

**Amendment - 1st Reading/2nd House-blue - Requested by: Christopher Pope - (H) Energy, Technology and Federal Relations**

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

SB0255.002.001

1 SENATE BILL NO. 255

2 INTRODUCED BY C. POPE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTRIC VEHICLE CHARGING STATION LAWS;  
5 ALLOWING ELECTRIC VEHICLE SERVICE PROVIDERS TO PURCHASE POWER FROM WHOLESALE  
6 MARKETS; AMENDING SECTIONS 69-8-801, 69-8-802, AND 69-8-803, MCA; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 69-8-801, MCA, is amended to read:

12 **"69-8-801. Definitions.** As used in this part, the following definitions apply:

13 (1) ~~"Electric vehicle charging station service provider" means a commercial charging station~~  
14 ~~including all required equipment for the provision of power and fueling of electric vehicles. the entity responsible~~  
15 ~~for operating one or more units of networked or nonnetworked electric vehicle supply equipment FOR THE~~  
16 ~~PROVISION OF COMMERCIAL CHARGING SERVICES. Operating includes but is not limited to:~~

17 ~~(a) sending commands or messages to networked electric vehicle supply equipment;~~

18 ~~(b) receiving commands or messages from networked electric vehicle supply equipment; or~~

19 ~~(c) providing billing, maintenance, reservations, or other services to networked or nonnetworked~~

20 ~~electric vehicle supply equipment.~~

21 ~~(2) "Entity" means any party procuring power for the commercial purpose of electric vehicle charging.~~

22 ~~(2) "Electric vehicle supply equipment" means the unit controlling the power supply to one or more~~  
23 ~~vehicles during a charging session.~~

24 ~~(3) "COMMERCIAL CHARGING SERVICES" MEANS CHARGING SERVICES AVAILABLE TO THE PUBLIC, BUT~~  
25 ~~DOES NOT INCLUDE PRIVATE RESIDENTIAL, PRIVATE MULTI-DWELLING, OR PRIVATE HOME CHARGING."~~

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27 **Section 2.** Section 69-8-802, MCA, is amended to read:

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1           **"69-8-802. Electric vehicle ~~charging stations~~ supply equipment -- rate approval.** (1) A public  
2 utility ~~may shall~~ provide electric service to an electric vehicle ~~charging station~~ supply equipment under a rate  
3 approved by the commission. A public utility ~~electing to provide such service shall apply to the commission for~~  
4 ~~an approved rate before agreeing to provide the service to a customer.~~

5           (2) Any rate for providing electric service to an electric vehicle ~~charging station~~ supply equipment  
6 must be designed by the commission to ~~fully recover from the electric charging station customer the full cost of~~  
7 ~~providing the service without subsidization from other customers or customer classes~~ consistent with Title 69,  
8 chapter 3, part 3.

9           (3) SUBSECTION (2) DOES NOT APPLY TO RATES CHARGED BY ELECTRIC VEHICLE SERVICE PROVIDERS NOT  
10 OTHERWISE SUBJECT TO 69-3-102, INCLUDING PUBLIC UTILITIES THAT RATE BASED ELECTRIC VEHICLE SUPPLY  
11 EQUIPMENT."

12

13           **Section 3.** Section 69-8-803, MCA, is amended to read:

14           **"69-8-803. Electric vehicle ~~charging stations~~ supply equipment -- service entity requirements.**

15 (1) A public utility ~~may shall~~ allow an electric vehicle ~~charging station~~ service provider that meets the  
16 requirements in subsection (2) to be interconnected to its distribution system.

17           (2) A public utility may sell power to an ~~entity~~ electric vehicle service provider to service electric  
18 vehicle ~~charging stations~~ supply equipment that:

19           (a) ~~procure~~ procures power supplied by the public utility for the purpose of electric vehicle  
20 charging; and

21           (b) ~~service~~ services electric vehicle ~~charging stations~~ supply equipment within the public utility's  
22 service territory.

23           (3) ~~Entities~~ Electric vehicle service providers operating electric vehicle ~~charging stations~~ supply  
24 equipment are not public utilities.

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

26           (4) Public utilities may operate as an electric vehicle service provider.

27           (5) An electric vehicle service provider may designate another entity to act as the electric vehicle