

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 DEFINITIONS;  
10 AMENDING SECTION 69-8-803, MCA; AND PROVIDING A ~~DELAYED~~ AN IMMEDIATE A DELAYED  
11 EFFECTIVE DATE AND DELAYED IMPLEMENTATION DATES."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14  
15 NEW SECTION. Section 1. Definitions. As used in this part, unless the context clearly indicates  
16 otherwise, the following definitions apply:

17 (1) "Charging station" means equipment THAT IS NOT INSTALLED AT A RESIDENCE, owned by an  
18 association of real property owners including a homeowners' association as defined in 70-17-901, or WITH A  
19 RATED CAPACITY GREATER THAN 25 KILOWATTS that transfers electric current to the power system of an electric  
20 vehicle and the real property in which the equipment is affixed, AND INCLUDES PUBLIC CHARGING STATIONS AND  
21 PUBLIC LEGACY CHARGERS CHARGING STATIONS.

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

25 (3) "Public charging station" means a charging station that is a ~~for-profit~~ business using a metered  
26 system to deliver electric current to an electric vehicle and charges the customer either for the electricity  
27 transferred or for the duration of time during which the transfer of electricity takes place.

**Amendment - 1st Reading/2nd House-blue - Requested by: Mary Ann Dunwell - (S) Local Government**

68th Legislature

Drafter: Toni Henneman, 406-444-3593

HB0055.004.005

1 (4) "Public legacy charger CHARGING STATION" means a public charging station operating before  
2 July 1, ~~2023~~2028, that ~~never measured electricity transferred from the charging station to a vehicle or is~~  
3 ~~incapable of measuring the time elapsed while actively charging a vehicle and placing a fee on the charging~~  
4 ~~session~~ HAS NEVER HAD A METERING SYSTEM IN PLACE CAPABLE OF MEASURING ELECTRICITY TRANSFERRED FROM THE  
5 CHARGING STATION TO THE VEHICLE OR IS INCAPABLE OF MEASURING THE TIME ELAPSED WHILE ACTIVELY CHARGING A  
6 VEHICLE AND PLACING A FEE ON THE CHARGING SESSION.

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

8  
9 **NEW SECTION. SECTION 2. Public charging station tax -- PUBLIC LEGACY charger CHARGING**  
10 **STATION TAX -- REDUCTION OF ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES.** (1) There EFFECTIVE JULY 1,  
11 2025 ~~2023~~ 2028, THERE is a tax of 3 cents a kilowatt hour or its equivalent IN ADDITION TO THE PUBLIC UTILITY'S  
12 APPROVED RATE on the electric current used to charge or recharge the battery or batteries of an electric vehicle  
13 at public charging stations INSTALLED AFTER JULY 1, 20232028.

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

17 (2)(3) The tax authorized by this section is based on the rate of tax and electricity transferred during  
18 the charging process, and it does not include any fees or charges associated with the method of payment for  
19 the charging services.

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

22  
23 **NEW SECTION. SECTION 3. INSTALLATION OF ELECTRIC METERS.** (1) EFFECTIVE JULY 1, 2023 2028, ALL  
24 NEW PUBLIC CHARGING STATIONS MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY THE PUBLIC UTILITY  
25 EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION THAT MEASURES ALL OF THE ELECTRICITY DELIVERED TO  
26 THE PUBLIC CHARGING STATION. THE CHARGING STATION OWNER SHALL PAY THE COST OF METER INSTALLATION.

27 (2) EFFECTIVE JULY 1, 2025 2028, ALL PUBLIC CHARGING STATIONS AND PUBLIC LEGACY CHARGING

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1 STATIONS INSTALLED PRIOR TO JULY 1, ~~2023~~2028, MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY THE  
2 PUBLIC UTILITY EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING STATION  
3 THAT MEASURES ALL OF THE ELECTRICITY DELIVERED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING  
4 STATION. THE CHARGING STATION OWNER SHALL PAY THE COST OF METER INSTALLATION.

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

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

10  
11 NEW SECTION. Section 4. ~~Public charging~~ CHARGING station rate disclosure. A charging station  
12 operator shall disclose at the charging station site the rate for electric power transferred to an electric vehicle.

13  
14 NEW SECTION. Section 5. Charging station operator statements and tax payment. (1) All public  
15 ~~legacy chargers~~ CHARGING STATIONS must be registered with the department of transportation 15-30 days after  
16 [the effective date of this act].

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

19 (3) ~~A~~ EFFECTIVE JULY 1, 2025, A public charging station tax and required reports must be filed with  
20 the department of transportation no later than the 25th day of the month following the month during which the  
21 charging for an electric vehicle occurred AT INTERVALS REQUIRED BY THE DEPARTMENT.

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

24 (5) ~~(A) Public EXCEPT AS PROVIDED IN SUBSECTION (5)(B), PUBLIC~~ legacy chargers that have never  
25 charged a fee for their use are exempt from EXACTING AND remitting the tax levied in [section 2] until July 1,  
26 2025 2028.

27 (B) ~~THE DEPARTMENT OF TRANSPORTATION SHALL ADOPT RULES THAT ALLOW THE OWNER OF A PUBLIC~~

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1 industry may inspect the premises and equipment of any charging station operator to enforce compliance with  
2 this section.

3 (2) ~~— The department of labor and industry may:~~

4 (a) ~~— require third party testing and calibration of charging stations;~~

5 (b) ~~— assess charging station operator costs incurred by the department to enforce testing,~~  
6 ~~calibration, and inspection requirements; and~~

7 (c) ~~— promulgate rules to implement the provisions of this section and set fees necessary to carry out~~  
8 ~~the duties and responsibilities of this section, WHICH MUST BE REASONABLY RELATED TO THE ACTUAL COSTS TO THE~~  
9 ~~DEPARTMENT.~~

10

11 **Section 6.** Section 69-8-803, MCA, is amended to read:

12 **"69-8-803. Electric vehicle charging stations -- service entity requirements.** (1) A public utility  
13 may SHALL allow an electric vehicle charging station that meets the requirements in subsection (2) to be  
14 interconnected to its distribution system.

15 (2) A public utility may sell power to an entity to service electric vehicle charging stations that:

16 (a) procure power supplied by the public utility for the purpose of electric vehicle charging; and

17 (b) service electric vehicle charging stations within the public utility's service territory.

18 (3) Entities operating electric vehicle charging stations are not public utilities.

19 (4) ~~Charges pertaining to fueling electric vehicles may not be based on the cost of electricity."~~

20

21 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 6 5] are intended to be  
22 codified as an integral part of Title 45 69, chapter 70 3, and the provisions of Title 45 69, chapter 70 3, apply to  
23 [sections 1 through 6 5].

24

25 NEW SECTION. **Section 8. Effective date.** [This act] is effective January 1, 2025 ~~JULY 1, 2023~~ ON

26 PASSAGE AND APPROVAL July 1, 2028.

27

- END -