



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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**Concise Explanatory Statement**  
***for amendments to***  
**Chapter 16-662 WAC**  
**Weights and Measures – National Handbooks, Sale of Motor Fuel,  
Electric Vehicle Supply Equipment, and Penalties for Violations**

On November 26, 2024, the Washington State Department of Agriculture held a virtual hearing to accept testimony on its proposal to amend chapter 16-662 WAC.

As a result of a petition for rule making, the Department is proposing amending chapter 16-662 WAC to align with the Federal Highway Administration's NEVI program's technical requirements and the State of California requirements for electric vehicle supply equipment to provide:

- 1) A contactless payment method and
- 2) Either a toll-free telephone number or an SMS message service that allows the consumer to pay for and initiate a charging session.

The Department is also including a definition for 'Contactless Payment Method' in the rule.

**Reasons for Adopting the Rule**

During the 2021 legislative session, the Washington State Legislature passed 2SSB 5192 related to electric vehicle supply equipment (EVSE). This legislation directed the Department to adopt rules regarding methods of payment. On December 16, 2022, the Department adopted rules establishing minimum payment requirements for EVSE, which included having a credit card reader device physically located on either the EVSE unit or a kiosk used to service that equipment. That device must be able to accept a Euro MasterCard Visa (EMV) chip. This rule became effective January 1, 2024.

On July 28, 2023, a group of electric vehicle service provider (EVSP) organizations petitioned the Department to amend the required minimum payment methods adopted in WAC 16-662-210 to align with the National Electric Vehicle Infrastructure (NEVI) program requirements 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. In July 2023, California aligned their EVSE payment regulations with the technical requirements of NEVI program, specifically removing the requirement for an EMV chip reader to be installed on the EVSE.

Due to the regulations recently adopted by the NEVI program and the State of California, Washington is currently the only state with a state-level regulation requiring EVSE to provide an EMV chip reader to be physically installed on each charging station. The impact of this

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requirement is significant for EV charging providers and EV drivers. It will require different equipment and operational obligations, resulting in different installation and maintenance costs for EVSE manufacturers and network providers for EVSE in Washington compared to other states. To put it simply, manufacturers will have to design an EV charging product at a higher cost just for operating in Washington. These costs are likely to be passed on to the end consumer, making the price for using these charging stations higher for EV drivers.

EMV chip readers are known to be vulnerable to several security risks. Criminals may install skimmers or shimmers (devices that capture card data by tampering with the card readers). Additionally, wireless EMV readers can be targeted by relay attacks, where thieves intercept and transmit payment data from a distance. Charging stations are often located in unattended areas, increasing the risk of tampering. Contactless payment methods, such as those using NFC (Near Field Communication) technology help to mitigate many of the security issues associated with EMV chip readers by using several key features, such as encryption and tokenization, limited transmission range, and multi-factor authentication. These features make contactless payments more secure and harder for criminals to exploit compared to traditional EMV chip readers.

By amending this rule to align with the NEVI and California requirements and expanding upon those requirements to include additional current and future technologies, the Department is ensuring that it continues to meet its statutory mandate to remain consistent with evolving technology, while also seeking to minimize costs and maximizing benefits to the public.

## **Summary of Comments and the Department's Response**

The public comment period ran from October 23, 2024, until the close of business on November 26, 2024. During that time, no written comments were received regarding the proposed amendments. Five oral comments were received.

### ***The following summarizes the testimony:***

Noelani Derrickson, representing Tesla submitted oral comment in support of the proposed amendments. Ms. Derrickson stated, "We sincerely appreciate the responsiveness and thoughtfulness of the department staff in making these amendments to the payment regulations for EV charging stations. These revisions ensure Washington's alignment with other state and national payment method standards and importantly, ensure consistency across equipment requirements, equipment operations and maintenance and user experience. So, we strongly support the department's proposed amendments to the EB charging station payment regulations. Thank you."

*Response: Thank you for your comment.*

Romic Avez, representing EVGo submitted oral comment in support of the proposed amendments. Mr. Avez stated, "As one of the nation's largest public fast charging providers, EVGo is greatly appreciative of the department's proposed updates to these payment requirements for EV charging stations. Clear and consistent payment standards are critical to building public confidence in our charging network and making sure that we're accelerating transportation electrification across the state. We particularly appreciate the clear definition of contactless payments methods in the updated language and the alignment with California and Federal NEVI program requirements, which will be really important to ensuring a seamless West Coast charging corridor, and reliable access for all

drivers, including those without smart phones or cellular service. So, thank you again to the WSDA team for your continued engagement with stakeholders and your important work to advance these important standards.”

*Response: Thank you for your comment.*

Emily Kelly, representing ChargePoint submitted oral comment in support of the proposed amendments. Ms. Kelly stated, “ChargePoint is a leading EV charging network and hardware manufacturer. We have over 2000 public charging ports on our network in Washington state. We really appreciate the department being responsive to the industry by opening this rule making process to take into consideration evolving technology and aligning with federal minimum standards for the NEVI program. We support the language as proposed and ask that Washington quickly finalize these changes as it gives the EV charging industry certainty.”

*Response: Thank you for your comment.*

Brandon Wong, representing Electric Vehicle Charging Association submitted oral comment in support of the proposed amendments. Mr. Wong stated, “The Electric Vehicle Charging Association is a trade association of over 20 companies throughout the EV charging ecosystem operating here in the three Western Pacific States. First, we'd really like to thank the department exactly as Noelani and Emily and Romic and others have stated for their responsiveness on this and for working with our members and others throughout the industry over the past year to develop these updated rules. The department's existing regulations would require unique equipment needs compared to the federal NEVI program and to standards adopted by other states, and we fully support the proposed language to bring more uniformity and consistency across jurisdictions. We do believe that these updates will provide charging infrastructure developers with the flexibility that avoids new costs and ultimately FAC charter deployment in Washington. So really want to thank you again for working with us and for coming up with this new language. And we fully support the amendments today.”

*Response: Thank you for your comment.*

Michael Daft, representing Blink Charging submitted oral comment in support of the proposed amendments. Mr. Daft stated, “We would like to also thank you for acknowledging the shift in technology used on EVSE and that there should be flexibility for technology moving forward. We appreciate the language aligning with NEVI language on payment standards specifically for contactless, which ensures a uniform approach across all of the states. As such, we support these proposed changes today.”

*Response: Thank you for your comment.*

## **Differences Between the Proposed and Adopted Rule**

There are no differences between the language filed with the CR-102 and the language being adopted.