

1 SENATE BILL NO. 228

2 INTRODUCED BY D. LOGE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PUBLIC CHARGING STATIONS
5 FOR ELECTRIC VEHICLES; CLARIFYING PUBLIC CHARGING STATION TAX PROVISIONS; REVISING
6 ELECTRIC METER REQUIREMENTS; PROVIDING DEFINITIONS; AMENDING SECTIONS 15-70-801, 15-
7 70-802, 15-70-803, 15-70-804, AND 15-70-805, MCA; AND PROVIDING AN EFFECTIVE DATE."

8

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

10

11 **Section 1.** Section 15-70-801, MCA, is amended to read:

12 **"15-70-801. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
13 following definitions apply:

14 (1) "Charging station" means equipment with a rated capacity greater than 25 kilowatts that is not
15 installed at a residence or owned by an association of real property owners including a homeowners'
16 association as defined in 70-17-901 that transfers electric current to ~~the power system of an electric vehicle and~~
17 the real property ~~in to~~ which the equipment is affixed, and includes a public charging station ~~stations and public~~
18 ~~legacy charging stations.~~

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

22 (3) "Charging station owner" means the entity that is the public utility customer or a public utility
23 that owns a public charging station.

24 (3)(4) "Public charging station" means a charging station ~~that is a business using a metered system~~
25 ~~to deliver that delivers~~ electric current to an electric vehicle and charges the customer either for the electricity
26 transferred or for the duration of time during which the transfer of electricity takes place.

27 (4) ~~"Public legacy charging station" means a public charging station operating before July 1, 2023,~~
28 ~~that has never had a metering system in place capable of measuring electricity transferred from the charging~~

1 station to the vehicle or is incapable of measuring the time elapsed while actively charging a vehicle and
2 placing a fee on the charging session.

3 (5) "Public utility" has the same meaning as defined in 69-3-101."
4

5 **Section 2.** Section 15-70-802, MCA, is amended to read:

6 **"15-70-802. Public charging station tax -- ~~public legacy charging station tax~~ -- reduction of**
7 **additional electric vehicle registration fees.** (1) ~~Effective July 1, 2023, there~~ There is a tax of 3 cents a
8 kilowatt hour or its equivalent in addition to the public utility's approved rate on the electric current used to
9 charge or recharge the battery or batteries of an electric vehicle at public charging stations installed after July 1,
10 2023 on electricity delivered to a public charging station.

11 (2) ~~Effective July 1, 2025, there is a tax of 3 cents a kilowatt hour or its equivalent in addition to the~~
12 ~~public utility's approved rate on the electric current used to charge or recharge the battery or batteries of an~~
13 ~~electric vehicle at public legacy charging stations.~~

14 (3)(2) The tax authorized by this section is based on the rate of tax and electricity transferred during
15 the charging process, and it does not include any fees or charges associated with the method of payment for
16 the charging services in addition to the public utility's rate and measured at the utility's meter.

17 (4)(3) Effective July 1, 2028, the amount of any additional electric vehicle registration fee charged by
18 the state to a resident on an electric vehicle is reduced by 30%."
19

20 **Section 3.** Section 15-70-803, MCA, is amended to read:

21 **"15-70-803. Installation of electric meters.** (1) ~~Effective July 1, 2023, all new~~ All public charging
22 stations must have an a separate electric meter installed or approved by the public utility ~~exclusively dedicated~~
23 ~~to the public charging station~~ that measures all of the electricity delivered to the public charging station. The
24 charging station owner shall pay the cost of meter installation.

25 (2) ~~Effective July 1, 2025, all public charging stations and public legacy charging stations installed~~
26 ~~prior to July 1, 2023, must have an electric meter installed or approved by the public utility exclusively dedicated~~
27 ~~to the public charging station or public legacy charging station that measures all of the electricity delivered to~~
28 ~~the public charging station or public legacy charging station. The charging station owner shall pay the cost of~~

1 meter installation.

2 ~~(3) — Effective July 1, 2028, all public legacy charging stations must be equipped with metering~~
3 ~~devices capable of accurately measuring the amount of electricity being delivered to the motor vehicle.~~

4 ~~(4)(2) It is the public charging station owner's responsibility to comply with the provisions of this~~
5 ~~section and not the duty of the public utility to enforce compliance."~~

6

7 **Section 4.** Section 15-70-804, MCA, is amended to read:

8 **"15-70-804. Charging Public charging station rate disclosure.** A public charging station operator
9 shall disclose at the public charging station site the rate for electric power transferred to an electric vehicle."

10

11 **Section 5.** Section 15-70-805, MCA, is amended to read:

12 **"15-70-805. Charging station operator statements and tax payment -- rulemaking.** (1) All public
13 charging stations must be registered with the department of transportation no later than 30 days after May 19,
14 2023 the first day of operation.

15 (2) When registering the public charging station with the department of transportation, the public
16 charging station owner shall provide the following information:

17 (a) name, mailing address, telephone number, and e-mail address of the owner;

18 (b) street address for the physical location of the public charging station;

19 (c) the public charging station's rated capacity in ~~terms of wattage, voltage, and amperage~~
20 kilowatts; and

21 (d) additional information as required by the department.

22 ~~(3) — Charging stations that begin operation after May 19, 2023, must be registered with the~~
23 ~~department of transportation no later than 30 days after the first day of operation.~~

24 ~~(4)(3) (a) The public utility shall collect the tax levied in 15-70-802 in its monthly invoice to the public~~
25 ~~charging station owner and remit the proceeds as calculated in subsection (4)(b) (3)(b) to the department of~~
26 ~~transportation within 30 days following the preceding calendar quarter when the tax was collected.~~

27 (b) The public utility shall remit 2.75 cents for each kilowatt hour of electricity sold to a public
28 charging station owner to the department of transportation and is authorized to retain 0.25 cents per kilowatt

1 hour to cover costs associated with collecting the tax.

2 (c) The public utility may create a new class of customers for billing at its discretion consisting
3 solely of public charging stations.

4 (d) The billing rate for public charging stations must include the tax levied in 15-70-802 in addition
5 to the public utility's approved rate or tariff.

6 (e) Taxes collected in accordance with this section are not subject to review or approval by the
7 public service commission and are exempt from 69-3-305.

8 ~~(5)(4)~~ The department of transportation may adopt rules to implement this section.

9 ~~(6)(5)~~ The revenue derived from 15-70-802 must be deposited in the highway restricted account
10 provided for in 15-70-126."
11

12 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2025.

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