

HOUSE BILL NO. 55

INTRODUCED BY D. LOGE, J. FITZPATRICK

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 FOR INSTALLATION OF ELECTRIC METERS AND THE REMITTANCE OF TAXES; REDUCING ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES FOR MONTANA RESIDENTS WHEN THE TAX ON CHARGING GOES INTO EFFECT; PROVIDING THAT A CHARGING STATION OWNER SHALL PROVIDE CERTAIN INFORMATION UPON REGISTRATION WITH THE DEPARTMENT OF TRANSPORTATION; PROVIDING DEFINITIONS; AMENDING SECTION 69-8-803, MCA; AND PROVIDING A DELAYED ~~AN IMMEDIATE~~ A DELAYED- AN IMMEDIATE 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 IS NOT INSTALLED AT A RESIDENCE WITH A RATED CAPACITY GREATER THAN 25 KILOWATTS THAT IS NOT INSTALLED AT A RESIDENCE OR OWNED BY AN ASSOCIATION OF REAL PROPERTY OWNERS INCLUDING A HOMEOWNERS' ASSOCIATION AS DEFINED IN 70-17-901~~ 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~~ CHARGING STATIONS.

(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 PUBLIC 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

1 transferred or for the duration of time during which the transfer of electricity takes place.

2 (4) "Public legacy ~~charger~~ CHARGING STATION" means a public charging station operating before
3 July 1, 2023 ~~2026 2023~~, that ~~never measured electricity transferred from the charging station to a vehicle or is~~
4 ~~incapable of measuring the time elapsed while actively charging a vehicle and placing a fee on the charging~~
5 ~~session~~ HAS NEVER HAD A METERING SYSTEM IN PLACE CAPABLE OF MEASURING ELECTRICITY TRANSFERRED FROM THE
6 CHARGING STATION TO THE VEHICLE OR IS INCAPABLE OF MEASURING THE TIME ELAPSED WHILE ACTIVELY CHARGING A
7 VEHICLE AND PLACING A FEE ON THE CHARGING SESSION.

8 (5) "PUBLIC UTILITY" HAS THE MEANING AS DEFINED IN 69-3-101.

9
10 NEW SECTION. Section 2. Public charging station tax -- PUBLIC LEGACY charger CHARGING
11 STATION TAX -- REDUCTION OF ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES. (1) ~~There~~ EFFECTIVE JULY 1,
12 ~~2025 2023 2026 2023~~, THERE is a tax of 3 cents a kilowatt hour or its equivalent IN ADDITION TO THE PUBLIC
13 UTILITY'S APPROVED RATE on the electric current used to charge or recharge the battery or batteries of an electric
14 vehicle at public charging stations INSTALLED AFTER JULY 1, 2023 2026 2023.

15 (2) EFFECTIVE JULY 1, 2028 2025 2026 2025, THERE IS A TAX OF 3 CENTS A KILOWATT HOUR OR ITS
16 EQUIVALENT IN ADDITION TO THE PUBLIC UTILITY'S APPROVED RATE ON THE ELECTRIC CURRENT USED TO CHARGE OR
17 RECHARGE THE BATTERY OR BATTERIES OF AN ELECTRIC VEHICLE AT PUBLIC LEGACY ~~CHARGERS~~ CHARGING STATIONS.

18 (2)(3) The tax authorized by this section is based on the rate of tax and electricity transferred during
19 the charging process, and it does not include any fees or charges associated with the method of payment for
20 the charging services.

21 (4) EFFECTIVE JULY 1, 2028, THE AMOUNT OF ANY ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEE
22 CHARGED BY THE STATE TO A RESIDENT ON AN ELECTRIC VEHICLE IS REDUCED BY 30%.

23
24 NEW SECTION. SECTION 3. INSTALLATION OF ELECTRIC METERS. (1) EFFECTIVE JULY 1, 2023 2026
25 2023, ALL NEW PUBLIC CHARGING STATIONS MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY THE PUBLIC
26 UTILITY EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION THAT MEASURES ALL OF THE ELECTRICITY
27 DELIVERED TO THE PUBLIC CHARGING STATION. THE CHARGING STATION OWNER SHALL PAY THE COST OF METER
28 INSTALLATION.

1 (2) ~~EFFECTIVE JULY 1, 2025~~ 2026 2025, ALL PUBLIC CHARGING STATIONS AND PUBLIC LEGACY CHARGING
 2 STATIONS INSTALLED PRIOR TO JULY 1, ~~2023~~ 2026 2023, MUST HAVE AN ELECTRIC METER INSTALLED OR APPROVED BY
 3 THE PUBLIC UTILITY EXCLUSIVELY DEDICATED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING STATION
 4 THAT MEASURES ALL OF THE ELECTRICITY DELIVERED TO THE PUBLIC CHARGING STATION OR PUBLIC LEGACY CHARGING
 5 STATION. THE CHARGING STATION OWNER SHALL PAY THE COST OF METER INSTALLATION.

6 (3) ~~EFFECTIVE JULY 1, 2028~~, ALL PUBLIC LEGACY CHARGING STATIONS MUST BE EQUIPPED WITH
 7 METERING DEVICES CAPABLE OF ACCURATELY MEASURING THE AMOUNT OF ELECTRICITY BEING DELIVERED TO THE
 8 MOTOR VEHICLE.

9 (4) ~~IT IS THE PUBLIC CHARGING STATION OWNER'S RESPONSIBILITY TO COMPLY WITH THE PROVISIONS OF~~
 10 ~~THIS SECTION AND NOT THE DUTY OF THE PUBLIC UTILITY TO ENFORCE COMPLIANCE.~~

11
 12 NEW SECTION. Section 4. Public charging CHARGING station rate disclosure. A charging station
 13 operator shall disclose at the charging station site the rate for electric power transferred to an electric vehicle.

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 15 NEW SECTION. Section 5. Charging station operator statements and tax payment. (1) All public
 16 legacy-chargers CHARGING STATIONS must be registered with the department of transportation ~~15~~30 days after
 17 [the effective date of this act].

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

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

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

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

23 (D) ~~ADDITIONAL INFORMATION AS REQUIRED BY THE DEPARTMENT.~~

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

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

Amendment - 2nd Reading-yellow - Requested by: Daniel Salomon - (S) Committee of Whole

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.005.002

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NEW SECTION. Section 8. Effective date. [This act] is effective January 1, 2025 ~~JULY 1, 2023~~ ON

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~~PASSAGE AND APPROVAL~~ JULY 1, 2026 on passage and approval.

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- END -

AMEND