

1 HOUSE BILL NO. 55
2 INTRODUCED BY D. LOGE, J. FITZPATRICK
3 BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TAX ON ELECTRIC VEHICLE CHARGING
6 STATIONS; PROVIDING FOR DEPARTMENT OF LABOR AND INDUSTRY INSPECTION; PROVIDING
7 RULEMAKING AUTHORITY; PROVIDING FOR INSTALLATION OF ELECTRIC METERS AND THE
8 REMITTANCE OF TAXES; REDUCING ADDITIONAL ELECTRIC VEHICLE REGISTRATION FEES FOR
9 MONTANA RESIDENTS WHEN THE TAX ON CHARGING GOES INTO EFFECT; PROVIDING THAT A
10 CHARGING STATION OWNER SHALL PROVIDE CERTAIN INFORMATION UPON REGISTRATION WITH
11 THE DEPARTMENT OF TRANSPORTATION; PROVIDING THAT THE PUBLIC SERVICE COMMISSION
12 EXAMINE RATE REGULATION OF PUBLIC CHARGING STATIONS; PROVIDING DEFINITIONS;
13 AMENDING SECTION 69-8-803, MCA; AND PROVIDING A ~~DELAYED~~ AN IMMEDIATE A DELAYED
14 EFFECTIVE DATE AND DELAYED IMPLEMENTATION DATES."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
18 NEW SECTION. Section 1. Definitions. As used in this part, unless the context clearly indicates
19 otherwise, the following definitions apply:

20 (1) "Charging station" means equipment ~~THAT IS NOT INSTALLED AT A RESIDENCE WITH A RATED~~
21 CAPACITY GREATER THAN 25 KILOWATTS THAT IS NOT INSTALLED AT A RESIDENCE OR OWNED BY AN ASSOCIATION OF
22 REAL PROPERTY OWNERS INCLUDING A HOMEOWNERS' ASSOCIATION AS DEFINED IN 70-17-901 that transfers electric
23 current to the power system of an electric vehicle and the real property in which the equipment is affixed, AND
24 INCLUDES PUBLIC CHARGING STATIONS AND PUBLIC LEGACY ~~CHARGERS~~ CHARGING STATIONS.

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

Amendment - 2nd Reading-yellow - Requested by: Steve Fitzpatrick - (S) Committee of Whole

68th Legislature

Drafter: Julie Johnson, 406-444-4024

HB0055.005.003

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2 ~~NEW SECTION. Section 5. — Authority to promulgate rules and regulations.~~ (1) The department of
3 transportation shall promulgate rules to credit Montana residents for any tax collected under [section 2] but not
4 to exceed the total amount of registration fees ANY REGISTRATION FEE BASED ON THE WEIGHT for electric vehicles
5 paid by a taxpayer during the year in which the taxpayer claims the credit.

6 (2) — The department of transportation may promulgate rules and regulations to carry out the
7 purpose of [sections 1 through 6], INCLUDING RULES FOR REPORTING AND REMITTING THE TAX LEVIED IN [SECTION 2].
8

9 ~~NEW SECTION. Section 6. — Public charging station inspection.~~ (1) The department of labor and
10 industry may inspect the premises and equipment of any charging station operator to enforce compliance with
11 this section.

12 (2) — The department of labor and industry may:

13 (a) — require third party testing and calibration of charging stations;

14 (b) — assess charging station operator costs incurred by the department to enforce testing,
15 calibration, and inspection requirements; and

16 (c) — promulgate rules to implement the provisions of this section and set fees necessary to carry out
17 the duties and responsibilities of this section, WHICH MUST BE REASONABLY RELATED TO THE ACTUAL COSTS TO THE
18 DEPARTMENT.

19
20 ~~NEW SECTION. Section 6. Public service commission docket.~~ On or before September 1, 2023,
21 the public service commission shall open a docket to determine whether the owners of public charging stations
22 serving electric vehicles should be rate regulated as a public utility and subject to Title 69, chapter 3.

23
24 **Section 7.** Section 69-8-803, MCA, is amended to read:

25 **"69-8-803. Electric vehicle charging stations -- service entity requirements.** (1) A public utility
26 may SHALL allow an electric vehicle charging station that meets the requirements in subsection (2) to be
27 interconnected to its distribution system.