

HOUSE BILL NO. 55

INTRODUCED BY D. LOGE

BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TAX ON ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR DEPARTMENT OF LABOR AND INDUSTRY INSPECTION; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; REDUCING ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES FOR MONTANA RESIDENTS WHEN THE TAX ON CHARGING GOES INTO EFFECT; AMENDING SECTION 69-8-803, MCA; AND PROVIDING A DELAYED AN EFFECTIVE DATE AND DELAYED IMPLEMENTATION DATES."

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

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

(1) "Charging station" means equipment that transfers electric current to the power system of an electric vehicle and the real property in which the equipment is affixed, AND INCLUDES PUBLIC CHARGING STATIONS AND PUBLIC LEGACY CHARGERS.

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

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

(4) "Public legacy charger" means a public charging station operating before July 1, 2023, that ~~never measured electricity transferred from the charging station to a vehicle or is incapable of measuring the time elapsed while actively charging a vehicle and placing a fee on the charging session~~ HAS NEVER HAD A METERING SYSTEM IN PLACE CAPABLE OF MEASURING ELECTRICITY TRANSFERRED FROM THE CHARGING STATION TO

1 THE VEHICLE OR IS INCAPABLE OF MEASURING THE TIME ELAPSED WHILE ACTIVELY CHARGING A VEHICLE AND PLACING A
2 FEE ON THE CHARGING SESSION.

3
4 NEW SECTION. Section 2. Public charging station tax -- PUBLIC LEGACY CHARGER TAX -- reduction
5 of additional electric vehicle registration fees. (1) ~~There~~ EFFECTIVE JULY 1, 2025, THERE is a tax of 3 cents a
6 kilowatt hour or its equivalent on the electric current used to charge or recharge the battery or batteries of an
7 electric vehicle at public charging stations.

8 (2) EFFECTIVE JULY 1, 2028, THERE IS A TAX OF 3 CENTS A KILOWATT HOUR OR ITS EQUIVALENT ON THE
9 ELECTRIC CURRENT USED TO CHARGE OR RECHARGE THE BATTERY OR BATTERIES OF AN ELECTRIC VEHICLE AT PUBLIC
10 LEGACY CHARGERS.

11 (2)(3) The tax authorized by this section is based on the rate of tax and electricity transferred during
12 the charging process, and it does not include any fees or charges associated with the method of payment for
13 the charging services.

14 (4) Effective July 1, 2028, the amount of any additional electric vehicle registration fee charged by
15 the state to a resident on an electric vehicle is reduced by 30%.

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17 NEW SECTION. Section 3. Public charging CHARGING station rate disclosure. A charging station
18 operator shall disclose at the charging station site the rate for electric power transferred to an electric vehicle.

19
20 NEW SECTION. Section 4. Charging station operator statements and tax payment. (1) All public
21 ~~legacy chargers~~ CHARGING STATIONS must be registered with the department of transportation ~~45-30~~ days after
22 [the effective date of this act].

23 (2) 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 ~~45-30~~ 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]