

LEGISLATIVE UPDATE



Last Updated April 1, 2022

This document is intended for Clean Fuels Michigan members to stay up-to-date on relevant legislation in Michigan. Inclusion does not indicate that Clean Fuels Michigan has taken a position on the legislation. If you have any questions, please don't hesitate to reach out to Jane McCurry at jmccurry@cleanfuelsmi.org.

Michigan Overview:

Bill	Description	Status
Building Michigan Together	Budget supplemental that Includes Mobility Future Initiative Funding	Passed legislature, and signed by Governor
HB 5893 (Whitwer) Additional analysis	Require EV charging stations to comply with NIST 2022 Handbook 44's tentative code	Introduced, Referred to House Agriculture <i>Clean Fuels Michigan submitted joint written testimony with MI EIBC and MICHauto</i>
HB 5721; SB 859 (Morse; McMorro) Additional analysis	Allowing the use of sinking funds to pay for electric school buses and related infrastructure	Introduced, Referred to House Education Committee and Senate Finance Committee
HB 4801, 4802 (Schroeder, Kuppa) Additional analysis	EV charging station registration and sale for re-sale	Passed House, Referred to Senate Energy and Technology
HB 4803, 4804, 4805 (Bellino, LaGrand, Damoose) Additional analysis	Allowing EV charging stations at rest areas on US and M-highways	Introduced, Referred to House Energy Committee

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Michigan Continued:

Bill	Description	Status
SB 706 (Horn)	Automated Vehicle Roadway System	Passed Senate, Referred to House Committee On Transportation
SB 871 (Schmidt)	Delay state toll road study deadline	Passed Senate, Referred to House Committee On Transportation
HB 4917 (Outman)	Peer-to-peer Car Sharing Program Act	Introduced, Reported with recommendation from House Regulatory Reform
SR 58 (McMorrow)	Calls on Congress to authorize EV Charging Stations at rest areas on the Interstate Highway System	Introduced, Referred to Senate Energy and Technology
HB 5095 (Rabhi)	Allowing EV charging stations at park and rides	Introduced, Referred to House Energy Committee
HB 5391 (Rabhi)	Require make-ready for EV charging in new nonresidential commercial buildings and parking lots	Introduced, referred to house committee on energy
HB 5539 (Outman)	Departments may not adopt or enforce a policy or MOU that regulates GHG without legislative approval, including a low carbon fuels standard	Introduced, Referred to House Committee on Natural Resources and Outdoor Recreation
SB 814 (Daley)	Provides a retail tax credit for E15 and E85 fuels	Introduced, Referred to Senate Agriculture Committee
HB 5601 (Hall)	Research and development tax credit for semi-conductors and AV technology	Introduced, Referred to House Tax Policy Committee
Package Regarding EV Charging	EV charging at State Parks , Public lands assessment for EV charging	Drafted; Estimated to be introduced after FY'23 budget

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Federal Overview:

Bill	Description	Status
Facilitating American Build Semiconductors (FABS) Act (Kildee, MI)	Legislation Would Promote Made-in-Michigan Semiconductor Manufacturing to Ease Chip Shortage, Especially in Auto Industry by providing a 25% tax credit for businesses to invest in semiconductor manufacturing facilities.	Introduced, Referred to the Senate Finance Committee
EVs for All Act (Barragán, CA)	Requires US DOE to establish a \$50M grant program to facilitate electric vehicle sharing services operated at public housing facilities	Introduced, Clean Fuels Michigan signed a letter of support led by LACI
Wireless EV Charging Grant Program Act of 2022 (Lawrence, MI)	Legislation would create a \$50M grant program at the US DOT for small-scale wireless EV charging projects	Introduced, Referred to the Subcommittee on Highways and Transit
Investing in Domestic Semiconductor Manufacturing Act (Peters, MI)	Federal Incentives to boost domestic semiconductor manufacturing to U.S. suppliers that produce the materials and manufacturing equipment that enable semiconductor manufacturing	Introduced, referred to the Committee on Commerce, Science, and Transportation

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Additional Details:

HB 5893

Regarding: Weights and Measures, EV charging

Date Introduced: 3/10/2022

Sponsor: Angela Whitwer (D)

Co-Sponsors: Julie Alexander (R), Annette Glenn (R)

Committee: House Agriculture

Committee Hearing: 3/16/2022

Act: Amends 1964 PA 283

Overview: While the bill is largely focused on weights and measures in the cottage industries, it includes a provision to require EV charging equipment to comply the National Institute of Standards and Technology's (NIST) 2022 Handbook 44's tentative code – "Electric Vehicle Fueling Systems – Tentative Code."

POSITION: Clean Fuels Michigan does not support adopting a draft code into law and therefore opposes this bill.

Reasoning:

- Code is not finalized and specifically states "This tentative code has a trial or experimental status and is not intended to be enforced. The requirements are designed for study prior to the development and adoption of a final code."
- An alternative solution is to have the Michigan Department of Agriculture and Rural Development begin a collaborative process to determine appropriate regulations to ensure Michigan consumer protections for electric vehicle charging systems.

Bill Details:

Page 12: "Electric vehicle fueling systems must comply with section 3.40, "Electric Vehicle Fueling Systems – Tentative Code", as proposed to be adopted in the 2022 edition of the NIST handbook 44, effective January 1, 2023. The specifications tolerances, and regulations for commercial weights and measures must be in compliance with the standards contained in the 2022 edition of the NIST handbook 44, which is incorporated by reference."

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HB 5721; SB 859

Regarding: Use of sinking funds to pay for electric school buses

Date Introduced: 2/1/2022

Sponsor: Rep. Christine Morse (D), Sen. Mallory McMorrow (D)

Committee: House Committee on Education, Senate Committee on Judiciary and Public Safety

Act: Amends PA 415 "The revised school code" 380.1212

Overview: The bills would expend the use of sinking funds to allow school districts to purchase electric school buses and make relevant facilities upgrades necessary for electric school buses (in addition to other things). There is no cap on the total amount of sinking fund money that could be spent on electric buses or infrastructure upgrades. Sinking funds are financed by local taxes.

POSITION: Supportive.

Bill Details:

- School districts may approve a levy on the taxable value of school district property to create a sinking fund
- Sinking fund taxes authorized after the passing of the bill may be used for purchasing electric school buses, in addition to other uses specified in the bill
 - No "cap on the total amount of money that may be spent on the purchase of electric school buses or on infrastructure upgrades to facilitate the use of purchased electric school buses using the sinking fund tax"
 - Cannot be used to compensate school bus drivers
- A sinking fund tax created after March 29, 2017 may be levied each year for up to 10 years
- School districts that levy a sinking fund tax must have an independent audit of its sinking fund done annually, including a review of the uses of the sinking fund
- Creating a sinking fund must be approved by a ballot vote

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HB 4801, 4802, 4803, 4804, 4805

Regarding: Electric Vehicle Chargers; registration, rest areas

Date Introduced: 5/6/2021

Committee: House Agriculture

Committee Hearing: 6/8/2021; 6/17/2021

POSITION: Clean Fuels Michigan supports the buildout of electric vehicle charging stations that will meet the needs of consumers and the electric vehicle industry.

- Neutral as written to HB 4801 and HB 4802 regarding registration.
- Supportive of HB 4803, HB 4804, and HB 4805 regarding charging at rest areas.

HB 4801 (Schroeder): Provide registration procedure for electric vehicle charging stations.

Act: Creates the “Electric Vehicle Charging Services Registration Act”

Overview: Requires electric vehicle charging stations 150 kilowatts and greater to register with MDARD. Utilities and transmission owners are exempt. Registration will not cost more than \$75 per charging station, which will go into the new “electric vehicle charging services fund” to be used to pay for the department’s oversight of the registration process.

Definitions:

- **Electric vehicle charging services:** “the transfer of electric energy from electric vehicle service equipment to a battery or other storage device in an electric vehicle, and the provision of billing services, networking, and operation and maintenance related to that transfer of electric energy to an electric vehicle.”
- **Electric vehicle charging device:** “an electric component assembly or cluster of component assemblies designed specifically to charge batteries within an electric vehicle by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle”

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Details:

- The Department of Agriculture and Rural Services (MDARD) “issue orders establishing a registration procedure for persons that provide electric vehicle charging services”
 - Chargers that are not publicly accessible, provide no-cost charging, and electric utilities, municipal utilities, cooperative utilities, and independent transmission owners are exempt
- Page 2 line 22: “Any person offering electric vehicle charging services in this state must register with the department within 30 days after the person first begins offering electric vehicle charging services in this state”
- Page 3 line 10: “A person that provides electric vehicle charging services shall do all of the following:”
 - Maintain records, including hours each device is fully operational
 - Remain accessible to the department and consumers during normal hours of operation
 - Clearly display the cost to the consumer at the device, including but not limited to within an electric vehicle or on a mobile application
- Page 4 line 6: “The department shall use the motor fuels quality hotline or a similar hotline and an online consumer complaint form to allow consumers to report issues with electric vehicle charging devices”
- Creates the electric vehicle charging services fund in the state treasury
 - Other monies or assets from any source may be deposited into the fund
 - MDARD shall use money from the fund to implement this act

HB 4802 (Kuppa): Provides licensing of electric vehicle charging station operators.

Act: Amends 1939 PA 3

Overview: Clarifies that EV charging stations are exempt from the definition of a public utility. Exempts electric vehicle charging stations from the definition of an alternative electric supplier. Describes the licensing procedure and requirements for alternative electric suppliers.

Definitions:

- Definitions of “electric vehicle charging services” and “electric vehicle charging devices” from 4801
- **Alternative electric supplier:** “a person selling electric generation service to retail customers in this state. Alternative electric supplier does not include a provider of

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electric vehicle charging services or a person who physically delivers electricity directly to retail customers in this state. An alternative electric supplier is not a public utility.”

Details:

- Page 6 line 10: “A person shall not... provide electric vehicle charging services unless the person registers with the department of agriculture and rural development”
 - Re-iterates the requirements for registration as described in HB 4801
- Bills goes into detail about the information required for a licensing application under section 10a of 1939 PA 3, **which does not apply to electric vehicle charging stations** because it is about alternative electric suppliers (definition above excludes EV charging)
 - Page 7 line 15: “The commission shall order the applicant for a license **under section 10a** to post a bond or provide a letter of credit or other financial guarantee in a reasonable amount established by the commission of not less than \$40,000.00, if the commission finds after an investigation and review that the requirement of a bond would be in the public interest.” **Again, which does not apply to EV charging services.**
- Page 8 line 5: “**An entity that provides electric vehicle charging services is not considered a public utility** notwithstanding the basis on which the service is provided or billed. However, if an entity that provides electric vehicle charging services is otherwise considered a public utility under this act, or is otherwise subject to regulation under this act, then that entity is not exempt from and remains subject to the otherwise applicable provisions of this act.”

HB 4803 (Bellino): Modifies requirement for permit for electric vehicle charging stations.

Act: Amends 1949 PA 300

Overview: The state can install, operate, and maintain electric vehicle charging stations, or issue a permit to others to install, operate, and maintain electric vehicle charging stations, within the rights of way at rest areas and travel centers. Normal processes for municipal jurisdiction do not apply.

Details:

- “The state transportation department shall identify selected sites and shall not require the municipality having jurisdiction over the site to pass a resolution authorizing the activities”

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- “Revenue received by the state transportation department under this subsection must be deposited into the state trunk line fund established under section 11 of 1951”

HB 4804 (LaGrand): Allows construction and maintenance of electric vehicle charging stations at rest areas or travel information centers.

Act: Amends 1941 PA 205

Overview: Allows MDOT to install, operate, and maintain or allow the installation, operation, and maintenance of charging stations for electric vehicles at selected sites on limited access highway rest areas or travel information centers. MDOT will identify selected spots where EV chargers are best suited.

Definitions: “Department” means the state transportation department

Details:

- “The department may install, operate, and maintain or allow the installation, operation, and maintenance of charging stations for electric vehicles at selected sites on limited access highway rest areas or travel information centers. The department may enter into a lease for the installation or operation of the charging station. Revenue from a lease entered into under this subsection must be deposited into the state trunk line fund.”
- “The department shall identify specific selected sites on the limited highway system or specific selected travel information centers that are best suited for electric vehicle charging stations.”

HB 4805 (Damoose): Excludes electric vehicle charging station in definition of service plaza.

Act: Amends 1951 PA 51

Overview: The state cannot create a service plaza with state trunk line funds, but they can construct, maintain, and operate electric vehicle charging stations on limited access highway rest areas or welcome centers.

Details:

- “The department shall not use funds allocated under this act for the development or construction of a service plaza”

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- “The department may use funds allocated under this act to construct, maintain, and operate an electric vehicle charging station on a limited access highway rest area or welcome center”