



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

DATE: September 13, 2023

TO: Office of the Code Reviser

FROM:


Derek I. Sandison, Director

SUBJECT: Policy Statement PP-23-0001 – Enforcement of Payment Method Requirements for Electric Vehicle Supply Equipment

On September 13, 2023, a policy statement regarding the Washington State Department of Agriculture's (Department) enforcement of the payment method requirements for electric vehicle supply equipment (EVSE) in WAC 16-662-210 was signed. As a result of a petition submitted by a group of electric vehicle service providers (EVSP) to amend the payment method requirements in WAC 16-662-210 to align with the requirements established by the Federal Highway Administrations National Electric Vehicle Infrastructure (NEVI) program and California Senate Bill 123 (Chapter 52, Statutes of 2023), the Department will be initiating the rule-making process to amend this section. While the rule-making process is underway, the Department will not enforce the requirement in WAC 16-662-210 for a credit card reader device to be physically installed on the EVSE unit or kiosk servicing the equipment, which goes into effect on January 1, 2024.

A copy of the policy statement may be obtained by accessing our website or by contacting:

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STATE OF WASHINGTON
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POLICY STATEMENT

Number: PP-23-0001

Subject: Enforcement of Payment Method Requirements for Electric Vehicle Supply Equipment

Supersedes: Not Applicable

Contact: Tahis McQueen, Acting Weights & Measures Program Manager
Email: TMcQueen@agr.wa.gov Phone: (360) 481-7452

Approved By:

Derek I. Sandison, Director

Date Approved: September 13, 2023

The Washington State Dept. of Agriculture (Department) will not enforce the requirement in WAC 16-662-210 for a credit card reader device to be physically installed on each EVSE unit or kiosk servicing the unit while undergoing the rule-making process to amend this section.

Background: Second Substitute Senate Bill (2SSB) 5192 was enacted by the Washington State Legislature in 2021 (Chapter 238, Laws of 2021) and required the Department to adopt rules by January 1, 2023, requiring all electric vehicle service providers (EVSP) to make available multiple payment methods at all publicly available level 2 or direct current fast charger electric vehicle supply equipment (EVSE) installed in Washington. The statute requires that the rules adopted by the Department include minimum required payment methods that are convenient and reasonably support access for all current and future users and include (but was not limited to) a credit card reader device physically located on or in either the EVSE unit or a kiosk used to service that EVSE. Contactless credit card reader devices were offered in the statute as an option to meet the requirements of this subsection. The statute also directed the department to seek to minimize costs and maximize benefits to the public.

After consulting with the Washington State Department of Commerce, the Washington Utilities and Transportation Commission, the EVSP industry, and advocates for electric vehicle drivers, the Department adopted rules establishing the minimum payment requirements for EVSE on December 16, 2023, which included having a credit card reader device physically located on either the EVSE unit or a kiosk used to service that equipment and that the device must be able to accept an Euro MasterCard Visa (EMV) chip, which will become effective on January 1, 2024.

On July 28, 2023, a group of EVSP organizations petitioned the Department to amend the required minimum payment methods adopted in WAC 16-662-210 to align with the Federal Highway Administration's National Electric Vehicle Infrastructure (NEVI) program established in

February 2023. These requirements include a contactless payment method that accepts major debit and credit cards. They do not require a physical credit card reader device to be installed on the EVSE or kiosk. Responsively, in July 2023, California aligned their EVSE payment regulations with the technical requirements in NEVI, specifically removing the requirement for an EMV chip reader to be installed on the EVSE. Due to these changes, Washington will be the only state with a state-level regulation requiring EVSE to provide an EMV chip reader.

The Department has decided to grant the petition for rule making and initiate the process to amend this rule. In deciding what amendments should be included in the final rule language, the Department intends to review all available information to ensure consistency with evolving technology and access for all current and future users of electric vehicles, including those who are unbanked, underbanked, and low-moderate income.

While undergoing the rule-making process, the Department will not be enforcing the requirement in WAC 16-662-210 for a credit card reader device to be physically installed on each EVSE unit or kiosk servicing the equipment.