_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING ELECTRIC VEHICLE AND PLUG-IN HYBRID VEHICLE FEES; INCREASING THE TAX PER KILOWATT HOUR ON ELECTRICITY AT A PUBLIC CHARGING STATION; INCREASING REGISTRATION FEES FOR ELECTRIC AND PLUG-IN HYBRID VEHICLES; AMENDING SECTIONS 15-70-802, 15-70-805, 61-3-572, AND 61-3-573, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING A DELAYED EFFECTIVE DATE.”

WHEREAS, Montana's roadway and bridge infrastructure is funded primarily by fuel tax dollars on petroleum-based fuels; and

WHEREAS, electric vehicles do not consume petroleum-based fuel and therefore do not contribute to the fuel tax revenue that funds highway infrastructure maintenance; and

WHEREAS, plug-in hybrid vehicles have greater fuel efficiency than vehicles driven by internal combustion engines, allowing them to travel more miles on fewer gallons of petroleum-based fuel, and therefore contribute a smaller proportion to the fuel tax revenue that funds highway infrastructure maintenance.

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

Section 1. Section 15-70-802, MCA, is amended to read:

"**15-70-802. Public charging station tax.** (1) There is a tax of ~~3~~ 4.5 cents a kilowatt hour on electricity delivered to a public charging station.

(2) The tax authorized by this section is in addition to the public utility's rate and measured at the utility's meter."

Section 2. Section 15-70-805, MCA, is amended to read:

"**15-70-805. Public charging station operator statements and tax payment -- rulemaking.** (1) All public charging stations must be registered with the department of transportation no later than 30 days after the

first day of operation.

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

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

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

(c) the public charging station's rated capacity in kilowatts; and

(d) additional information as required by the department.

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

(b) The public utility shall remit ~~2.75~~ 4.25 cents for each kilowatt hour of electricity sold to a public charging station owner to the department of transportation and is authorized to retain 0.25 cents per kilowatt hour to cover costs associated with collecting the tax.

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

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

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

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

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

Section 3. Section 61-3-572, MCA, is amended to read:

"**61-3-572. Additional electric vehicle registration fees -- disposition.** In addition to the registration fees required pursuant to the provisions of Title 61, chapter 3, at the time of initial and renewal registration for an electric vehicle, there is an additional fee based on the weight of the electric vehicle as provided:

(1) The annual registration fees for electric vehicles other than plug-in hybrid electric vehicles ~~is~~

are as follows:

(a) ~~$130~~ $203 for class 1 vehicles;

(b) ~~$190~~ $296 for class 2 vehicles;

(c) ~~$340~~ $530 for class 3 vehicles; and

(d) ~~$1,100~~ $1,716 for class 4 vehicles.

(2) The annual registration fees for plug-in hybrid electric vehicles ~~is~~ are as follows:

(a) ~~$70~~ $105 for class 1 vehicles;

(b) ~~$100~~ $135 for class 2 vehicles;

(c) ~~$210~~ $245 for class 3 vehicles; and

(d) ~~$700~~ $735 for class 4 vehicles.

(3) The county treasurer or an authorized agent shall transmit the fees provided for in this section to the state as provided in 15-1-504 for deposit to the credit of the department in the highway restricted account provided for in 15-70-126."

Section 4. Section 61-3-573, MCA, is amended to read:

"**61-3-573. Gross vehicle weight permanent registration fee -- electric vehicles -- plug-in hybrid electric vehicles.** (1) The permanent registration fee for an electric vehicle is based on unladen gross weight as follows:

(a) for a class 1 vehicle, ~~$260~~ $406;

(b) for a class 2 vehicle, ~~$380~~ $592.

(2) The permanent registration fee for a plug-in hybrid electric vehicle is based on gross vehicle weight as follows:

(a) for a class 1 vehicle, ~~$140~~ $210;

(b) for a class 2 vehicle, ~~$200~~ $270."

NEW SECTION. **Section 5. Contingent voidness.** (1) If the federal government establishes a tax or fee on electric vehicles or plug-in hybrid vehicles that results in the state of Montana receiving reimbursement in an amount equal to or more than the fee increases provided for in [this act], then [this act] is void on the date

that the code commissioner is notified of the contingency.

(2) The director of the department of transportation shall notify the code commissioner within 14 days of the occurrence of the contingency described in subsection (1).

NEW SECTION. **Section 6. Effective date.** [This act] is effective January 1, 2028.

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