

SB 628-FN - AS INTRODUCED

2026 SESSION

26-2128

06/08

SENATE BILL **628-FN**

AN ACT enabling curbside electric-vehicle charging.

SPONSORS: Sen. Watters, Dist 4; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Avard,
Dist 12; Rep. Cormen, Graf. 15; Rep. B. Boyd, Hills. 12; Rep. Edgar, Rock. 29

COMMITTEE: Transportation

ANALYSIS

This bill enables highway authorities to license curbside electric vehicle charging devices in public rights-of-way, establishes procedures for adjacent host property electrical supply and reimbursement, clarifies enforcement and siting standards, and affirms that owners and operators of such charging devices are not public utilities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT enabling curbside electric-vehicle charging.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Curbside Electric Charging in the Public Right-of-Way. Amend RSA 236 by
2 inserting after section 134 the following new subdivision:

3 Curbside Electric Charging in the Public Right-of-Way

4 236:135 Definitions. In this subdivision:

5 I. "Curbside electric vehicle charging device" or "curbside EVSE" means an electric vehicle
6 charging station installed within or immediately adjacent to a public right-of-way and associated
7 with one or more designated on-street parking spaces.

8 II. "Operator" means a person or entity that owns or operates curbside EVSE.

9 III. "Host property" means real property abutting the public right-of-way at or near the
10 location of a curbside EVSE.

11 IV. "Host energy reimbursement arrangement" means an agreement between an operator
12 and a host property under which the operator procures electrical service for a curbside EVSE from
13 the host property's electrical service and compensates the host for energy consumed and related
14 costs using a separately metered or submetered measurement of the EVSE load.

15 V. "Highway authority" means the state or municipal body with jurisdiction over a public
16 right-of-way.

17 236:136 Permitting Authority to Occupy the Right-of-Way.

18 I. A highway authority may license the installation, operation, and maintenance of curbside
19 EVSE within the public right-of-way and may designate associated parking spaces for electric
20 vehicle charging. A license granted under this section shall not convey a property interest and may
21 be revoked for cause or for necessary public work upon reasonable notice, subject to removal and
22 restoration at the licensee's expense.

23 II. An application for a license shall include site plans and details sufficient to verify
24 compliance with applicable safety, accessibility, and design requirements. A highway authority may
25 require reasonable application and annual right-of-way occupancy fees and a performance bond, and
26 shall require insurance and indemnification in an amount and form it deems adequate.

27 III. For state-maintained facilities, the department of transportation may issue licenses
28 consistent with this section. For locally maintained facilities, the municipal governing body or its
29 designee may issue licenses consistent with this section.

30 236:137 Ownership and Electric Utility Status.

1 I. An owner or operator of an electric vehicle charging station shall not be deemed a utility,
2 public utility, or public service company solely by virtue of ownership or operation of such station or
3 resale of electricity to drivers through EVSE.

4 II. Nothing in this subdivision authorizes an electric distribution company or other public
5 utility to own or operate EVSE located in the public right-of-way. Public utilities may provide
6 distribution service, interconnection, and make-ready infrastructure to the point of metering for
7 EVSE served under this subdivision.

8 236:138 Electrical Supply; Adjacent Host Property.

9 I. Curbside EVSE may be supplied by either:

10 (a) A new dedicated service and meter; or

11 (b) A host energy reimbursement arrangement with a host property using separate
12 metering or submetering of EVSE load.

13 II. A host energy reimbursement arrangement shall not cause the host property owner or
14 operator to be considered a utility, public utility, or public service company. Compensation from the
15 operator to the host for the cost of electricity and reasonable related costs under such arrangement
16 shall not be deemed a sale of electricity by the host to the public.

17 III. All interconnections, metering, and submetering under this section are subject to
18 applicable safety codes and utility interconnection standards. The highway authority may require
19 proof of utility approval where applicable.

20 236:139 Siting and Design Standards.

21 I. Curbside EVSE and associated equipment shall be sited and designed to maintain
22 required pedestrian access route clear widths and to comply with applicable accessibility guidelines
23 for facilities in the public right-of-way. Operable parts shall be reachable and usable by persons
24 with disabilities.

25 II. Cables shall not be placed across sidewalks or pedestrian routes. Where cables are
26 present, operators shall use integrated cable management or other methods that avoid creating
27 tripping hazards or reducing required clear widths.

28 III. Equipment shall be located outside of curb return radii, required sight triangles, fire
29 hydrant clearances, bus stops, and driveways, and guarded as necessary to protect equipment and
30 pedestrians without impeding the accessible route.

31 IV. The licensee shall maintain the EVSE and associated accessible features in operable
32 condition, including reasonable snow and ice removal from access aisles, operable parts, and
33 adjacent pedestrian routes identified in the license.

34 236:140 Parking Regulation and Enforcement.

35 I. A highway authority may by ordinance or order designate on-street parking spaces as
36 reserved for the charging of electric vehicles in connection with curbside EVSE, may restrict hours of

1 use, and may require that a vehicle occupying the space be connected and actively charging.
2 Violations may be enforced by ticketing and towing consistent with local ordinance.

3 II. Signage and markings for designated spaces shall conform to the Manual on Uniform
4 Traffic Control Devices and any state standards.

5 236:141 Consumer Disclosures and Payments.

6 I. An operator shall disclose pricing and any idle-fee policy at the point of sale and in any
7 associated application.

8 II. Requiring a compatible connector or cable for safety and access purposes shall not be
9 deemed a subscription or membership requirement for purposes of RSA 236:134, III, provided that
10 the operator offers a commercially reasonable means for any member of the public to obtain such
11 connector or cable without subscription and without discrimination.

12 236:142 Data and Reporting.

13 An operator of a public electric vehicle charging station shall disclose location and station
14 characteristics to the federal database operated by the United States Department of Energy's
15 Alternative Fuels Data Center and provide updates as needed, consistent with RSA 236:133, VI. A
16 highway authority may require non-personally identifiable uptime and utilization summaries as a
17 condition of license.

18 236:143 Relocation; Damage; Restoration.

19 I. A licensee shall, at its expense, relocate or remove curbside EVSE if required by the
20 highway authority for public safety or planned public works, upon reasonable notice as specified in
21 the license.

22 II. A licensee is responsible for any damage it or its contractors cause to the right-of-way
23 and shall restore the area to the condition required by the highway authority.

24 236:144 Rulemaking; Model Materials.

25 The department of transportation may adopt rules, and may publish model drawings, license
26 forms, and signage guidelines to assist highway authorities and applicants in implementing this
27 subdivision. Municipalities may adopt ordinances consistent with this subdivision.

28 2 New Paragraphs; Prohibitions and Restrictions. Amend RSA 236:134 by inserting after
29 paragraph III the following new paragraphs:

30 IV. A highway authority may designate that a parking space associated with an electric
31 vehicle charging station be used only while the vehicle is connected and actively charging, may set
32 time-of-day restrictions, and may establish and enforce idle-fee policies by ordinance.

33 V. For purposes of paragraph III, a requirement that a user employ a compatible connector
34 or cable to access an electric vehicle charging station shall not be deemed a subscription or
35 membership requirement, provided that the owner or operator offers a commercially reasonable
36 means for any member of the public to obtain such connector or cable without subscription and
37 without discrimination.

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1 3 Effective Date. This act shall take effect 60 days after its passage.

SB 628-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
<i>Revenue Fund(s)</i>	Highway Fund			
Expenditures*	\$0	Indeterminable		
<i>Funding Source(s)</i>	Highway Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Local Revenue	\$0	Indeterminable		
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill authorizes highway authorities (state or municipal) to license curbside electric vehicle charging devices in public rights-of-way, establishes procedures for adjacent host property electrical supply and reimbursement, clarifies enforcement and siting standards, and affirms that owners and operators of such charging devices are not public utilities.

Department of Transportation

The Department has provided the following assumptions relative to this bill:

- The following administrative tasks would be required to administer the licensing program.
 - License Application Reviews
 - Field Reviews
 - Excavation Permits
 - Final Inspections
 - ROW Use Agreement

- There is an unknown number of license applications that may be submitted.
- The Department may need to coordinate with the Federal Highway Administration (FHWA) Division Office relative to this bill. The NHDOT Utility Accommodation Manual does not include language for non-utility use of the State right-of-way for this purpose.
- The operator would need to enter into a ROW Use Agreement under 23 CFR 710.405.
- The bill doesn't state who is responsible for purchasing/installing signage and markings.
- There is an unknown number of license applications that may be submitted.
- Most of the charger installations would be in the sidewalk space adjacent to parking spaces. Nearly all sidewalks along state-maintained roadways are the responsibility of the municipality.

The Department states the cost to administer this program is indeterminable until a procedure and licensing fee are developed, or it is determined who would need to review/approve the submission/installation. Given the above assumptions, the State's role would be somewhat limited to ensuring the installations meet state and federal guideline/standards. The Department has provided a yearly fiscal impact estimate range for this bill between \$10,000 and \$100,000.

Department of Energy

The Department of Energy states this does not impact electricity rates and would not result in increased electricity costs for the State or county and local governments.

New Hampshire Municipal Association

The Association states that in municipalities that allow electric vehicle charging stations to be installed within or immediately adjacent to a public right-of-way, there may be a de minimis cost of less than \$10,000 associated with setting up and administering the application and permitting process. However, these costs may be offset by application and annual right-of-way occupancy fees.

AGENCIES CONTACTED:

Department of Transportation, Department of Energy, and New Hampshire Municipal Association