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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1250

March 2, 2009

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

1.1 A bill for an act
1.2 relating to transportation; regulating electric vehicle infrastructure; establishing
1.3 incentives for adoption and use of electric vehicles; amending Minnesota Statutes
1.4 2008, sections 116D.04, by adding a subdivision; 160.93, subdivisions 4, 5, by
1.5 adding a subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4;
1.6 326B.106, subdivision 4; proposing coding for new law in Minnesota Statutes,
1.7 chapters 325F; 471.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2008, section 116D.04, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 12a. Exemption. (a) This section does not apply to projects to install
1.12 electrical vehicle infrastructure.

1.13 (b) As used in this subdivision:

1.14 (1) "electrical vehicle infrastructure" means structures, electrical circuitry, and
1.15 other electrical equipment and ancillary structures and equipment that enable an electric
1.16 vehicle to recharge its battery or to exchange a battery pack, but does not include any
1.17 infrastructure owned by an electric utility; and

1.18 (2) "electric vehicle" has the meaning given in section 169.011, subdivision 26a.

1.19 EFFECTIVE DATE. This section is effective the day following final enactment.

1.20 Sec. 2. Minnesota Statutes 2008, section 160.93, subdivision 4, is amended to read:

1.21 Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a
1.22 designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance
1.23 with this section and the requirements of the commissioner. A person who violates
1.24 this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89,

2.1 subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable
2.2 to the commission of a petty misdemeanor traffic offense.

2.3 Sec. 3. Minnesota Statutes 2008, section 160.93, subdivision 5, is amended to read:

2.4 Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic
2.5 shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes
2.6 as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders
2.7 as defined in section 169.011, subdivision 74. The commissioner may prescribe the
2.8 conditions under which the lanes may be used.

2.9 (b) The commissioner may not operate a dynamic shoulder lane on marked Trunk
2.10 Highway 35W from its intersection with marked Trunk Highway 94 to its intersection
2.11 with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along
2.12 this portion of marked Trunk Highway 35W may only be used by:

2.13 (1) a vehicle with more than one occupant;

2.14 (2) a single-occupant vehicle if (i) the fee under subdivision 1 is paid, or (ii) the
2.15 vehicle is an electric vehicle, as defined in section 169.011, subdivision 26a;

2.16 (3) a transit bus providing public transit, as defined in section 174.22, subdivision
2.17 7; and

2.18 (4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.

2.19 (c) The commissioner shall erect signs to indicate when the lanes may be used.

2.20 Sec. 4. Minnesota Statutes 2008, section 160.93, is amended by adding a subdivision
2.21 to read:

2.22 Subd. 6. **Electric vehicle exemption.** (a) For purposes of this section, "electric
2.23 vehicle" has the meaning given in section 169.011, subdivision 26a.

2.24 (b) Notwithstanding subdivisions 1 and 5, the commissioner shall allow an operator
2.25 of a single-occupant, electric vehicle to use any high-occupancy vehicle lane or dynamic
2.26 shoulder lane on the trunk highway system, regardless of occupancy requirements
2.27 established for other types of vehicles. Upon request and without charge, the commissioner
2.28 shall provide a user fee collection device as required for single-occupant vehicle operators
2.29 under subdivision 1, except that the commissioner may require a refundable deposit that
2.30 does not exceed the cost of replacement of the device.

2.31 (c) If an electric vehicle is equipped with a properly functioning user fee collection
2.32 device as required for single-occupant vehicle operators under subdivision 1, a
2.33 single-occupant operator of the vehicle may use (1) a high-occupancy vehicle lane, and

3.1 (2) a dynamic shoulder lane, when the commissioner makes the lane available for travel
3.2 by motor vehicles.

3.3 Sec. 5. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 26a. **Electric vehicle.** (a) "Electric vehicle" means a motor vehicle that is able
3.6 to be powered by an electric motor drawing current from rechargeable storage batteries,
3.7 fuel cells, or other portable sources of electrical current, and meets or exceeds applicable
3.8 regulations in Code of Federal Regulations, title 49, part 571, and successor requirements.

3.9 (b) "Electric vehicle" includes:

- 3.10 (1) a neighborhood electric vehicle;
- 3.11 (2) a medium-speed electric vehicle; and
- 3.12 (3) a plug-in hybrid electric vehicle.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.14 Sec. 6. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision
3.15 to read:

3.16 Subd. 54a. **Plug-in hybrid electric vehicle.** "Plug-in hybrid electric vehicle"
3.17 means an electric vehicle that (1) contains an internal combustion engine, and also allows
3.18 power to be delivered to the drive wheels by a battery-powered electric motor, (2) when
3.19 connected to the electrical grid via an electrical outlet, is able to recharge its battery, and
3.20 (3) has the ability to travel at least 20 miles powered substantially by electricity.

3.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.22 Sec. 7. Minnesota Statutes 2008, section 216B.02, subdivision 4, is amended to read:

3.23 Subd. 4. **Public utility.** "Public utility" means persons, corporations, or other legal
3.24 entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining,
3.25 or controlling in this state equipment or facilities for furnishing at retail natural,
3.26 manufactured, or mixed gas or electric service to or for the public or engaged in the
3.27 production and retail sale thereof but does not include (1) a municipality or a cooperative
3.28 electric association, organized under the provisions of chapter 308A, producing or
3.29 furnishing natural, manufactured, or mixed gas or electric service ~~or~~; (2) a retail seller of
3.30 compressed natural gas used as a vehicular fuel which purchases the gas from a public
3.31 utility; or (3) a retail seller of electricity used to recharge a battery that powers an electric
3.32 vehicle, as defined in section 169.011, subdivision 26a. Except as otherwise provided, the

4.1 provisions of this chapter shall not be applicable to any sale of natural, manufactured, or
 4.2 mixed gas or electricity by a public utility to another public utility for resale. In addition,
 4.3 the provisions of this chapter shall not apply to a public utility whose total natural gas
 4.4 business consists of supplying natural, manufactured, or mixed gas to not more than 650
 4.5 customers within a city pursuant to a franchise granted by the city, provided a resolution
 4.6 of the city council requesting exemption from regulation is filed with the commission. The
 4.7 city council may rescind the resolution requesting exemption at any time, and, upon the
 4.8 filing of the rescinding resolution with the commission, the provisions of this chapter shall
 4.9 apply to the public utility. No person shall be deemed to be a public utility if it furnishes
 4.10 its services only to tenants or cooperative or condominium owners in buildings owned,
 4.11 leased, or operated by such person. No person shall be deemed to be a public utility if it
 4.12 furnishes service to occupants of a manufactured home or trailer park owned, leased, or
 4.13 operated by such person. No person shall be deemed to be a public utility if it produces or
 4.14 furnishes service to less than 25 persons.

4.15 **Sec. 8. [325F.185] ELECTRIC VEHICLE INFRASTRUCTURE.**

4.16 Any electric vehicle infrastructure installed in this state must:

4.17 (1) allow for utilization of the electric vehicle infrastructure by any make, model,
 4.18 or type of electric vehicle capable of being charged via a 40-amp, 240-volt electrical
 4.19 charging circuit; and

4.20 (2) be capable of providing bidirectional charging, without significant upgrading,
 4.21 once electrical utilities achieve the capability to draw electricity from electric vehicles
 4.22 connected to the utility grid.

4.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.24 Sec. 9. Minnesota Statutes 2008, section 326B.106, subdivision 4, is amended to read:

4.25 Subd. 4. **Special requirements.** (a) **Space for commuter vans.** The code must
 4.26 require that any parking ramp or other parking facility constructed in accordance with the
 4.27 code include an appropriate number of spaces suitable for the parking of motor vehicles
 4.28 having a capacity of seven to 16 persons and which are principally used to provide
 4.29 prearranged commuter transportation of employees to or from their place of employment
 4.30 or to or from a transit stop authorized by a local transit authority.

4.31 (b) **Smoke detection devices.** The code must require that all dwellings, lodging
 4.32 houses, apartment houses, and hotels as defined in section 299F.362 comply with the
 4.33 provisions of section 299F.362.

5.1 (c) **Doors in nursing homes and hospitals.** The State Building Code may not
5.2 require that each door entering a sleeping or patient's room from a corridor in a nursing
5.3 home or hospital with an approved complete standard automatic fire extinguishing system
5.4 be constructed or maintained as self-closing or automatically closing.

5.5 (d) **Child care facilities in churches; ground level exit.** A licensed day care center
5.6 serving fewer than 30 preschool age persons and which is located in a belowground space
5.7 in a church building is exempt from the State Building Code requirement for a ground
5.8 level exit when the center has more than two stairways to the ground level and its exit.

5.9 (e) **Family and group family day care.** Until the legislature enacts legislation
5.10 specifying appropriate standards, the definition of dwellings constructed in accordance
5.11 with the International Residential Code as adopted as part of the State Building Code
5.12 applies to family and group family day care homes licensed by the Department of Human
5.13 Services under Minnesota Rules, chapter 9502.

5.14 (f) **Enclosed stairways.** No provision of the code or any appendix chapter of the
5.15 code may require stairways of existing multiple dwelling buildings of two stories or
5.16 less to be enclosed.

5.17 (g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter
5.18 of the code may prohibit double cylinder dead bolt locks in existing single-family homes,
5.19 townhouses, and first floor duplexes used exclusively as a residential dwelling. Any
5.20 recommendation or promotion of double cylinder dead bolt locks must include a warning
5.21 about their potential fire danger and procedures to minimize the danger.

5.22 (h) **Relocated residential buildings.** A residential building relocated within or
5.23 into a political subdivision of the state need not comply with the State Energy Code or
5.24 section 326B.439 provided that, where available, an energy audit is conducted on the
5.25 relocated building.

5.26 (i) **Automatic garage door opening systems.** The code must require all residential
5.27 buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82
5.28 and 325F.83.

5.29 (j) **Exit sign illumination.** For a new building on which construction is begun
5.30 on or after October 1, 1993, or an existing building on which remodeling affecting 50
5.31 percent or more of the enclosed space is begun on or after October 1, 1993, the code must
5.32 prohibit the use of internally illuminated exit signs whose electrical consumption during
5.33 nonemergency operation exceeds 20 watts of resistive power. All other requirements in
5.34 the code for exit signs must be complied with.

5.35 (k) **Exterior wood decks, patios, and balconies.** The code must permit the decking
5.36 surface and upper portions of exterior wood decks, patios, and balconies to be constructed

6.1 of (1) heartwood from species of wood having natural resistance to decay or termites,
 6.2 including redwood and cedars, (2) grades of lumber which contain sapwood from species
 6.3 of wood having natural resistance to decay or termites, including redwood and cedars, or
 6.4 (3) treated wood. The species and grades of wood products used to construct the decking
 6.5 surface and upper portions of exterior decks, patios, and balconies must be made available
 6.6 to the building official on request before final construction approval.

6.7 (l) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may
 6.8 be imposed by municipalities under the State Building Code, except as required under
 6.9 section 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section
 6.10 326B.92 administered by the Department of Labor and Industry. All data regarding the
 6.11 material production processes, including the bioprocess system's structural design and
 6.12 layout, are nonpublic data as provided by section 13.7911.

6.13 (m) **Use of ungraded lumber.** The code must allow the use of ungraded lumber in
 6.14 geographic areas of the state where the code did not generally apply as of April 1, 2008, to
 6.15 the same extent that ungraded lumber could be used in that area before April 1, 2008.

6.16 (n) **Electric vehicle battery charging infrastructure.** For a new structure on which
 6.17 construction is begun on or after January 1, 2010, or an existing structure on which
 6.18 remodeling affecting 50 percent or more of the enclosed space is begun on or after January
 6.19 1, 2010, the code must require that:

6.20 (1) multifamily buildings have approved raceways from the building electrical
 6.21 panel to the parking garage sufficient to accommodate a 40-amp, 240-volt electric vehicle
 6.22 charging circuit for each individual parking space;

6.23 (2) single family residences have a 40-amp, 240-volt circuit and junction box run
 6.24 from the existing panel to an accessible location in either the garage or car parking
 6.25 area; and

6.26 (3) parking facilities and commercial structures with integrated parking facilities
 6.27 have approved raceway systems from the building electrical panel to the parking facilities
 6.28 sufficient to accommodate a 40-amp, 240-volt electric charging circuit for each individual
 6.29 parking space. The term "parking facilities" as used in this paragraph includes lots, lanes,
 6.30 garages, ramps, or other structures and accessories, including meters and other devices;
 6.31 such facilities may be surface facilities or located above or under the ground.

6.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.33 Sec. 10. **[471.573] ELECTRIC VEHICLE INFRASTRUCTURE.**

7.1 A home rule charter or statutory city shall, to the extent practicable, expedite
7.2 the process of applying for and issuing permits for the installation of electric vehicle
7.3 infrastructure.

7.4 For the purpose of this section, "electric vehicle infrastructure" has the meaning
7.5 given in section 116D.04, subdivision 12a.

7.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.7 Sec. 11. **RULEMAKING.**

7.8 By October 1, 2009, the Environmental Quality Board shall adopt a rule under
7.9 Minnesota Statutes, section 14.388, subdivision 1, clause (3), that exempts the construction
7.10 of electric vehicle infrastructure, as defined in Minnesota Statutes, section 116D.04,
7.11 subdivision 12a, from the requirements of Minnesota Statutes, section 116D.04.

7.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.