

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ELECTRIC
5 VEHICLES AND ELECTRIC VEHICLE CHARGING STATIONS; ESTABLISHING LOCAL GOVERNMENT
6 ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCEDURES; REQUIRING LOCAL
7 GOVERNMENTS TO ADOPT AN ORDINANCE OR RESOLUTION; PROVIDING FOR THE CREATION OF A
8 STATE ELECTRIC VEHICLE CHARGING STATION PERMITTING MODEL CODE; PROVIDING AN
9 OPPORTUNITY FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADMINISTER ELECTRIC
10 VEHICLE CHARGING STATION LOANS TO LOCAL GOVERNMENTS; PROVIDING AN APPROPRIATION;
11 PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTION 75-25-101,
12 MCA; AND PROVIDING AN EFFECTIVE DATE."

13

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

15

16 NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Montana Electric
17 Vehicle Infrastructure Act".

18

19 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context clearly
20 indicates otherwise, the following definitions apply:

21 (1) "Department" means the department of environmental quality provided for in 2-15-3501.

22 (2) "Electric vehicle charging station" means a commercial charging station, including all required
23 equipment for the provision of power to and fueling of electric vehicles.

24 (3) "Local government" means a municipality, a county, or a consolidated city-county government
25 with 20,000 or more residents with adopted building codes pursuant to 50-60-201.

26 (4) "Objective standard" means a standard that:

27 (a) is uniformly verifiable and ascertainable by reference to an available external or uniform
28 benchmark or criterion by the applicant and local government permitting agency staff prior to the applicant's

1 filing of an electric vehicle charging station permit application; and

2 (b) does not require local government permitting agency staff to make a subjective determination
3 concerning an electric vehicle charging station permit application.

4

5 NEW SECTION. **Section 3. Legislative findings.** (1) The legislature finds that:

6 (a) the transportation sector is a leading source of greenhouse gas emissions and pollution, and
7 vehicle electrification is a key component in reducing greenhouse gas emissions in the transportation sector;

8 (b) according to the United States department of energy, an electric vehicle produces an average
9 of less than one-fourth of the average emissions of a motor vehicle powered by an internal combustion engine
10 over its lifetime; and

11 (c) to comply with the state's duty to maintain and improve a clean and healthful environment in
12 Montana for present and future generations, as mandated in Article IX, section 9, of the Montana constitution,
13 the state needs to encourage the rapid deployment of a network for electric vehicle charging stations and other
14 infrastructure to support those electric vehicles.

15 (2) The legislature further finds that:

16 (a) it is in the best interest of Montanans and is a matter of mixed state and local concern to
17 facilitate the permitting of electric vehicle charging stations by streamlining the process for local governments to
18 approve permits for developing electric vehicle charging infrastructure; and

19 (b) more electric vehicle charging stations in the state will create jobs, increase spending at local
20 businesses, and bolster state and local commerce.

21

22 NEW SECTION. **Section 4. Electric vehicle charging station permit -- local government**

23 **permitting procedures and approval process -- reporting -- rulemaking.** (1) (a) On or before January 1,
24 2027, the governing body of a local government shall adopt one of the following:

25 (i) an ordinance or resolution to incorporate the same standards and permitting process as, or
26 less restrictive standards and a less restrictive permitting process than, the standards and permitting process
27 described in the electric vehicle charging station permitting model code developed by the department pursuant
28 to [section 5];

1 (ii) an ordinance or resolution that establishes objective standards and an administrative review
2 process to be used by a local government permitting agency during the local government's review of
3 applications for electric vehicle charging station permits in accordance with [section 6(1)]; or

4 (iii) an ordinance or resolution that establishes that the local government does not intend to adopt
5 an ordinance or resolution in accordance with subsection (1)(a)(i) or (1)(a)(ii) and that the local government
6 permitting agency will continue to utilize the local government's existing permitting review process for electric
7 vehicle charging station permit applications.

8 (b) An ordinance or resolution adopted by a local government pursuant to subsection (1)(a)(ii)
9 must be developed in consultation with the local government fire department or district, any public utilities
10 serving the local government, and other relevant stakeholders as determined by the local government.

11 (2) A local government that is subject to the requirements of subsection (1)(b) shall:

12 (a) on or before March 1, 2027, submit a report to the department describing the local
13 government's compliance with subsection (1)(b); and

14 (b) on or before January 1, 2028, submit a report to the department regarding each application for
15 an electric vehicle charging station permit that was received by the local government permitting agency
16 between December 31, 2026, and December 1, 2027. The report must include for each electric vehicle
17 charging station permit application received:

18 (i) the final determination made by the local government permitting agency; and

19 (ii) the duration between the date the electric vehicle charging station permit application was
20 received and deemed complete and the date the local government permitting agency made a final
21 determination on the application.

22 (3) (a) A local government that has adopted the electric vehicle charging station permitting model
23 code published pursuant to subsection [section 5] or adopted an ordinance or resolution in accordance with
24 subsection (1)(a)(ii) may be eligible for an alternative energy and electric vehicle charging station loan pursuant
25 to 75-25-101.

26 (b) The department shall encourage electric vehicle charging station installation projects at parks
27 operated by local governments and at schools, locations that provide sport or recreational opportunities, and
28 other locations deemed appropriate by the local government.

- 1 (4) The department shall adopt rules for:
- 2 (a) permitting model code procedures; and
- 3 (b) loan application processes and criteria.
- 4

5 NEW SECTION. **Section 5. Electric vehicle charging station permitting model code --**

6 **restrictions.** (1) On or before March 1, 2026, the department shall publish an electric vehicle charging station

7 permitting model code that contains guidelines for the adoption of electric vehicle charging station permit

8 standards and permitting processes for local governments.

9 (2) The electric vehicle charging station permitting model code published pursuant to subsection

10 (1) must be developed by the department in consultation with local governments, public utilities, and other

11 relevant stakeholders as determined by the department.

12 (3) The electric vehicle charging station permitting model code may not contravene federal, state,

13 or local government building codes and electric regulations.

14 (4) The electric vehicle charging station permitting model code may not contain required timelines

15 that a local government permitting agency must comply with for the review, approval, or denial of electric

16 vehicle charging station permit applications.

17

18 NEW SECTION. **Section 6. Review process for electric vehicle charging station permit**

19 **application -- written notice.** (1) (a) A local government permitting agency shall approve, conditionally

20 approve, or deny an application for an electric vehicle charging station permit using the local government's

21 administrative review process to determine whether the proposed electric vehicle charging station is in

22 compliance with the local government's objective standards.

23 (b) A local government permitting agency may not deny or place conditions on an application for

24 an electric vehicle charging station permit unless the denial or conditions are for the purpose of reasonably

25 protecting public health or safety.

26 (c) If a local government permitting agency denies an application for an electric vehicle charging

27 station permit, the local government permitting agency shall make written findings that the proposed electric

28 vehicle charging station would violate the local government's objective standards or would not be reasonably

1 protective of public health or safety and send those written findings to the applicant within 3 business days after
2 the date the application was denied.

3 (d) An applicant for an electric vehicle charging station permit that is denied a permit or has
4 conditions placed on the approval of a permit by a local government permitting agency may appeal the decision
5 to the governing body of the local government.

6 (e) The requirements of this subsection (1) do not apply to local governments that have adopted
7 the electric vehicle charging station permitting model code published pursuant to [section 5] or an ordinance or
8 resolution in accordance with [section 4(1)(a)(ii)].

9 (2) The department shall provide technical assistance to local governments to aid compliance with
10 the requirements of this section and provide training for local government permitting agency staff.

11 (3) Regardless of the type of ordinance or resolution adopted by a local government in accordance
12 with [section 4(1)], a local government permitting agency shall send notice to an applicant for an electric vehicle
13 charging station permit within 3 business days after the date the local government agency makes the
14 determination to approve, conditionally approve, or deny an application.

15

16 **Section 7.** Section 75-25-101, MCA, is amended to read:

17 **"75-25-101. Alternative energy and electric vehicle charging station revolving loan account. (1)**

18 There is a special revenue account called the alternative energy and electric vehicle charging station revolving
19 loan account to the credit of the department of environmental quality.

20 (2) The alternative energy and electric vehicle charging station revolving loan account consists of
21 money deposited into the account from air quality penalties from 75-2-401 and 75-2-413 and money from any
22 other source. Any interest earned by the account and any interest that is generated from a loan repayment
23 must be deposited into the account and used to sustain the program.

24 (3) Funds from the alternative energy and electric vehicle charging station revolving loan account
25 may be used to provide loans to individuals, small businesses, units of local government, units of the university
26 system, and nonprofit organizations for the purpose of installing electric vehicle charging stations pursuant to
27 [section 4] or building alternative energy systems, as defined in 15-32-102:

28 (a) to generate energy for their own use;

- 1 (b) for net metering as defined in 69-8-103; and
- 2 (c) for capital investments by those entities for energy conservation purposes, as defined in 15-32-
- 3 102, when done in conjunction with an alternative energy system.

- 4 (4) The amount of a loan may not exceed \$40,000, and the loan must be repaid within 10 years."

5

6 **NEW SECTION. Section 8. Appropriation.** There is appropriated \$100,000 from the general fund to

7 the department of environmental quality for the biennium beginning July 1, 2025, to be used to meet the

8 administrative requirements of [sections 1 through 6].

9

10 **NEW SECTION. Section 9. Codification instruction.** [Sections 1 through 6] are intended to be

11 codified as an integral part of Title 90, chapter 4, and the provisions of Title 90, chapter 4, apply to [sections 1

12 through 6].

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14 **NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 2025.

15 - END -