

1 SENATE BILL NO. 255

2 INTRODUCED BY C. POPE

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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."

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

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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:

28 **"69-8-802. Electric vehicle ~~charging stations~~ supply equipment -- rate approval.** (1) A public

1 utility ~~may shall~~ provide electric service to an electric vehicle ~~charging station~~ supply equipment under a rate  
2 approved by the commission. A public utility ~~electing to provide such service shall apply to the commission for~~  
3 ~~an approved rate before agreeing to provide the service to a customer.~~

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

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

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

13 **"69-8-803. Electric vehicle ~~charging stations~~ supply equipment -- ~~service entity~~ requirements.**

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

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

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

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

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

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

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

26 (5) An electric vehicle service provider may designate another entity to act as the electric vehicle  
27 service provider for the purposes of this chapter.

28 (6) A state agency or public utility is considered an electric vehicle service provider when it is

1 responsible for operating one or more units of electric vehicle supply equipment."

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3 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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