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HOUSE BILL NO. 2431

Offered January 19, 2017

A *BILL to amend and reenact §§ 22.1-131, 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia, relating to school property; retail fee-based electric vehicle charging stations.*

Patrons—Bulova and LeMunyon

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-131, 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-131. Boards may permit use of various school property; general conditions; electric vehicle charging stations.

A. A school board may permit the use, upon such terms and conditions as it deems proper, of such school property as will not impair the efficiency of the schools. The school board may authorize the division superintendent to permit use of the school property, including buildings, grounds, vehicles, and other property, under such conditions as it deems will not impair the efficiency of the schools and are, therefore, proper. The division superintendent shall report to the school board at the end of each month his actions under this section. Permitted uses of buildings may include, but are not limited to, use as voting places in any primary, regular or special election and operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35.

B. Any school board may locate and operate retail fee-based electric vehicle charging stations on school property, provided that the use of each such station during the school day is restricted to school board employees, students, and authorized visitors and each such station is accompanied by appropriate signage that provides reasonable notice of such restriction.

§ 56-1.2. Persons and school boards not designated as public utility, public service corporation, etc.

The terms public utility, public service corporation, or public service company, as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) of this title, shall not refer to:

1. Any person who owns or operates property and provides electricity, natural gas, water, or sewer service to residents or tenants on the property, provided that (i) the electricity, natural gas, water or sewer service provided to the residents or tenants is purchased by the person from a public utility, public service corporation, public service company, or person licensed by the Commission as a competitive provider of energy services, or a county, city or town, or other publicly regulated political subdivision or public body, (ii) the person or his agent charges to the resident or tenant on the property only that portion of the person's utility charges for the electricity, natural gas, water, or sewer service which is attributable to usage by the resident or tenant on the property, and additional service charges permitted by § 55-226.2, and (iii) the person maintains three years' billing records for such charges; or

2. Any (i) person who is not a public service corporation and who provides electric vehicle charging service at retail or (ii) school board that operates retail fee-based electric vehicle charging stations on school property pursuant to § 22.1-131. The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render the such person or school board a public utility, public service corporation, or public service company as used in Chapters 1 (§ 56-1 et seq.), 10 (§ 56-232 et seq.), 10.1 (§ 56-265.1 et seq.), and 10.2:1 (§ 56-265.13:1 et seq.) solely because of that sale, ownership, or operation.

§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging service.

A. The provision of electric vehicle charging service by a person ~~who~~ or school board that is not a public utility, public service corporation, or public service company shall not constitute the retail sale of electricity if:

1. The electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes; and

2. The person or school board providing the electric vehicle charging service has procured the furnished electricity from the public utility that is authorized by the Commission to engage in the retail sale of electricity within the exclusive service territory in which the electric vehicle charging service is provided.

B. The provision of electric vehicle charging service shall:

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- 59 1. Be a permitted electric utility activity of a certificated electric utility; and
60 2. Not affect the status as a public utility of a certificated public utility that provides such service.

61 **§ 56-232.2:1. Regulation of electric vehicle charging service.**

62 The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail
63 electric vehicle charging service provided by persons *or school boards* other than public service
64 corporations. Sales of electricity by public utilities to persons ~~who~~ *or school boards that* (i) are not
65 public service corporations and (ii) provide electric vehicle charging service shall continue to be
66 regulated by the Commission to the same extent as are other services provided by public utilities. The
67 Commission may adopt regulations implementing this section.