

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2732

BY DELEGATES HANSEN, GRAVES, SKAFF, AND

HIGGINBOTHAM

[Introduced February 24, 2021; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17C-13-9, relating to establishing a penalty for any vehicle that is not a plug-
 3 in hybrid vehicle or plug-in electric vehicle for utilizing a parking space that is designated
 4 for charging an electric vehicle; defining terms; authorizing designation of electric vehicle
 5 charging spaces on private property; allowing localities to create local ordinances for
 6 electric parking spaces; authorizing law enforcement and local parking personnel to
 7 enforce violations on private property within their jurisdictions; and creating penalties for
 8 violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. STOPPING, STANDING AND PARKING.

§17C-13-9. Stopping, Standing or Parking in a parking space designed for charging electric vehicles; requirements, prohibitions and penalties related thereto.

1 (a) No person may stop, park, or leave standing any vehicle that is not a plug-in hybrid
 2 vehicle or plug-in electric vehicle in a space that is a reserved plug-in electric vehicle charging
 3 space.

4 (b) For purposes of this section:

5 (1) A “plug-in electric vehicle charging space” is a reserved vehicular parking space that
 6 provides access to a parking location for the exclusive use of a plug-in electric or plug-in hybrid
 7 vehicle that is posted as required by subsection (c); and

8 (2) A “a plug-in hybrid vehicle” or “plug-in electric vehicle” is a vehicle which uses batteries
 9 to store electricity for some or all of its operation and utilizes a plug-in device to recharge the
 10 vehicle.

11 (c) Any sign posted designating a space as reserved for electric vehicle charging shall
 12 depict the electric vehicle charging symbol as provided in the Uniform Traffic Control Devices
 13 manual promulgated pursuant to 23 Code of Federal Regulations (CFR), Part 655, Subpart F,
 14 and shall on that display also include the words “Unlawful parking subject to a fine of up to \$300”.

15 (d) Local authorities may adopt the provisions of this section and issue their own local
16 ordinances and retain all fines and associated late fees. Local parking enforcement personnel
17 who otherwise enforce parking violations in that locality may issue citations for violations of this
18 section.

19 (e) The owner of private property may designate one or more reserved plug-in electric
20 vehicle charging spaces. The designation operates as a consent by the owner authorizing
21 enforcement of this section by law-enforcement or local parking enforcement personnel. A law-
22 enforcement officer or a parking-enforcement designated person may enforce this section on
23 public or private property accessible to the public.

24 (f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
25 conviction thereof, shall be fined not more than \$100; upon a second conviction within one year
26 thereafter, shall be fined not more than \$200; and upon a third or subsequent conviction, shall be
27 fined not more than \$300.

NOTE: The purpose of this bill is to establish a penalty for any vehicle that is not a plug-in hybrid or plug-in electric vehicle to use a parking space that is designated for charging an electric vehicle; authorizing designation of electric vehicle charging spaces on public and private property; allowing localities to create local ordinances for regulating electric vehicle parking spaces; authorizing law enforcement and local parking personnel to enforce violations on private property; and establishing penalties for violations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.