

1 HOUSE BILL NO. 60

2 INTRODUCED BY D. LOGE

3 BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ANNUAL FEE ON ELECTRIC VEHICLES
6 REGISTERED IN THE STATE; PROVIDING DEFINITIONS; AMENDING SECTION 15-70-126, MCA; AND
7 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

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

13 (1) "Class 1 vehicle" means a vehicle having an unladen gross weight of less than 6,000 pounds.

14 (2) "Class 2 vehicle" means a vehicle having an unladen gross weight of at least 6,000 pounds but
15 not more than 10,000 pounds.

16 (3) "Class 3 vehicle" means a vehicle having an unladen gross weight of greater than 10,000
17 pounds but not greater than 26,000 pounds.

18 (4) "Class 4 vehicle" means a vehicle having an unladen gross weight in excess of 26,000 pounds.

19 (5) (a) "Electric vehicle" means a vehicle that:

20 (i) is originally equipped with a 100%-electric motor that draws propulsion energy solely from a
21 battery with at least 20 kilowatt hours of capacity that can be recharged from an external source of electricity;

22 (ii) has at least four wheels; and

23 (iii) is manufactured primarily for use on public streets, roads, and highways.

24 (b) The term does not include:

25 (i) a low-speed electric vehicle; or

26 (ii) a medium-speed electric vehicle.

27 (6) "Plug-in hybrid electric vehicle" means a vehicle that:

28 (a) is originally equipped so that the vehicle draws propulsion from an internal combustion engine

1 and a battery with at least 5 kilowatt hours of capacity that can be recharged from an external source of
2 electricity;

3 (b) has at least four wheels; and

4 (c) is manufactured primarily for use on public streets, roads, and highways.

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6 **NEW SECTION. Section 2. Additional electric vehicle registration fees -- disposition.** In addition
7 to the registration fees required pursuant to the provisions of Title 61, chapter 3, at the time of initial and
8 renewal registration for an electric vehicle, there is an additional fee based on the weight of the electric vehicle
9 as provided:

10 (1) The annual registration fees for electric vehicles other than plug-in hybrid electric vehicles is as
11 follows:

12 (a) \$130 for class 1 vehicles;

13 (b) \$190 for class 2 vehicles;

14 (c) \$340 for class 3 vehicles; and

15 (d) \$1,100 for class 4 vehicles.

16 (2) The annual registration fees for plug-in hybrid electric vehicles is as follows:

17 (a) \$70 for class 1 vehicles;

18 (b) \$100 for class 2 vehicles;

19 (c) \$210 for class 3 vehicles; and

20 (d) \$700 for class 4 vehicles.

21 (3) The county treasurer or an authorized agent shall transmit the fees provided for in this section
22 to the state as provided in 15-1-504 for deposit to the credit of the department in the highway restricted account
23 provided for in 15-70-126.

24

25 **Section 3.** Section 15-70-126, MCA, is amended to read:

26 **"15-70-126. Highway restricted account.** (1) There is a highway restricted account in the state
27 special revenue fund provided for in 17-2-102. All interest and income earned on the account must, in
28 accordance with the provisions of 17-2-124, be deposited to the credit of the account and any unexpended

1 balance in the account must remain in the account.

2 (2) Subject to subsection (4) and 15-70-403(2), all revenue sources provided for in Article VIII,
3 section 6, of the Montana constitution must be deposited in the account, including but not limited to:

4 (a) all taxes collected under this chapter except as provided in 15-70-403(2)(b), (2)(c), (3)(b), and
5 (3)(c);

6 (b) taxes collected for improperly imported fuel as provided in 15-70-419;

7 (c) fees collected for temporary special fuel permits as provided in 15-70-456; ~~and~~

8 (d) GVW license fees as provided in 61-10-225 and 61-10-226; and

9 (e) electric vehicle registration fees as provided in [section 2].

10 (3) Except as provided in subsection (5), the money in the account is restricted and may be used
11 only for the purpose of providing funding:

12 (a) for statutory refunds and adjustments;

13 (b) for debt service on highway revenue bonds;

14 (c) to the department for distribution to local governments as provided in 15-70-101;

15 (d) to the department for railroad grade crossing protection as provided in 15-70-102;

16 (e) until June 30, 2018, to the department of justice for expenses of the motor vehicle division;

17 (f) for gasoline tax allocations as provided in 60-3-201;

18 (g) to the department for administration of the motor carrier services functions;

19 (h) to the department for the highways in this state selected and designated by the transportation
20 commission provided for in 2-15-2502;

21 (i) to the department for the collection of fuel taxes;

22 (j) for driver education, which may not exceed \$10,000; and

23 (k) for tourist promotion, which may not exceed \$10,000.

24 (4) (a) The portion of money collected from all revenue sources provided for in Article VIII, section
25 6, of the Montana constitution on hand at any time that is needed to pay highway bonds and interest on
26 highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and
27 interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be
28 deposited in the highway bond account in the debt service fund established by 17-2-102.

1 (b) The department is authorized to maintain a suspense account for gasoline and special fuel tax
2 refunds and adjustments.

3 (5) The money in the account may be appropriated for purposes other than those listed in
4 subsection (3) by a three-fifths vote of the members of each house of the legislature."
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6 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified
7 as an integral part of Title 61, chapter 3, part 5, and the provisions of Title 61, chapter 3, part 5, apply to
8 [sections 1 and 2].
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10 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2023.
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12 **NEW SECTION. Section 6. Applicability.** [This act] applies to applies to electric vehicles that must
13 be registered or reregistered after June 30, 2023.
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