

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 A DELAYED 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 OR OWNED BY AN ASSOCIATION OF
21 REAL PROPERTY OWNERS INCLUDING A HOMEOWNERS' ASSOCIATION AS DEFINED IN 70-17-901 that transfers electric
22 current to the power system of an electric vehicle and the real property in which the equipment is affixed, AND
23 INCLUDES PUBLIC CHARGING STATIONS AND PUBLIC LEGACY CHARGERS CHARGING STATIONS.

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

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

1 STATIONS INSTALLED PRIOR TO JULY 1, 2023 2026, 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.

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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.

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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) WHEN REGISTERING THE CHARGING STATION WITH THE DEPARTMENT OF TRANSPORTATION, THE
18 CHARGING STATION OWNER SHALL PROVIDE THE FOLLOWING INFORMATION:

19 (A) NAME, MAILING ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF THE OWNER;

20 (B) STREET ADDRESS FOR THE PHYSICAL LOCATION OF THE CHARGING STATION;

21 (C) THE CHARGING STATION'S RATED CAPACITY IN TERMS OF WATTAGE, VOLTAGE, AND AMPERAGE; AND

22 (D) ADDITIONAL INFORMATION AS REQUIRED BY THE DEPARTMENT.

23 (2)(3) Public charging CHARGING stations that begin operation after [the effective date of this act] must
24 be registered with the department of transportation no later than 15-30 days after the first day of operation.

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

28 (4) Public charging stations are exempt from EXACTING AND remitting the tax levied in [section 2]

1 until July 1, 2025.

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

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

8 (3)(4) (A) THE PUBLIC UTILITY SHALL COLLECT THE TAX LEVIED IN [SECTION 2] IN ITS MONTHLY INVOICE TO
9 THE PUBLIC CHARGING STATION OWNER AND REMIT THE PROCEEDS AS CALCULATED IN SUBSECTION (3) (4)(B) TO THE
10 DEPARTMENT OF TRANSPORTATION WITHIN 30 DAYS FOLLOWING THE PRECEDING CALENDAR QUARTER WHEN THE TAX
11 WAS COLLECTED.

12 (B) THE PUBLIC UTILITY SHALL REMIT 2.75 CENTS FOR EACH KILOWATT HOUR OF ELECTRICITY SOLD TO A
13 CHARGING STATION OWNER TO THE DEPARTMENT OF TRANSPORTATION AND IS AUTHORIZED TO RETAIN 0.25 CENTS PER
14 KILOWATT HOUR TO COVER COSTS ASSOCIATED WITH COLLECTING THE TAX. and is authorized to retain 0.25 cents per
15 kilowatt hour to cover costs associated with the collecting the tax.

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

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

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

22 (4)(5) THE DEPARTMENT OF TRANSPORTATION MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

23 (6)(5)(6) The revenue derived from [section 2] must be deposited in the highway restricted
24 account provided for in 15-70-126.

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26 NEW SECTION. Section 5. — Authority to promulgate rules and regulations. (1) The department of
27 transportation shall promulgate rules to credit Montana residents for any tax collected under [section 2] but not
28 to exceed the total amount of registration fees ANY REGISTRATION FEE BASED ON THE WEIGHT for electric vehicles