Public EV Charger FAQ for Industry

NEW YORK STATE | Department of Agriculture and Markets

Where can I find the requirements for EV chargers?

All devices must meet the requirements and specifications listed in NIST Handbook 44, Section 3.40 (Electric Vehicle Fueling Systems) and Section 1.10 (General Code). This includes all elements of design, performance requirements and user requirements. In addition, EV chargers installed and placed in service shall be type approved by the National Type Evaluation Program (NTEP).

How do I know that my charger is "type-approved"?

All devices approved by NTEP receive a unique Certificate of Conformance number. The Certificate Number indicates that the device is "type-approved" or "legal for trade" and may be used commercially.

How are devices type-approved?

Manufactures must first submit an NTEP application with the National Council on Weights & Measures (NCWM) at: https://www.ncwm.com/obtain-ntep-certification.

How can electricity be sold as a vehicle fuel?

All electrical energy sold at retail as vehicle fuel **shall only be sold by the kilowatt-hour** (kWh). The unit price for electricity must be displayed by the whole cent (ex. $0.32) or tenth of one cent (ex. $0.319).

Additional fees may be charged for other services, such as parking and service fees. Any additional charges can be a fixed rate or based on time. All fees must be conspicuously posted for the consumer prior to purchasing the services.

What information must be displayed to the consumer?

The price per kWh must be displayed, as well as any additional charges for other services. The name, address, and phone number of the local responsible party for the device shall also be clearly and conspicuously displayed on, or immediately adjacent to the device.

What information must be recorded on a customer's receipt?

Receipts may be printed or electronic and must meet the requirements listed in NIST Handbook 44, Section 3.40 UR.3.3. EVSE Recorded Representations.

Am I required to notify anyone that my charger has been installed and is ready to use?

Yes. In accordance with NYS Agriculture & Markets Law, Article 16, Section 182, you must notify the NYS Bureau of Weights & Measures before the charger is used.

How do I know if my EV charger is being used commercially?

This term "commercial" refers to devices that are used for selling, purchasing, exchanging, custody transfer, or establishing the cost for services for hire on the basis of a measurement. In other words, if you are charging a unit fee ($/kWh) for the amount of energy a customer receives, then this is considered a commercial transaction.

Can my clients charge a fixed fee for customers?

A fixed fee to use an EV charger shall only be allowed as part of a contract, agreement, lease or other, for restricted access chargers, such as employees, students and tenants. The fee shall not be contingent on the amount of energy dispensed or time used in vehicle charging. The customer shall also know how much energy (kWh) was transferred to their vehicle for each transaction.

Who can I contact if I have questions?

You can contact the New York State Bureau of Weights & Measures at (518) 457-3146 or agr.sm.EVSE@agriculture.ny.gov.

The information stated above is a limited list of New York State's interpretations of EVSE regulations. It can be amended or edited at any time at the discretion of the Director of Weights & Measures.