

Amendment - 1st Reading/2nd House-blue - Requested by: John Fitzpatrick - (S) Highways and Transportation

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.004.003

1 HOUSE BILL NO. 55
2 INTRODUCED BY D. LOGE, J. FITZPATRICK
3 BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TAX ON ELECTRIC VEHICLE CHARGING
6 STATIONS; PROVIDING FOR DEPARTMENT OF LABOR AND INDUSTRY INSPECTION; PROVIDING
7 RULEMAKING AUTHORITY; PROVIDING FOR INSTALLATION OF ELECTRIC METERS AND THE
8 REMITTANCE OF TAXES; REDUCING ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES FOR
9 MONTANA RESIDENTS WHEN THE TAX ON CHARGING GOES INTO EFFECT; PROVIDING THAT A
10 CHARGING STATION OWNER SHALL PROVIDE CERTAIN INFORMATION UPON REGISTRATION WITH
11 THE DEPARTMENT OF TRANSPORTATION; PROVIDING DEFINITIONS; AMENDING SECTION 69-8-803,
12 MCA; AND PROVIDING A ~~DELAYED~~ AN IMMEDIATE EFFECTIVE DATE AND DELAYED
13 IMPLEMENTATION DATES."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 NEW SECTION. Section 1. Definitions. As used in this part, unless the context clearly indicates
18 otherwise, the following definitions apply:

19 (1) "Charging station" means equipment ~~THAT IS NOT INSTALLED AT A RESIDENCE~~ WITH A RATED
20 CAPACITY GREATER THAN 25 KILOWATTS that is not installed at a residence that transfers electric current to the
21 power system of an electric vehicle and the real property in which the equipment is affixed, AND INCLUDES PUBLIC
22 CHARGING STATIONS AND PUBLIC LEGACY CHARGERS CHARGING STATIONS.

23 (2) "Charging station operator" means a person, firm, general partnership, limited partnership,
24 limited liability partnership, corporation, limited liability company, or other lawfully recognized business entity
25 that operates a PUBLIC charging station.

26 (3) "Public charging station" means a charging station that is a ~~for-profit~~ business using a metered
27 system to deliver electric current to an electric vehicle and charges the customer either for the electricity

Amendment - 1st Reading/2nd House-blue - Requested by: John Fitzpatrick - (S) Highways and Transportation

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.004.003

1 transferred or for the duration of time during which the transfer of electricity takes place.

2 (4) "Public legacy charger CHARGING STATION" means a public charging station operating before
3 July 1, 2023, that ~~never measured electricity transferred from the charging station to a vehicle or is incapable of~~
4 ~~measuring the time elapsed while actively charging a vehicle and placing a fee on the charging session~~ HAS
5 NEVER HAD A METERING SYSTEM IN PLACE CAPABLE OF MEASURING ELECTRICITY TRANSFERRED FROM THE CHARGING
6 STATION TO THE VEHICLE OR IS INCAPABLE OF MEASURING THE TIME ELAPSED WHILE ACTIVELY CHARGING A VEHICLE
7 AND PLACING A FEE ON THE CHARGING SESSION.

8 (5) "PUBLIC UTILITY" HAS THE MEANING AS DEFINED IN 69-3-101.

9
10 NEW SECTION. Section 2. Public charging station tax -- PUBLIC LEGACY charger CHARGING
11 STATION TAX -- REDUCTION OF ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES. (1) ~~There~~ EFFECTIVE JULY 1,
12 2025 2023, THERE is a tax of 3 cents a kilowatt hour or its equivalent IN ADDITION TO THE PUBLIC UTILITY'S
13 APPROVED RATE on the electric current used to charge or recharge the battery or batteries of an electric vehicle
14 at public charging stations INSTALLED AFTER JULY 1, 2023.

15 (2) EFFECTIVE JULY 1, 2028 2025, THERE IS A TAX OF 3 CENTS A KILOWATT HOUR OR ITS EQUIVALENT IN
16 ADDITION TO THE PUBLIC UTILITY'S APPROVED RATE ON THE ELECTRIC CURRENT USED TO CHARGE OR RECHARGE THE
17 BATTERY OR BATTERIES OF AN ELECTRIC VEHICLE AT PUBLIC LEGACY CHARGERS CHARGING STATIONS.

18 (2)(3) The tax authorized by this section is based on the rate of tax and electricity transferred during
19 the charging process, and it does not include any fees or charges associated with the method of payment for
20 the charging services.

21 (4) EFFECTIVE JULY 1, 2028, THE AMOUNT OF ANY ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEE
22 CHARGED BY THE STATE TO A RESIDENT ON AN ELECTRIC VEHICLE IS REDUCED BY 30%.

23
24 NEW SECTION. SECTION 3. INSTALLATION OF ELECTRIC METERS. (1) EFFECTIVE JULY 1, 2023, ALL NEW
25 PUBLIC CHARGING STATIONS MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY THE PUBLIC UTILITY
26 EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION THAT MEASURES ALL OF THE ELECTRICITY DELIVERED TO
27 THE PUBLIC CHARGING STATION. THE CHARGING STATION OWNER SHALL PAY THE COST OF METER INSTALLATION.

Amendment - 1st Reading/2nd House-blue - Requested by: John Fitzpatrick - (S) Highways and Transportation

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.004.003

1 (2) EFFECTIVE JULY 1, 2025, ALL PUBLIC CHARGING STATIONS AND PUBLIC LEGACY CHARGING STATIONS
2 INSTALLED PRIOR TO JULY 1, 2023, MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY THE PUBLIC UTILITY
3 EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING STATION THAT MEASURES
4 ALL OF THE ELECTRICITY DELIVERED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING STATION. THE
5 CHARGING STATION OWNER SHALL PAY THE COST OF METER INSTALLATION.

6 (3) EFFECTIVE JULY 1, 2028, ALL PUBLIC LEGACY CHARGING STATIONS MUST BE EQUIPPED WITH
7 METERING DEVICES CAPABLE OF ACCURATELY MEASURING THE AMOUNT OF ELECTRICITY BEING DELIVERED TO THE
8 MOTOR VEHICLE.

9 (4) IT IS THE PUBLIC CHARGING STATION OWNER'S RESPONSIBILITY TO COMPLY WITH THE PROVISIONS OF
10 THIS SECTION AND NOT THE DUTY OF THE PUBLIC UTILITY TO ENFORCE COMPLIANCE.

11
12 NEW SECTION. Section 4. ~~Public charging~~ CHARGING station rate disclosure. A charging station
13 operator shall disclose at the charging station site the rate for electric power transferred to an electric vehicle.

14
15 NEW SECTION. Section 5. Charging station operator statements and tax payment. (1) All public
16 legacy-chargers CHARGING STATIONS must be registered with the department of transportation 15-30 days after
17 [the effective date of this act].

18 (2) When registering the charging station with the department of transportation, the charging
19 station owner shall provide the following information:

20 (a) name, mailing address, telephone number, and e-mail address of the owner;

21 (b) street address for the physical location of the charging station;

22 (c) the charging station's rated capacity in terms of wattage, voltage, and amperage; and

23 (d) additional information as required by the department.

24 ~~(2)(3)~~ Public charging CHARGING stations that begin operation after [the effective date of this act] must
25 be registered with the department of transportation no later than 15-30 days after the first day of operation.

26 ~~(3)~~ — A EFFECTIVE JULY 1, 2025, A public charging station tax and required reports must be filed with
27 the department of transportation no later than the 25th day of the month following the month during which the

Amendment - 1st Reading/2nd House-blue - Requested by: John Fitzpatrick - (S) Highways and Transportation

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.004.003

1 charging for an electric vehicle occurred ~~AT INTERVALS REQUIRED BY THE DEPARTMENT.~~

2 (4) — Public charging stations are exempt from ~~EXACTING AND~~ remitting the tax levied in [section 2]
3 until July 1, 2025.

4 (5) — (A) Public ~~EXCEPT AS PROVIDED IN SUBSECTION (5)(B), PUBLIC~~ legacy chargers that have never
5 charged a fee for their use are exempt from ~~EXACTING AND~~ remitting the tax levied in [section 2] until July 1,
6 2025 ~~2028~~.

7 (B) — ~~THE DEPARTMENT OF TRANSPORTATION SHALL ADOPT RULES THAT ALLOW THE OWNER OF A PUBLIC
8 LEGACY CHARGER TO APPLY FOR AND RECEIVE AN EXEMPTION FROM SUBSECTION (5)(A) FOR A PERIOD OF TIME NOT TO
9 EXCEED 5 YEARS ON A SHOWING OF UNDUE ECONOMIC HARDSHIP.~~

10 ~~(3)(4)~~ (A) THE PUBLIC UTILITY SHALL COLLECT THE TAX LEVIED IN [SECTION 2] IN ITS MONTHLY INVOICE TO
11 THE PUBLIC CHARGING STATION OWNER AND REMIT THE PROCEEDS AS CALCULATED IN SUBSECTION ~~(3)(4)~~(B) TO THE
12 DEPARTMENT OF TRANSPORTATION WITHIN 30 DAYS FOLLOWING THE PRECEDING CALENDAR QUARTER WHEN THE TAX
13 WAS COLLECTED.

14 (B) THE PUBLIC UTILITY SHALL REMIT 2.75 CENTS FOR EACH KILOWATT HOUR OF ELECTRICITY SOLD TO A
15 CHARGING STATION OWNER TO THE DEPARTMENT OF TRANSPORTATION AND IS AUTHORIZED TO RETAIN 0.25 CENTS PER
16 KILOWATT HOUR TO COVER COSTS ASSOCIATED WITH COLLECTING THE TAX.

17 (C) THE PUBLIC UTILITY MAY CREATE A NEW CLASS OF CUSTOMERS FOR BILLING AT ITS DISCRETION
18 CONSISTING SOLELY OF PUBLIC CHARGING STATIONS.

19 (D) THE BILLING RATE FOR PUBLIC CHARGING STATIONS MUST INCLUDE THE TAX LEVIED IN [SECTION 2] IN
20 ADDITION TO THE PUBLIC UTILITY'S APPROVED RATE OR TARIFF.

21 (E) TAXES COLLECTED IN ACCORDANCE WITH THIS SECTION ARE NOT SUBJECT TO REVIEW OR APPROVAL
22 BY THE PUBLIC SERVICE COMMISSION.

23 ~~(4)(5)~~ THE DEPARTMENT OF TRANSPORTATION MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

24 ~~(6)(5)(6)~~ The revenue derived from [section 2] must be deposited in the highway restricted
25 account provided for in 15-70-126.

26
27 NEW SECTION. Section 5. — Authority to promulgate rules and regulations. (1) The department of

