HB3125

LRB10214274SPS19626b

102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3125

Introduced 2/19/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 627/30 new
20 ILCS 627/35 new
20 ILCS 627/40 new
220 ILCS 5/16-107.8 new

Creates the Electric Vehicle Charging Act, which may be referred to as the Beneficial Electrification Act. Sets forth requirements for parking spaces that are electrical vehicle ready applicable to new or renovated residential or nonresidential buildings. Sets forth provisions concerning electric vehicle charging station policies for unit owners and renters. Amends the Electric Vehicle Act. Creates the Electric Vehicle Access for All Program to maximize opportunities for carbon-free transportation across the State, particularly targeting environmental justice and low-income communities and to provide grants to pilot programs with the purpose of bridging public transportation gaps between residences and employment locations. Sets forth provisions concerning administrative review and authorized expenditure of State-controlled funds to accelerate electric vehicle adoption. Amends the Public Utilities Act. Provides that no later than May 31, 2022, electric utilities serving greater than 500,000 customers in the State shall file a Beneficial Electrification Plan with the Illinois Commerce Commission. Provides for review of the plans by the Commission and establishes a system for utilities to consider specified businesses, nonprofit organizations, or worker-owned cooperatives when awarding bids. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title; references to Act.

(a) Short title. This Act may be cited as the Electric Vehicle Charging Act.

(b) References to Act. This Act may be referred to as the Beneficial Electrification Act.

Section 5. Findings. The General Assembly finds that:

(a) The growing clean energy economy in Illinois can be a vehicle for expanding equitable access to public health, safety, a cleaner environment, quality jobs, economic opportunity, and wealth-building, particularly in economically disadvantaged communities and communities of black, indigenous, and people of color that have had to bear the disproportionate burden of dirty fossil fuel pollution.

(b) The transportation sector is now the leading source of carbon pollution in Illinois, responsible for roughly one-third of all carbon emissions. The State of Illinois should set forth an ambitious goal to remove the equivalent of more than 1,000,000 gasoline and diesel-powered vehicles from our roads by quickly implementing new policies that expand access to transit, promote walking and biking mobility, and

increase electric vehicle adoption. If managed appropriately, electric vehicle adoption will drastically reduce emissions from transportation, and could save Illinois residents billions of dollars.

(c) In addition to better air quality and a safer climate, Illinois residents who do not use electric vehicles also benefit from greater adoption through lower electric bills resulting from the greater use of the electric grid during off-peak hours.

(d) The State of Illinois should set forth an ambitious goal to transition all vehicle fleets operated by or on behalf of public agencies to full electric power. The transition to zero-emission fleets should be leveraged to promote increased investment in domestic manufacturing capacity within the emerging electric vehicle industry. The resulting new, high-skilled production jobs can also provide pathways into the middle class for racially, economically, and geographically marginalized communities. When procuring electric vehicles, public agencies shall use high-road economic development standards, like the U.S. Employment Plan. By using the U.S. Employment Plan or a Local Employment Plan, public agencies will incentivize electric vehicle companies to create and retain high-skilled manufacturing jobs with living wages and benefits; invest in domestic manufacturing facilities; and propose plans to recruit, train, and hire workers who face structural barriers to family-sustaining jobs

and career pathways.

Section 10. Legislative intent. Electric vehicles are an important tool to fight the climate crisis, tackle air pollution, and provide safe, clean, and affordable personal transportation. The State should encourage urgent and widespread adoption of electric vehicles. Since most current electric vehicle owners are single-family homeowners who charge at home, providing access to home charging for those in multi-unit dwellings is crucial to wider electric vehicle adoption. This includes condominium unit owners and renters, regardless of parking space ownership and regardless of income. Therefore, a significant portion of parking spaces in new and renovated residential and commercial developments must be capable of electric vehicle charging. Additionally, renters and condominium unit owners must be able to install charging equipment for their cars under reasonable conditions.

Section 15. Applicability. This Act applies to new or renovated residential or nonresidential buildings that have parking spaces and are constructed or renovated after the effective date of this Act.

Section 20. Definitions. As used in this Act:

"Association" has the meaning set forth in subsection (o) of Section 2 of the Condominium Property Act or Section 1-5 of

the Common Interest Community Association Act, as applicable.

"Electric vehicle" means a vehicle that is powered by an electric motor, runs on a rechargeable battery, and must be plugged in to charge or charged wirelessly.

"Electric vehicle capable" means having an installed electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future electric vehicle parking space.

"Electric vehicle station" means a station that is designed in compliance with the relevant building code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles.

"Electric vehicle system" includes several charging points simultaneously connecting several electric vehicles to the electric vehicle charging station and any related equipment needed to facilitate charging an electric vehicle. "Electric vehicle charging system" means a device that is:

(1) used to provide electricity to an electric vehicle;

(2) designed to ensure that a safe connection has been made between the electric grid and the electric vehicle; and

(3) able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level. An electric vehicle charging system may be wall mounted or pedestal style, may provide multiple

cords to connect with electric vehicles, and shall:

(i) be certified by underwriters laboratories or have been granted an equivalent certification; and

(ii) comply with the current version of Article 625 of the National Electrical Code.

"Electric vehicle supply equipment" means a conductor, including an ungrounded, grounded, and equipment grounding conductor, and electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, and apparatuses installed specifically for the purpose of transferring energy between the premises wirings and the electric vehicle.

"Electric vehicle ready" means a parking space that is designed and constructed to include a fully-wired circuit with a 208-volt to 250-volt, rated no more than 50-ampere electric vehicle charging receptacle outlet or termination point, including the conduit, wiring, and electrical service capacity necessary to serve that receptacle, to allow for future electric vehicle supply equipment.

"Level 1" means a charging system that provides charging through a 120-volt AC plug with a cord connector that meets the SAE International J2954 standard or successor standard.

"Level 2" means a charging system that provides charging through a 208-volt to 240-volt AC plug with a cord connector that meets the SAE International J2954 standard or a successor standard.

"New" means any newly constructed building and associated newly constructed parking facility.

"Reasonable restriction" means a restriction that does not significantly increase the cost of the electric vehicle charging station or electric vehicle charging system or significantly decrease its efficiency or specified performance.

"Renovated" means altered or added where electrical service capacity is increased.

Section 25. Residential requirements. A new or renovated residential building shall have:

(1) 100% of its total parking spaces electric vehicle ready, if there are one to 6 parking spaces;

(2) 100% of its total parking spaces electric vehicle capable, of which at least 20% shall be electric vehicle ready, if there are 6 to 23 parking spaces; or

(3) 100% of its total parking spaces electric vehicle capable, if there are 24 or more parking spaces, of which at least 5 spots shall be EV Ready. Additionally, if there are 24 or more parking spaces, a new or renovated residential building shall provide at least one parking space with electric vehicle supply equipment installed, and for each additional parking space with electric vehicle supply equipment installed, the electric vehicle ready requirement is decreased by 2%.

Where additional parking exists or is feasible, each parking space shall be marked and signed for common use by residents. A resident shall use an electric vehicle parking space only when he or she is charging his or her electric vehicle.

Section 30. Nonresidential requirements. A new or renovated nonresidential building shall have 20% of its total parking spaces electric vehicle ready.

Section 35. Electric vehicle charging station policy for unit owners.

(a) Any covenant, restriction, or condition contained in any deed, contract, security interest, or other instrument affecting the transfer or sale of any interest in a condominium or common interest community, and any provision of a governing document that effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station within a unit owner's unit or a designated parking space, including, but not limited to, a deeded parking space, a parking space in a unit owner's exclusive use common area, or a parking space that is specifically designated for use by a particular unit owner, or is in conflict with this Section, is void and unenforceable.

(b) This Section does not apply to provisions that impose a reasonable restriction on an electric vehicle charging

station. However, it is the policy of this State to promote, encourage, and remove obstacles to the use of an electric vehicle charging station.

(c) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by State and local authorities, and all other applicable zoning, land use, or other ordinances or land use permits.

(d) If approval is required for the installation or use of an electric vehicle charging station, the association shall process and approve the application in the same manner as an application for approval of an architectural modification to the property, and the association shall not willfully avoid or delay the adjudication of the application. The approval or denial of an application shall be in writing. If an application is not denied in writing within 60 days from the date of the receipt of the application, the application shall be deemed approved unless the delay is the result of a reasonable request for additional information.

(e) If the electric vehicle charging station is to be placed in a common area or exclusive use common area, as designated by the condominium or common interest community association, the following applies:

(1) The unit owner shall first obtain approval from the association to install the electric vehicle charging station and the association shall approve the installation

if the unit owner agrees, in writing, to:

(i) comply with the association's architectural standards for the installation of the electric vehicle charging station;

(ii) engage a licensed electrical contractor to install the electric vehicle charging station;

(iii) within 14 days after approval, provide a certificate of insurance that names the association as an additional insured party under the unit owner's insurance policy as required under paragraph (3); and

(iv) pay for both the costs associated with the installation of and the electricity usage associated with the electric vehicle charging station.

(2) The unit owner, and each successive unit owner of the electric vehicle charging station, is responsible for:

(i) costs for damage to the electric vehicle charging station, common area, exclusive use common area, or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(ii) costs for the maintenance, repair, and replacement of the electric vehicle charging station until it has been removed, and for the restoration of the common area after removal;

(iii) costs of electricity associated with the charging station, which shall be based on:

(A) an inexpensive submetering device; or

(B) a reasonable calculation of cost, based on the average miles driven, efficiency of the electric vehicle calculated by the United States Environmental Protection Agency, and the cost of electricity for the common area; and

(iv) disclosing to a prospective buyer the existence of any electric vehicle charging station of the unit owner and the related responsibilities of the unit owner under this Section.

(3) The purpose of the costs under paragraph (2) is for the reasonable reimbursement of electricity usage, and shall not be set to deliberately exceed the reasonable reimbursement.

(4) The unit owner of the electric vehicle charging station, whether the electric vehicle charging station is located within the common area or exclusive use common area, shall, at all times, maintain a liability coverage policy. The unit owner that submitted the application to install the electric vehicle charging station shall provide the association with the corresponding certificate of insurance with 14 days after approval of the application. The unit owner, and each successive unit owner, shall provide the association with the certificate of insurance annually thereafter.

(5) A unit owner is not required to maintain a

homeowner liability coverage policy for an existing National Electrical Manufacturers Association standard alternating current power plug.

(f) Except as provided in subsection (g), the installation of an electric vehicle charging station for the exclusive use of a unit owner in a common area that is not an exclusive use common area shall be authorized by the association only if installation in the unit owner's designated parking space is impossible or unreasonably expensive. In such an event, the association shall enter into a license agreement with the unit owner for the use of the space in a common area, and the unit owner shall comply with all of the requirements in subsection (e).

(g) An association may install an electric vehicle charging station in the common area for the use of all unit owners and members of the association. The association shall develop appropriate terms of use for the electric vehicle charging station.

(h) An association may create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station.

(i) An association that willfully violates this Section shall be liable to the unit owner for actual damages and shall pay a civil penalty to the unit owner not to exceed $1,000.

(j) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to

enforce compliance with this Section, the court shall award reasonable attorney's fees to a prevailing plaintiff.

Section 40. Electric vehicle charging system policy for renters.

(a) Notwithstanding any provision in the lease to the contrary, and subject to subsection (b):

(1) A tenant may install, at the tenant's expense for the tenant's own use, a level 1 or level 2 electric vehicle charging system on or in the leased premises.

(2) A landlord shall not assess or charge a tenant any fee for the placement or use of an electric vehicle charging system, except that:

(i) The landlord may:

(A) require reimbursement for the actual cost of electricity provided by the landlord that was used by the electric vehicle charging system; or

(B) charge a reasonable fee for access. If the electric vehicle charging system is part of a network for which a network fee is charged, the landlord's reimbursement may include the amount of the network fee. Nothing in this subparagraph requires a landlord to impose upon a tenant a fee or charge other than the rental payments specified in the lease.

(ii) The landlord may require reimbursement for

the cost of the installation of the electric vehicle charging system, including any additions or upgrades to existing wiring directly attributable to the requirements of the electric vehicle charging system, if the landlord places or causes the electric vehicle charging system to be placed at the request of the tenant.

(iii) If the tenant desires to place an electric vehicle charging system in an area accessible to other tenants, the landlord may assess or charge the tenant a reasonable fee to reserve a specific parking space in which to install the electric vehicle charging system.

(b) A landlord may require a tenant to comply with:

(1) bona fide safety requirements consistent with an applicable building code or recognized safety standard for the protection of persons and property;

(2) a requirement that the electric vehicle charging system be registered with the landlord within 30 days after installation; or

(3) reasonable aesthetic provisions that govern the dimensions, placement, or external appearance of an electric vehicle charging system.

(c) A tenant may place an electric vehicle charging system in an area accessible to other tenants if:

(1) the electric vehicle charging system is in

compliance with all applicable requirements adopted by a landlord under subsection (b); and

(2) the tenant agrees, in writing, to:

(i) comply with the landlord's design specifications for the installation of an electric vehicle charging system;

(ii) engage the services of a duly licensed and registered electrical contractor familiar with the installation and code requirements of an electric vehicle charging system; and

(iii) provide, within 14 days after receiving the landlord's consent for the installation, a certificate of insurance naming the landlord as an additional insured party on the tenant's renter's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging system or, at the landlord's option, reimbursement to the landlord for the actual cost of any increased insurance premium amount attributable to the electric vehicle charging system, notwithstanding any provision to the contrary in the lease. The tenant shall provide reimbursement for an increased insurance premium amount within 14 days after the tenant receives the landlord's invoice for the amount attributable to the electric vehicle charging system.

(d) If the landlord consents to a tenant's installation of

an electric vehicle charging system on property accessible to other tenants, including a parking space, carport, or garage stall, then, unless otherwise specified in a written agreement with the landlord:

(1) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, is responsible for costs for damages to the electric vehicle charging system and to any other property of the landlord or another tenant resulting from the installation, maintenance, repair, removal, or replacement of the electric vehicle charging system.

(i) Costs under this paragraph shall be based on:

(A) an inexpensive submetering device; or

(B) a reasonable calculation of cost, based on the average miles driven, efficiency of the electric vehicle calculated by the United States Environmental Protection Agency, and the cost of electricity for the common area.

(ii) The purpose of the costs under this paragraph is for reasonable reimbursement of electricity usage and shall not be set to deliberately exceed that reasonable reimbursement.

(2) Each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed shall assume responsibility for the repair, maintenance, removal, and replacement of the electric

vehicle charging system until the electric vehicle charging system is removed.

(3) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, shall, at all times, have and maintain an insurance policy covering the obligations of the tenant under this subsection and shall name the landlord as an additional insured party under the policy.

(4) The tenant, and each successive tenant with exclusive rights to the area where the electric vehicle charging system is installed, is responsible for removing the system if reasonably necessary or convenient for the repair, maintenance, or replacement of any property of the landlord, whether or not leased to another tenant.

(e) An electric vehicle charging system installed at the tenant's cost is the property of the tenant. Upon termination of the lease, if the electric vehicle charging system is removable, the tenant may either remove it or sell it to the landlord or another tenant for an agreed price. Nothing in this subsection requires the landlord or another tenant to purchase the electric vehicle charging system.

(f) A landlord that willfully violates this Section shall be liable to the tenant for actual damages, and shall pay a civil penalty to the tenant in an amount not to exceed $1,000.

(g) In any action by a tenant requesting to have an electric vehicle charging system installed and seeking to

enforce compliance with this Section, the court shall award reasonable attorney's fees to a prevailing plaintiff.

Section 45. The Electric Vehicle Act is amended by adding Sections 30, 35, and 40 as follows:

(20 ILCS 627/30 new)

Sec. 30. Electric Vehicle Access for All Program.

(a) Purpose. The General Assembly finds that it is necessary to provide access to electric vehicles to residents in communities for individuals whom car ownership is not an option, affordable, or a preference, particularly for environmental justice communities and low-income communities.

(b) Definitions. As used in this Section:

"Department" means the Department of Commerce and Economic Opportunity.

"Environmental justice communities" means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its program administrator in the Illinois Solar for All Program.

"Low-income" means persons and families whose income does not exceed 80% of area median income, adjusted for family size and revised every 2 years.

(c) Within 120 days after the effective date of this amendatory Act of the 102nd General Assembly, and for a period of not less than 36 months thereafter, the Department of

Commerce and Economic Opportunity shall establish and implement an Electric Vehicle Access for All Program designed to maximize opportunities for carbon-free transportation across the State, particularly targeting environmental justice and low-income communities, which shall include the following initiatives:

(1) Car Sharing Program. The Department of Commerce and Economic Opportunity shall develop and implement an Electric Vehicle Car Sharing Program that provides residents with opportunities to use electric vehicles owned by third parties for occasional commutes, employment, or other needs.

(2) Carbon-Free Last Mile of Commutes Program. The Department shall develop a Program to address the "last mile" of commutes, enabling a larger number of residents to access public transportation, and reduce the pollution impact of the entire commute.

(3) Community Energy, Climate, and Jobs Plans. The Department shall dedicate a portion of funding for local governments' eligible Community Energy, Climate, and Jobs Plans that include Electric Vehicle Access for All Program initiatives. To the extent possible, the Department shall coordinate the Electric Vehicle Access for All Program with the other programs established in this Act.

(4) Low-income rebate program. A rebate of up to $4,000 at time of purchase shall be made available to

low-income residents of Illinois.

(i) Such rebates are only available for new passenger battery electric vehicles at a prerebate cost of $45,000 or less or for used battery electric vehicles at a prerebate cost of $35,000 or less. This cost cut off is exclusive of any electric vehicle-specific rebates offered by any level of government; if the cost of the electric vehicle would be higher than the cut off-points mentioned above without any electric vehicle-specific rebates, then the vehicle is not eligible for rebates.

(ii) This low-income rebate may be combined with other rebates for eligible vehicles and drivers. The funds for this program shall be derived from 50% of the Electric Vehicle Access for All Program funds, up to $5,250,000 per year. The rebate may only be applied one time per Vehicle Identification Number. The rebate may only be used once per person in any 5-year period. To be eligible for the low-income rebate, a purchaser must be a resident of Illinois and provide proof of residence at the time of purchase. The State shall direct rebate recipients to local electric utilities where additional charging equipment rebates may be available.

(c) The Electric Vehicle Access for All Program and its initiatives shall be designed to maximize opportunities for

carbon-free transportation across the State, particularly targeting environmental justice and low-income communities, and to provide grants to pilot programs with the purpose of bridging public transportation gaps between residences and employment locations. Eligible programs may include electric shuttles, electric and nonelectric bicycle and scooter sharing, electric vehicle sharing, and other carbon-free alternatives. The Department of Commerce and Economic Opportunity shall hire or select, through a competitive bidding program, a program administrator to oversee and administer the Program.

(d) In conducting the Program, the Department of Commerce and Economic Opportunity shall partner with appropriate transit agencies, employers, community organizations, local governments, and other transportation services to increase the number of employment, healthcare, civic, education, or recreation locations reachable, in coordination with public transit, with the addition of Electric Vehicle Access for All Program initiatives and investments. The Department of Commerce and Economic Opportunity shall additionally partner with local governments engaging in Community Energy, Climate, and Job Planning, as described in the Community Energy, Climate, and Jobs Planning Act, to implement programs efficiently with needs identified in Community Energy, Climate, and Jobs Plans.

(e) Projects, programs, or other initiatives funded

through this Program must participate in time-of-use rates, hourly pricing electric rates, charging plans or rates that encourage off-peak charging, optimized charging programs, demand response, or similar programs as part of a beneficial electrification program, as provided under Section 16-107.8 of the Public Utilities Act, to the extent practicable, to minimize the impact to the electric grid of new electric vehicle charging infrastructure and to use electricity at times when renewable energy generation is highest.

(f) The Department of Commerce and Economic Opportunity shall design the Program within the budget described under Section 16-107.8 of the Public Utilities Act and invoice the electric utilities specified in Section 16-107.8 of the Public Utilities Act for the costs incurred in the execution of the Program.

(g) The Department of Commerce and Economic Opportunity shall report to the Governor and the General Assembly regarding the effectiveness of the Program no later than October 1, 2023.

(20 ILCS 627/35 new)

Sec. 35. Administrative review. All final administrative decisions, including, but not limited to, funding allocation and rules issued by the Department under this Act are subject to judicial review under the Administrative Review Law. No action may be commenced under this Section prior to 60 days

after the complainant has given notice in writing of the action to the Department.

(20 ILCS 627/40 new)

Sec. 40. Authorized expenditure of State-controlled funds to accelerate electric vehicle adoption.

(a) Within 120 days after the effective date of this amendatory Act of the 102nd General Assembly, the Environmental Protection Agency must initiate a comprehensive stakeholder process to solicit input on the development of an updated plan for expenditure of the remaining Volkswagen Settlement Environment Mitigation Fund and for the use of the $70,000,000 funds from Article 8, Section 25 of Public Act 101-29. At a minimum, the stakeholder process shall include representatives from community-based organizations in environmental justice communities, community-based organizations serving economically disadvantaged persons and families, and community-based organizations focused on transportation equality and access. These stakeholders shall be representative of the entire State and located throughout the State. The Environmental Protection Agency shall provide administrative support for the stakeholder process and all meetings shall be accessible with rotating locations, call-in options, and materials and agendas circulated well in advance, and there shall be opportunities for input outside of meetings from those with limited capacity and ability to attend via

one-on-one meetings, surveys, and calls subject to compliance with the Open Meetings Act. The plan should prioritize the purchase of electric vehicles and equipment, including public transit, school buses, and other public fleet vehicles and spending should be prioritized toward economically disadvantaged communities and environmental justice communities.

(b) Within 9 months after the effective date of this amendatory Act of the 102nd General Assembly, the Environmental Protection Agency must publish a comprehensive plan for both the use of the Volkswagen Settlement Environment Mitigation Fund and for the $70,000,000 funds from Article 8, Section 25 of Public Act 101-29, as amended, reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants for transportation electrification infrastructure projects; including, but not limited to grants for the purpose of encouraging electric vehicle charging infrastructure, prioritizing investments in medium and heavy-duty charging, and electrifying public transit, school bus transit, and vehicles operated by or on behalf of public agencies. Those Volkswagen and capital funds which are allocated to charging infrastructure must be spent within 3 years of passage and at least 25% of those funds must be spent per year until the funds are depleted.

(c) The Environmental Protection Agency shall issue reports, to be posted on its public website and sent to the

Illinois Commerce Commission, summarizing all funds granted and investments made using funds from the Volkswagen Settlement Environmental Mitigation Fund, and all grants or investments currently planned to be made from said fund but not yet disbursed, at a minimum of the following 2 times:

(1) no later than 2 weeks prior to the first meeting of the Plan Development Stakeholder Process initiated by the Illinois Commerce Commission; and

(3) when the Fund has been fully spent, or when less than $1,000,000 remains in the fund for a period of more than 6 months.

Section 90-10. The Public Utilities Act is amended by adding Section 16-107.8 as follows:

(220 ILCS 5/16-107.8 new)

Sec. 16-107.8. Beneficial electrification.

(a) It is the intent of the General Assembly to decrease reliance on fossil fuels, reduce pollution from the transportation sector, increase access to electrification for all consumers, and ensure that electric vehicle adoption and increased electricity usage and demand do not place significant additional burdens on the electric system and create benefits for Illinois residents.

(b) As used in this Section:

"Beneficial electrification programs" means programs that

lower carbon dioxide emissions, replace fossil fuel use, create cost savings, improve electric grid operations, reduce increases to peak demand, improve electric usage load shape, and align electric usage with times of renewable generation. All beneficial electrification programs shall provide for incentives such that customers are induced to use electricity at times of low overall system usage or at times when generation from renewable energy sources is high. "Beneficial electrification programs" include a portfolio of the following:

(1) time-of-use electric rates;

(2) hourly pricing electric rates;

(3) charging plans or rates set by electric vehicle service providers that encourage off-peak charging;

(4) optimized charging programs or programs that encourage charging at times beneficial to the electric grid;

(5) demand-response programs specifically related to electrification efforts;

(6) incentives for electrification and associated infrastructure tied to using electricity at beneficial times;

(7) incentives for electrification and associated infrastructure targeted to medium-duty and heavy-duty vehicles used by transit agencies;

(8) incentives for electrification and associated

infrastructure targeted to school buses;

(9) incentives for electrification and associated infrastructure for medium-duty and heavy-duty government and private fleet vehicles;

(10) low-income programs that provide access to electric vehicles for communities where car ownership or new car ownership is not common;

(11) incentives for electrification in low-income and environmental justice communities;

(12) incentives or programs to enable quicker adoption of electric vehicles by developing public charging stations in dense areas, workplaces, and in low-income communities;

(13) incentives or programs to develop electric vehicles infrastructure to ensure electric vehicles can travel statewide, filling the gaps in deployment, particularly in rural areas or along highway corridors;

(14) incentives or planning to encourage the development in close proximity of electrification and renewable energy generation to reduce grid impacts; and

(15) other such programs as defined by the Commission.

"Disadvantaged participant contractor" has the meaning set forth in Clean Jobs, Workforce and Contractor Equity Act.

"Environmental justice communities" means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its

program administrator in the Illinois Solar for All Program.

"Labor peace agreement" means an agreement between an entity and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that may prohibit labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the entity. This agreement means that the entity has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the entity's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the entity's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

"Low-income" means persons and families whose income does not exceed 80% of area median income, adjusted for family size and revised every 2 years.

"Optimized charging programs" mean programs whereby owners of electric vehicles can set their vehicles to be charged based on the electric system's current demand, retail or wholesale market rates, incentives, the carbon or other pollution intensity of the electric generation mix, the

provision of grid services, efficient use of the electric grid, or the availability of clean energy generation. Optimized charging programs may be operated by utilities as well as third parties.

"BIPOC" and "black, indigenous, and people of color" are identical in meaning and have the same definition as used in the Clean Jobs, Workforce and Contractor Equity Act.

(c) No later than November 30, 2021, electric utilities serving greater than 500,000 customers in the State shall initiate a stakeholder workshop process to solicit input on the design of beneficial electrification programs that the utility shall offer. The stakeholder workshop process shall take into consideration the benefits of electric vehicle adoption and barriers to adoption, including:

(1) the benefit of lower bills for customers who do not charge electric vehicles;

(2) benefits from electric vehicle usage of the distribution system;

(3) the avoidance and reduction in capacity costs from optimized charging and off-peak charging;

(4) energy price and cost reductions; and

(5) environmental benefits, including greenhouse gas emission and other pollution reductions.

(6) current barriers to mass-market adoption, including cost of ownership and availability of charging stations;

(7) benefits of and incentives for medium-duty and heavy-duty fleet vehicle electrification;

(8) opportunities for environmental justice and low-income communities to benefit from electrification. The workshops should consider barriers, incentives, enabling rate structures, and other opportunities for the bill reduction and environmental benefits described in this subsection.

Stakeholders and the electric utilities shall propose discrete beneficial electrification programs and shall provide estimates of the costs and benefits of those programs in the workshops. The process shall be open and transparent with inclusion of stakeholder interests, including stakeholders representing environmental justice and low-income communities.

(d) No later than May 31, 2022, electric utilities serving greater than 500,000 customers in the State shall file a Beneficial Electrification Plan with the Illinois Commerce Commission for programs that start no later than January 1, 2023. The Beneficial Electrification Plan shall specifically address, at a minimum, the following:

(1) the development and implementation of time-of-use rates and their benefit for electric vehicle users and for all customers;

(2) the development of optimized charging programs to achieve savings identified, and new contracts and compensation for services in those programs, through

signals that allow electric vehicle charging to respond to local system conditions, manage critical peak periods, serve as a demand response or peak resource, and maximize renewable energy use and integration into the grid;

(3) plans to address environmental justice interests and the provision of opportunities for residents and businesses in environmental justice communities to directly benefit from transportation electrification;

(4) financial and other challenges to electric vehicle usage in low-income communities, and strategies for overcoming those challenges, particularly in communities and for people for whom car ownership is not an option;

(5) plans to increase access to Level 3 Public Electric Vehicle Charging Infrastructure located along transportation corridors to serve vehicles that need quicker charging times and vehicles of persons who have no other access to charging infrastructure, regardless of whether those projects participate in optimized charging programs;

(6) opportunities for coordination and cohesion with electric vehicle and electric vehicle charging equipment incentives established by any agency, department, board, or commission of the State of Illinois, any other unit of government in the State, any national programs, or any unit of the federal government;

(7) ideas for the development of online tools,

applications, and data sharing that provide essential information to those charging electric vehicles, and enable an automated charging response to price signals, emission signals, real-time renewable generation production, and other Commission-approved or customer-desired indicators of beneficial charging times; and

(8) an outline of proposed customer education measures, including a shadow billing option to allow customers to compare current and historical monthly bills under different rate plans, cost calculators to compare electric vehicles costs with internal combustion engine vehicle costs, the use of utility communications for proactive customer engagement on electric vehicles, rate and cost comparison information materials for car dealers and their customers, and direct outreach to diverse communities through community and other organizations.

(e) The initial Beneficial Electrification Plans submitted under subsection (d) shall include at least the following programs:

(1) Electric Vehicle Access for All Program. Electric utilities that serve more than 3,000,000 retail customers in the State shall reimburse $7,500,000 per year, or 15% of the total plan budget, to the Department of Commerce and Economic Opportunity for programs developed under the Electric Vehicle Access for All Program. Electric

utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall reimburse $3,150,000, or 15% of the total plan budget, to the Department of Commerce and Economic Opportunity for programs developed under the Electric Vehicle for All Program.

(2) Medium-Duty and Heavy-Duty Vehicle Charging Programs. Electric utilities that serve more than 3,000,000 retail customers in the State must offer a rebate program that averages $25,000,000 per year, or 50% of the program budget, for the duration of the plan for rebates to government entity retail customers to support the electrification of public transit, as well as government, commercial and school bus fleet vehicles. Electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall reimburse $10,500,000, or 50% of the program budget, for the duration of the plan for rebates to government entity retail customers to support the electrification of public transit, as well as government, commercial and school bus fleet vehicles. Rebates for public transit agencies must be used toward the purchase and installation of all-electric transit buses, the purchase and installation of electric vehicle charging infrastructure, or necessary supporting infrastructure, to be used in transit routes that primarily serve low-income

communities or environmental justice communities. The amount of the rebate should be designed to cover the expected capital gap and needs of Illinois transit agencies. Rebates for government, commercial, or other retail customers to support the electrification of fleets and school buses must be used toward the purchase and installation of electric transit or school buses, electric vehicle charging infrastructure, or necessary supporting infrastructure, for vehicles that primarily serve or travel through low-income communities or environmental justice communities. Recipients of rebates under this paragraph must participate in an optimized charging program. Operations, whether private or public, that primarily serve governmental or educational institutions, shall be prioritized over commercial vehicle operations that do not primarily serve a governmental or educational institution.

(3) Mass-market program. All electric utilities serving more than 500,000 customers may spend up to the remaining plan budget each year on rebates that support the widespread adoption and integration of electric vehicles. Electric utilities serving more than 500,000 customers may offer a rebate program that offers retail customers a rebate of up to $500 for the purchase or installation of electric vehicle charging infrastructure, provided that the customer takes electric service under an

hourly pricing program or a time-of-use rate, or participates in an optimized charging program. Further, electric utilities serving more than 500,000 customers shall offer a rebate program to incentivize the purchase and installation of publicly accessible electric vehicle charging stations throughout its service territory, with a prioritization for workplace charging and public charging in dense urban areas and in low-income communities. Finally, electric utilities serving more than 500,000 customers shall offer a rebate program to incentivize the development of publicly accessible fast charging stations targeted to fill the gaps in deployment, and along State highway corridors.

(f) The Commission shall open an investigation into the electric utility's (if serving more than 500,000 customers) Beneficial Electrification Plan to determine if the proposed plan is cost-beneficial. The plan shall be determined to be cost-beneficial if the total cost of beneficial electrification expenditures is less than the net present value of increased electricity costs (defined as marginal avoided energy, avoided capacity, and avoided transmission and distribution system costs) avoided by programs under the plan, the net present value of reductions in other customer energy costs, and the societal value of reduced carbon emissions and surface-level pollutants, particularly in environmental justice communities. The calculation of costs and benefits

should be based on net impacts. The Commission shall review the Plan and determine whether the portfolio of programs or initiatives as a whole is optimized to address all key policy objectives, including: maximizing total energy cost savings, maximizing rate reductions so that nonparticipants can benefit, facilitating better grid management, maximizing carbon emission reductions, reducing other harmful emissions and particularly localized emissions in economically disadvantaged and environmental justice communities, and addressing environmental justice interests by ensuring there are significant opportunities for residents and businesses in environmental justice communities to directly participate in and benefit from programs.

(g) Any electric utility serving more than 500,000 customers shall update its Beneficial Electrification Plan every 3 years and, beginning with the first update, shall develop the Plan in conjunction with the distribution system planning process described in Section 16-105.17 of this Act, including incorporation of stakeholder feedback from that process.

(h) For utilities serving more than 3,000,000 retail customers in the State, the annual total cost of all programs and initiatives in the Beneficial Electrification Plan shall not exceed $50,000,000 per year and shall be recovered volumetrically from all retail customers as an operating expense. For utilities serving less than 3,000,000 retail

customers, but more than 500,000 retail customers, the annual total cost of all programs and initiatives in the Beneficial Electrification Plan shall not exceed $21,000,000 per year and shall be recovered volumetrically from all retail customers as an operating expense.

(i) In meeting the requirements of this Section, to the extent feasible and consistent with State and federal law, all beneficial electrification programs included in Beneficial Electrification Plans shall provide employment opportunities for all segments of the population and workforce, including BIPOC-owned and women-owned business enterprises, as well as BIPOC-owned and women-owned worker-owned cooperatives or other such employee-owned entities, and shall not, consistent with State and federal law, discriminate based on race or socioeconomic status.

Specifically, to the extent feasible and consistent with State and federal law, as utilities conduct selection and contracting of businesses, nonprofit organizations, or worker-owned cooperatives for implementation of beneficial electrification programs or projects providing electrification for vehicles and associated electric vehicle infrastructure, utilities must give preference to businesses, nonprofit organizations, or worker-owned cooperatives as described in the workforce equity actions points calculation as specified in this subsection (i). Utilities shall track and award equity actions in selection of businesses, nonprofit organizations,

or worker-owned cooperatives, using a points system totaling a maximum of 235 points. This system shall consider both equity actions to meet the goals described in this Section and the bid prices, as specified in paragraphs (1) through (9) of this subsection (i). Businesses, nonprofit organizations, and worker-owned cooperatives that are selected and contracted for implementation of beneficial electrification programs or projects providing electrification for vehicles and associated electric vehicle infrastructure by utilities shall submit no later than June 1 of each applicable year an annual report of elements described in the equity actions points calculation in paragraphs (1) through (9) of this subsection (i) for the first 3 years after the year in which installation contracts were awarded.

(1) Hiring Equity Action (up to 20 points): awarded based on the percentage of the company's or entity's workforce (measured by full-time equivalents as defined by the Government Accountability Office of the United States Congress) are black, indigenous, and people of color and are paid at or above the prevailing wage. One point shall be awarded for each 5% of the workforce which is composed of BIPOC persons who are also paid at or above the prevailing wage, up to a maximum of 20 points.

(2) Clean Jobs Workforce and Returning Residents Action (up to 20 points): awarded based on the percentage of the workers associated with the project who are graduates or

trainees from equity-focused workforce training programs designated by the Illinois Power Agency, or have equivalent certification, and paid at or above the prevailing wage; one point shall be awarded for each 5% of the workforce which is composed of such graduates or trainees, up to a maximum of 20 points.

(3) BIPOC Business Enterprise Action (30 points): being (i) an entity defined as a minority-owned business under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act or (ii) an entity, including a business, a nonprofit, or a worker-owned cooperative registered with other state, regional, or local programs intended to certify minority-owned entities.

(4) Contracting Equity Action (20 points): awarded based on the percentage of the company's or entity's subcontractors or vendors are entities defined as a minority-owned business or a women-owned business under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act or on the percentage of the subcontracted workers associated with the project, including from all subcontractors and vendors, are BIPOC persons (members of a racial or ethnic minority group) paid at or above the prevailing wage; 5 points shall be awarded for each 10% of either subcontractors or subcontractors' workers who are BIPOC persons, whichever is greater, up to a maximum of 20 points. If a company or entity does not use subcontractors or vendors,

points awarded for the Contracting Equity Action shall be equivalent to the point value awarded for the Hiring Equity Action under paragraph(1).

(5) Expanding Clean Energy Entrepreneurship Action (20 points): awarded to entities who are current or former participants in contractor incubator programs or entrepreneurship programs designated by the Illinois Power Agency, or have equivalent qualification.

(6) Community Benefits Action (15 points): (i) for projects 100 kW in size or larger, project has an executed Community Benefits Agreement that could include, but is not limited to a commitment to hire local workers, union workers, energy workers transitioning to clean energy jobs, graduates or trainees from equity-focused workforce training programs designated by the Illinois Power Agency, or current or former participants in contractor incubator programs or entrepreneurship programs designated by the Illinois Power Agency, or have equivalent qualifications, a commitment to pay workers at or above the prevailing wage; and a commitment to give communities ownership opportunities in electric vehicle projects, where relevant; and (ii) for projects under 100 kW in size, companies pay their workforces at or above the prevailing wage.

(7) Small Business Action (15 points): the entity's workforce is composed of 3 or fewer full-time employees (measured by full-time equivalents as defined by the

Government Accountability Office of the United States Congress).

(8) Labor Peace Agreements Action (10 points): (i) for an installer with 20 or more employees: the installer attests that the installer has entered into a labor peace agreement, will abide by the terms of the agreement, and will submit a copy of the page of the labor peace agreement that contains the signatures of the union representative and the installer, or (ii) for an installer that is a party to a labor peace agreement with a bona fide labor organization that currently represents, or is actively seeking to represent electric vehicle infrastructure and equipment installers and other workers in Illinois, or (iii) the installer submits an attestation affirming that the installer will use best efforts to use union labor in the installer's projects and in the construction or retrofit of the facilities associated with the installer's electric vehicle infrastructure and equipment operations, where applicable.

(9) Price of bid (130 points): as scored by utilities awarding contracts to electric vehicle installers.

Bids scoring fewer than 135 points shall not be awarded contracts.

Section 99. Effective date. This Act takes effect upon becoming law.