) "Weighting or measuring device" means a commercial  
10 measuring device used for electric vehicle charging.

11  
12 Sec. 2311.002 AUTHORITY.

13        The Texas Department of Licensing and Regulation is  
14 authorized to establish rules regarding specifications,  
15 tolerances, and other technical requirements for the weighing  
16 and measuring devices used in electric vehicle charging stations  
17 used in commercial transactions and to establish standards for  
18 the accuracy of measurements, enhance consumer protection, and  
19 promote fair competition in electric vehicle charging services,  
20 by December 1, 2024. The department shall consider the  
21 recommendations of relevant state and federal agencies and  
22 stakeholders during the rulemaking process

23        This is placeholder language and may be amended before the

1 bill is filed

2 ARTICLE 4. ELECTRIC VEHICLE FUNDS

3 SECTION 4.01. Section 386.001, Health and Safety Code, is  
4 amended by adding Subsection 5(a) to read as follows:

5 (5a) "Federal funds" means all assistance provided to the  
6 commission from the federal government in the form of grants,  
7 contracts, loans, loan guarantees, property, cooperative  
8 agreements, interest subsidies, insurance, direct appropriations,  
9 or any other method of disbursement.

10 SECTION 4.02 Amend Section 386.153, Health and Safety Code,  
11 by adding new subsections (e) and (f) to read as follows:

12 (e) The commission shall establish a registration program  
13 for new motor vehicle dealers and leasing agents to apply online  
14 and receive incentives for their prospective purchasers or  
15 lessees.

16 (f) Incentives provided under this subchapter shall be  
17 promptly paid when authorized under subsection (e).

18 SECTION 4.03 Amend 386.154, Health and Safety Code, to read  
19 as follows:

20 Sec. 386.154. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE  
21 INCENTIVE REQUIREMENTS. (a) A new light-duty motor vehicle

1 powered by compressed natural gas or liquefied petroleum gas is  
2 eligible for a \$5,000 incentive if the vehicle:

3 (1) has four wheels;

4 (2) was originally manufactured to comply with and has  
5 been certified by an original equipment manufacturer or  
6 intermediate or final state vehicle manufacturer as complying  
7 with, or has been altered to comply with, federal motor vehicle  
8 safety standards, state emissions regulations, and any additional  
9 federal or state regulations applicable to vehicles powered by  
10 compressed natural gas or liquefied petroleum gas;

11 (3) was manufactured for use primarily on public  
12 streets, roads, and highways;

13 (4) has a dedicated or bi-fuel compressed natural gas  
14 or liquefied petroleum gas fuel system:

15 (A) installed prior to first sale or within 500  
16 miles of operation of the vehicle following first sale; and

17 (B) with a range of at least 125 miles as  
18 estimated, published, and updated by the United States  
19 Environmental Protection Agency;

20 (5) has, as applicable, a:

21 (A) compressed natural gas fuel system that  
22 complies with the:

1 (i) 2013 NFPA 52 Vehicular Gaseous Fuel  
2 Systems Code; and

3 (ii) American National Standard for Basic  
4 Requirements for Compressed Natural Gas Vehicle (NGV) Fuel  
5 Containers, commonly cited as "ANSI/CSA NGV2"; or

6 (B) liquefied petroleum gas fuel system that  
7 complies with:

8 (i) the 2011 NFPA 58 Liquefied Petroleum Gas  
9 Code; and

10 (ii) Section VII of the 2013 ASME Boiler and  
11 Pressure Vessel Code; and

12 (6) was acquired on or after September 1, 2013, or a  
13 later date established by the commission, by the person applying  
14 for the incentive under this subsection and for use or lease by  
15 that person and not for resale.

16 (b) If the commission determines that an updated version of  
17 a code or standard described by Subsection (a)(5) is more stringent  
18 than the version of the code or standard described by Subsection  
19 (a)(5), the commission by rule may provide that a vehicle for which  
20 a person applies for an incentive under Subsection (a) is eligible  
21 for the incentive only if the vehicle complies with the updated  
22 version of the code or standard.

1 (c) The incentive under Subsection (a) is limited to 1,000  
2 vehicles for each state fiscal biennium.

3 (d) A new light-duty motor vehicle powered by an electric  
4 drive is eligible for a \$2,500 incentive if the vehicle:

5 (1) has four wheels;

6 (2) was manufactured for use primarily on public  
7 streets, roads, and highways;

8 (3) has not been modified from the original  
9 manufacturer's specifications;

10 (4) has a maximum speed capability of at least 55 miles  
11 per hour;

12 (5) is propelled to a significant extent by an  
13 electric motor that draws electricity from a hydrogen fuel cell or  
14 from a battery that:

15 (A) has a capacity of not less than four kilowatt  
16 hours; and

17 (B) is capable of being recharged from an external  
18 source of electricity; ~~and~~

19 (6) is not a motor vehicle designed, used, or  
20 maintained primarily to transport property; and

21 (67) was acquired on or after September 1, 2013, or a  
22 later date as established by the commission, by the person applying

1 for the incentive under this subsection and for use or lease by  
2 that person and not for resale.

3 (e) The incentive under Subsection (d) is limited to 2,000  
4 vehicles for each state fiscal biennium.

5 (f) A new light-duty motor vehicle powered by an electric  
6 drive is eligible for a \$4,000 incentive if the vehicle:

7 (1) has four wheels;

8 (2) was manufactured for use primarily on public  
9 streets, roads, and highways;

10 (3) has not been modified from the original  
11 manufacturer's specifications;

12 (4) has a maximum speed capability of at least 55 miles  
13 per hour;

14 (5) is propelled to a significant extent by an electric  
15 motor that draws electricity from a hydrogen fuel cell or from a  
16 battery that:

17 (A) has a capacity of not less than four kilowatt  
18 hours; and

19 (B) is capable of being recharged from an external  
20 source of electricity; ~~and~~

21 (6) is a motor vehicle designed, used, or maintained  
22 primarily to transport property; and

1           (7) was acquired on or after September 1, 2021, or a  
2 later date as established by the commission, by the person applying  
3 for the incentive under this subsection and for use or lease by  
4 that person and not for resale.

5           (g) The incentive under Subsection (f) is limited to 2,000  
6 vehicles for each state fiscal biennium.

7           (h) Notwithstanding the vehicle limitations in Subsections  
8 (c),(e) or (g) the commission shall adjust the initial vehicle  
9 limitations based on demand for incentives under this section after  
10 the end of the first fiscal year in each biennium, subject to the  
11 allocation under Subsection 386.252 (11).

12           SECTION 4.04 Amend subsection (c), Section 386.157, Health  
13 and Safety Code, to read as follows:

14           (c) To receive money under an incentive program provided by  
15 or lease this subchapter, a registered new motor vehicle dealer or  
16 leasing agent shall verify online that funds are available, that  
17 the purchaser or lessee of a new light duty motor vehicle has  
18 watched an online video that explains how and when to charge an  
19 electric vehicle to reduce peak demand for electricity and reduce  
20 air emissions~~[the purchaser or lessee of]~~ and ~~[who]~~ is eligible  
21 ~~[to apply]~~ for an incentive under this subchapter ~~[shall apply for~~  
22 ~~the incentive in the manner provided by law or by rule of the~~

1 ~~commission~~]. The new motor vehicle dealer or leasing agent shall  
2 deduct the incentive amount from the vehicle price.

3 SECTION 4.05 Amend Section 386.158, Health and Safety Code,  
4 to read as follows:

5 Sec. 386.158. COMMISSION TO ACCOUNT FOR MOTOR VEHICLE  
6 PURCHASE OR LEASE INCENTIVES. (a) The commission by rule shall  
7 develop a method to administer and account for the motor vehicle  
8 purchase or lease incentives authorized by this subchapter and to  
9 pay incentive money to the new motor vehicle dealer or leasing  
10 agent [~~purchaser or lessee of a new motor vehicle, on application~~  
11 ~~of the purchaser or lessee as provided by this subchapter~~].

12 (b) The commission shall develop and publish online forms  
13 and instructions for the new motor vehicle dealer or leasing agent  
14 [~~purchaser or lessee of a new motor vehicle~~] to use in applying to  
15 the commission for an incentive payment under this subchapter.  
16 [~~The commission shall make the forms available to new motor vehicle~~  
17 ~~dealers and leasing agents. Dealers and leasing agents shall make~~  
18 ~~the forms available to their prospective purchasers or lessees.~~]

19 (c) The commission may require the online submission of  
20 forms and documentation as needed to verify eligibility for an  
21 incentive under this subchapter.

22 Section 4.06 Amend Section 386.159, Health and Safety Code,

1 to read as follows:

2           Sec. 386.159. PURCHASE OR LEASE INCENTIVES INFORMATION.

3 (a) The commission shall establish an online portal [~~toll-free~~  
4 ~~telephone number available to motor vehicle dealers and leasing~~  
5 ~~agents for the dealers and agents to call~~] to verify that  
6 incentives are available. [~~The commission may provide for issuing~~  
7 ~~verification numbers over the telephone line.~~]

8           [~~(b) Reliance by a dealer or leasing agent on information~~  
9 ~~provided by the commission is a complete defense to an action~~  
10 ~~involving or based on eligibility of a vehicle for an incentive or~~  
11 ~~availability of vehicles eligible for an incentive.~~]

12           SECTION 4.05 Section 386.250, Health and Safety Code, is  
13 amended by to read as follows:

14           Sec. 386.250. TEXAS EMISSIONS REDUCTION PLAN FUND. (a) The  
15 Texas emissions reduction plan fund is established as a trust fund  
16 outside the state treasury to be held by the comptroller and  
17 administered by the commission as trustee. Money in the fund may  
18 be spent without legislative appropriation and may be used only as  
19 provided by this chapter or as provided by federal funds  
20 agreements. Interest and other earnings on the balance of the  
21 fund shall be credited to the fund.

1 (b) The fund consists of:

2 (1) the amount of money deposited to the credit of the  
3 fund under:

4 (A) Section 386.056;

5 (B) Sections 151.0515 and 152.0215, Tax Code; and

6 (C) Sections 501.138, 502.358, and 548.5055,  
7 Transportation Code; [~~and~~]

8 (2) grant money recaptured under Section 386.111(d) and  
9 Chapter 391; and

10 (3) federal funds.

11 (c) Not later than the 30th day after the last day of each  
12 state fiscal biennium, the commission shall transfer the  
13 unencumbered balance of the fund remaining on the last day of the  
14 state fiscal biennium to the credit of the Texas emissions  
15 reduction plan account, except for federal funds received.

16 —SECTION 4.06 Section 386.252, Health and Safety Code, is  
17 amended to read as follows:

18 Sec. 386.252. USE OF FUND AND ACCOUNT. (a) Money in the  
19 fund and account may be used only to implement and administer  
20 programs established under the plan. Subject to the reallocation  
21 of funds by the commission under Subsection (h), money from the  
22 fund and account to be used for the programs under Section

1 386.051(b) shall initially be allocated as follows:

2 (1) four percent may be used for the clean school bus program  
3 under Chapter 390;

4 (2) three percent may be used for the new technology  
5 implementation grant program under Chapter 391, from which at least  
6 \$1 million will be set aside for electricity storage projects  
7 related to renewable energy;

8 (3) five percent may be used for the clean fleet program  
9 under Chapter 392;

10 (4) not more than \$3 million may be used by the commission  
11 to fund a regional air monitoring program in commission Regions 3  
12 and 4 to be implemented under the commission's oversight, including  
13 direction regarding the type, number, location, and operation of,  
14 and data validation practices for, monitors funded by the program  
15 through a regional nonprofit entity located in North Texas having  
16 representation from counties, municipalities, higher education  
17 institutions, and private sector interests across the area;

18 (5) 10 percent may be used for the Texas natural gas vehicle  
19 grant program under Chapter 394;

20 (6) 8 percent [~~not more than \$6 million~~] may be used for the  
21 Texas alternative fueling facilities program under Chapter 393, of  
22 which a specified amount may be used for fueling stations to

1 provide natural gas fuel[, ~~except that money may not be allocated~~  
2 ~~for the Texas alternative fueling facilities program for the state~~  
3 ~~fiscal year ending August 31, 2019~~];

4 (7) not more than \$750,000 may be used each year to support  
5 research related to air quality as provided by Chapter 387;

6 (8) not more than \$200,000 may be used for a  
7 health effects study;

8 (9) at least \$6 million but not more than \$16 million may be  
9 used by the commission for administrative costs, including all  
10 direct and indirect costs for administering the plan, costs for  
11 conducting outreach and education activities, and costs  
12 attributable to the review or approval of applications for  
13 marketable emissions reduction credits;

14 (10) six percent may be used by the commission for the  
15 seaport and rail yard areas emissions reduction program  
16 established under Subchapter D-1;

17 (11) five percent may be used for the light-duty motor  
18 vehicle purchase or lease incentive program established under  
19 Subchapter D;

20 (12) not more than \$216,000 may be used by the commission to  
21 contract with the Energy Systems Laboratory at the Texas A&M  
22 Engineering Experiment Station annually for the development and

1 annual computation of creditable statewide emissions reductions  
2 obtained through wind and other renewable energy resources for the  
3 state implementation plan;

4 (13) not more than \$500,000 may be used for studies of or  
5 pilot programs for incentives for port authorities located  
6 in nonattainment areas or affected counties to encourage cargo  
7 movement that reduces emissions of nitrogen oxides and particulate  
8 matter; and

9 (14) the balance is to be used by the commission for the  
10 diesel emissions reduction incentive program under Subchapter C as  
11 determined by the commission.

12 (b) Money in the fund and account may be used by the  
13 commission for programs under Sections 386.051(b)(13), (b)(14),  
14 and (b-1).

15 (c) If the legislature does not specify amounts or  
16 percentages from the total appropriation to the commission to be  
17 allocated under Subsection (a) or (b), the commission shall  
18 determine the amounts of the total appropriation to be allocated  
19 under each of those subsections, such that the total appropriation  
20 is expended while maximizing emissions reductions.

21 (d) To supplement funding for air quality planning  
22 activities in affected counties, \$500,000 from the fund is to be

1 deposited annually in the state treasury to the credit of the clean  
2 air account created under Section 382.0622.

3 (e) Money in the fund and account may be used for  
4 administrative costs incurred by the Energy Systems Laboratory at  
5 the Texas A&M Engineering Experiment Station.

6 (f) Not more than \$2.5 million from the fund and account may  
7 be used by the commission to conduct research and other activities  
8 associated with making any necessary demonstrations to the United  
9 States Environmental Protection Agency to account for the impact  
10 of foreign emissions or an exceptional event.

11 (g) The commission may use money from the fund and account  
12 to award grants under the governmental alternative fuel fleet grant  
13 program established under Chapter 395, except that the commission  
14 may not use for that purpose more than three percent of the balance  
15 of the fund as of September 1 of each state fiscal year of the  
16 biennium for the governmental alternative fuel fleet grant program  
17 in that fiscal year.

18 (h) Subject to the limitations outlined in this section,  
19 money allocated under this section to a particular program may be  
20 used for another program under the plan as determined by the  
21 commission, based on demand for grants for eligible projects under  
22 particular programs after the commission solicits projects to

1 which to award grants according to the initial allocation  
2 provisions of this section.

3 (i) Notwithstanding any other provisions, federal funds  
4 deposited to the fund shall be spent according to the federal funds  
5 agreements.

6 ARTICLE 5. VEHICLE BATTERY RECYCLING STUDY

7 SECTION 5.01. DEFINITIONS. In this article:

8 (1) "Vehicle recycler" means a person engaged in the  
9 business of acquiring, dismantling, or preparing for recycling  
10 six or more end-of-life vehicles in a calendar year for the  
11 primary purpose of reselling the vehicles' parts. The term  
12 includes a salvage vehicle dealer licensed under Chapter 2302,  
13 Occupations Code.

14 (2) "Vehicle" has the meaning assigned by Section  
15 541.201, Transportation Code.

16 SECTION 5.02. STUDY AND REPORT. (a) Using existing funds,  
17 the Texas Commission on Environmental Quality shall organize a  
18 study on:

19 (1) ensuring that as close to 100 percent as possible  
20 of vehicle batteries in the state are reused or recycled at end-  
21 of-life in a safe and cost-effective manner;

22 (2) policy recommendations that shall reflect entire

1 life cycle considerations for vehicle batteries, including, but  
2 not limited to, opportunities and barriers to the reuse of those  
3 batteries as energy storage systems after they are removed from  
4 the vehicle;

5 (3) best management considerations for those batteries  
6 at end-of-life and the overall effect of different management  
7 practices on the environment;

8 (4) consideration of both in-state and out-of-state  
9 options for the recycling of vehicle batteries; and

10 (5) consideration of future vehicle battery  
11 technologies.

12 (b) On or before January 1, 2022, the commission shall select  
13 and convene the Vehicle Battery Recycling Advisory Group to advise  
14 the commission on policies pertaining to the recovery and recycling  
15 of vehicle batteries sold with motor vehicles in the state. Until  
16 December 1, 2022, the advisory group shall meet at least quarterly.  
17 The advisory group shall consult with universities and research  
18 institutions that have conducted research in the area of battery  
19 recycling, with manufacturers of electric and hybrid vehicles, and  
20 with the recycling industry. The commission shall appoint at least  
21 one member to the advisory group from each of the following:

22 (1) Texas Economic Development and Tourism Office

- 1           within the office of the governor;
- 2           (2) Public Utility Commission of Texas;
- 3           (3) A vehicle manufacturer that manufacturers electric  
4 vehicles;
- 5           (4) An organization that represents one or more vehicle  
6 manufacturers;
- 7           (5) A non-profit organization that represents  
8 utilities, electric vehicle manufacturers and charging  
9 companies;
- 10          (6) An electronic waste recycler or an organization  
11 that represents one or more electronic waste recyclers;
- 12          (7) A vehicle repair dealer or an organization that  
13 represents one or more vehicle repair dealers;
- 14          (8) A vehicle recycler or an organization that  
15 represents one or more vehicle recycler;
- 16          (9) A nation-wide environmental organization that  
17 researches waste reduction and recycling strategies;
- 18          (10) A representative of the large-scale lithium-ion and  
19 other technology energy storage industry;
- 20          (11) A vehicle battery manufacturer; and
- 21          (12) A standards-developing organization that has a  
22 focus on automotive engineering.

1 (c) Not later than December 1, 2022, the commission shall  
2 prepare and submit to the governor, lieutenant governor, speaker  
3 of the house of representatives, and members of the legislature a  
4 written report that includes a summary of the results of the study  
5 conducted under this section and any legislative recommendations  
6 based on the study.

7 (d) This section shall remain in effect only until January 1,  
8 2023, and as of that date is repealed.

9 ARTICLE 6. ROAD USE FEES FOR ELECTRIC VEHICLES

10 SECTION 6.01. Section 502.198(a), Transportation Code, is  
11 amended to read as follows:

12 (a) Except as provided by Sections 502.058, 502.060,  
13 502.1911, 502.192, 502.356, [~~and~~] 502.357, and 502.360 and  
14 Subchapter H, this section applies to all fees collected by a  
15 county assessor-collector under this chapter.

16 SECTION 6.02. Subchapter G, Chapter 502, Transportation  
17 Code, is amended by adding Section 502.360 to read as follows:

18 Sec. 502.360. ADDITIONAL FEE FOR ELECTRIC VEHICLES. (a) In  
19 this section, "electric vehicle" means a motor vehicle that uses  
20 electricity as its only source of motor power.

21 (b) In addition to other fees authorized under this chapter,  
22 at the time of application for registration or renewal of

1 registration of an alternatively fueled vehicle, the applicant  
2 shall pay an additional fee in an amount of \$100.

3 (c) Until August 31, 2022, \$60 of the fee revenue collected  
4 must be deposited to the credit of the state highway fund and \$40  
5 of the fee revenue collected must be spent to fund the operations  
6 of Texas Transportation Electrification Council.

7 (d) After September 1, 2022, \$100 of the fee revenue collected  
8 must be deposited to the credit of the state highway fund.

9 (e) The board shall adopt rules necessary to administer  
10 registration for an electric vehicle under this section.

11 ARTICLE 7. COMPREHENSIVE CHARGING NETWORK

12 1) There is hereby created the Texas Transportation  
13 Electrification Council (TTEC). In establishing this  
14 council, the Legislature directs the following:

15 a) It is the goal of the State of Texas to ensure that there  
16 is an adequate and comprehensive network of electric  
17 vehicle charging stations across the State of Texas to  
18 ensure public safety, facilitate commerce, promote the  
19 development of new industries in the state, and provide  
20 the benefits electrified transportation across the state.

21 b) The mandate of the TTEC is to develop a transportation  
22 electrification plan for the State of Texas.

- 1 c) The Texas Transportation Electrification Council shall be  
2 comprised of commissioners or executive directors or  
3 their representatives from the following state agencies:  
4 Public Utility Commission; the Electric Reliability  
5 Council of Texas; Texas Department of Transportation;  
6 Texas Department of Licensing and Regulation; Texas  
7 Commission on Environmental Quality; Texas Motor Vehicle  
8 Division; Texas Department Housing and Community Affairs,  
9 Texas Affordable Housing Corporation, Texas Department of  
10 Emergency Management and Texas Economic Development and  
11 Tourism Office within the Office of the Governor.
- 12 d) The TTEC shall seek advice and input from privately-owned  
13 electric Utilities, municipally-owned electric  
14 utilities, electric cooperatives, state and local  
15 transportation and transit agencies, port authorities,  
16 warehousing and logistics centers, charging  
17 infrastructure companies, environmental groups, consumer  
18 advocates, automobile and truck manufacturers, non-profit  
19 associations developing electric vehicle policy and  
20 others representing food and fuel providers, apartment  
21 associations, low-income community development  
22 corporations and interested members of the public.

1 e) TTEC duties shall include:

2 i) Preparation of an assessment of existing and currently  
3 planned electric vehicle charging infrastructure in  
4 the State from existing data bases for preparation of  
5 a phased transportation electrification plan, by March  
6 1, 2022

7 ii) The development of a phased comprehensive  
8 charging infrastructure plan by December 1, 2022 and  
9 updating that plan biannually

10 iii) The development of policies that state agencies  
11 may adopt for encouraging the development of an  
12 adequate network of charging infrastructure to meet  
13 the future electrified transportation needs of Texans

14 iv) The Submission of a biannual report thereafter to  
15 the Legislature on the progress of the transportation  
16 electrification plan not later than December 1 of even  
17 numbered years.

18 f) Using existing funds, the Texas Department of  
19 Transportation to fund the TTEC.

20 2) TTEC shall have the authority to:

21 a) Convene meetings and solicit comments from stakeholders  
22 and others in order to facilitate public input

- 1           b) Contract with experts or utilize state university  
2            researchers as needed to carry out its authority.  
3           c) Hold public meetings not less than four times per year.  
4           d) Have the authority as a council to designate its own  
5            chair at the first meeting in each year.

6           3) The Texas Transportation and Electrification Council plan  
7            for the Comprehensive Public Charging Network shall  
8            identify areas for additional charging infrastructure that  
9            is needed to assure that no Texan's vehicular choice is  
10           constrained by lack of access to adequate electric vehicle  
11           charging. The plan will achieve the following:

12           a) Publicly supplied EV projections and models should be  
13            used to determine what an adequate number of chargers  
14            would be to serve an expected number of electric vehicles of  
15            various classes within Texas, by year, and develop a plan  
16            to ensure that there is comprehensive and adequate access  
17            to public charging facilities along interstate highways  
18            and major secondary roads across the state, along  
19            evacuation routes, in or near ports, warehouses, rural,  
20            multifamily and underserved communities.

21           b) The Council may rely on scenarios for the percentage and  
22            number of electric vehicles by class on Texas roads by

1 year prepared by ERCOT and other sources in their  
2 planning studies.

3 c) Provide sufficient public charging infrastructure is  
4 adequate to support a robust, comprehensive, and reliable  
5 border-to-border public charging infrastructure to meet  
6 and enable future demand for electric vehicles in Texas  
7 that:

8 i) Assures that adequate charging infrastructure is  
9 available with sufficient frequency and capacity for  
10 users be able to use an electric vehicle of various  
11 classes to travel border to border and community to  
12 community on Texas interstate highways and major  
13 roadways

14 ii) Is safe, dependable, serviceable, and operational

15 iii) Maximizes the benefits associated with  
16 transportation electrification

17 iv) Enhances commerce by ensuring an adequate  
18 distribution of charging infrastructure is available  
19 across the state to stimulate lower cost and lower  
20 emissions heavy duty trucking and delivery services

21 v) Assures adequate charging capacity to facilitate  
22 commerce in or near our borders, airports, rail

- 1 ports, and seaports, and in warehouse complexes and  
2 at truck stops
- 3 vi) Enhances accessibility of tourist areas to  
4 electric vehicle drivers
- 5 vii) Provides adequate publicly accessible charging  
6 services in rural, multifamily and underserved  
7 communities in town centers, commercial area, retail  
8 centers, or near concentrations of multi-family  
9 dwellings, to provide vehicle charging services to  
10 local electric vehicle drivers near where they live  
11 and work as well as on publicly-accessible publicly-  
12 owned lands such as in state parks and rest stops  
13 along highways
- 14 viii) Assures access to charging facilities along  
15 designated evacuation routes
- 16 ix) Covers other areas identified by the TTEC.
- 17 d) Stimulate competition, innovation, consumer choices in  
18 electric vehicle charging and related infrastructure and  
19 services and encourage private capital investment.
- 20 4) The Texas Transportation and Electrification Council shall  
21 provide a report to the Legislature, including the following:

- 1 a) Its assessment of existing charging infrastructure in the  
2 State including the number and types of chargers at each  
3 location
- 4 b) Its comprehensive charging infrastructure plan, specifying  
5 the number and types of chargers needed per general  
6 location, necessary to meet the goals set forth in  
7 Subsection 3
- 8 c) A phased implementation of the plan, in biannual  
9 increments, to complete the comprehensive network by 2030
- 10 d) Policies that state agencies may adopt for encouraging the  
11 development of an adequate network of charging  
12 infrastructure to meet the future electrified  
13 transportation needs of Texans through 2030.
- 14 e) The report will be submitted to the Legislature by December  
15 1, 2022, with an update on progress provided to the  
16 Legislature by December 1 of every subsequent even numbered  
17 year.
- 18 f) The TTEC shall share its findings and data with state and  
19 federal agencies who may be disbursing funds for charging  
20 infrastructure

21 ARTICLE 8. EFFECTIVE DATE

22 SECTION 8.01 This Act takes effect September 1, 2021.

