

HOUSE BILL No. 2455

By Committee on Energy and Utilities

1-17

1 AN ACT concerning utilities; creating the electricity highway fee.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) As used in this section:

- 5 (1) "Commission" means the state corporation commission;
- 6 (2) "light duty plug-in electric vehicle" means any light duty battery
7 electric or plug-in hybrid electric vehicle; and
- 8 (3) "motor vehicle electric recharge location" means any
9 device or infrastructure that supplies electricity for the recharging of any
10 light duty plug-in electric vehicle.

available to the
public

11 (b) There is hereby imposed an electricity highway fee on electricity
12 sold at a motor vehicle electric recharge location ~~to be assessed or
13 after January 1, 2016 and remitted by the retail seller. If the recharge
14 location is located in a residential home or other privately owned building,
15 the fee shall be collected and remitted by the retail provider. If the recharge
16 location is located in a public area, including, but not limited to, public
17 parking lots, hotels or corporate office buildings, the fee shall be collected
18 and remitted by an electric retailer. The amount of such fee shall be
19 determined by the department of transportation and approved by the
20 commission and shall be comparable to the motor fuel tax established in
21 K.S.A. 79-3401 et seq., and amendments thereto.~~

Section 1. The department of
transportation is directed to organize
a discussion with the public and all
interested stakeholders about the
long-term feasibility of relying on the
motor fuel tax as the primary
mechanism of funding the state's
highway maintenance and
construction program and as the
major contributor of state aid to local
government transportation budgets.
The department is to report its
findings and policy recommendations
to the governor and the legislature by
January 1, 2014.
And renumbering the remaining
sections accordingly

22 (c) All the moneys collected for the electricity highway fee by any
23 person or entity that owns, controls, operates or manages a motor vehicle
24 electric recharge location shall be remitted to the department of revenue on
25 a quarterly basis. The director of the department of revenue shall remit all
26 such fees to the state treasurer in accordance with the provisions of K.S.A.
27 75-4215, and amendments thereto. Upon receipt of each such remittance,
28 the state treasurer shall deposit the entire amount in the state treasury. The
29 state treasurer shall credit such amount as the director shall order in the
30 motor-vehicle fuel tax refund fund to be used for the purpose of paying
31 motor-vehicle fuel tax refunds as provided by law. The state treasurer shall
32 credit the remainder of such amounts as follows: To the state highway fund
33 amounts specified in K.S.A. 79-34.142, and amendments thereto, to a
34 special city and county highway fund amounts specified in K.S.A. 79-
35 34.142, and amendments thereto, to be apportioned and distributed in the
36 manner provided in K.S.A. 79-3425c, and amendments thereto, and to the

Nothing in this act shall be construed as
to require the installation of a public
recharge station. Any determination of
whether a recharge location will be
available to the public shall be made by
the property owner.

1 current production account and the new production account of the Kansas
2 qualified agricultural ethyl alcohol producer incentive fund in the amount
3 and in the manner specified in K.S.A. 79-34,161, and amendments thereto,
4 to be expended in the manner provided in K.S.A. 79-34,162, and
5 amendments thereto.

6 (d) Any person or entity that owns, controls, operates or manages a
7 motor vehicle electric recharge location shall not be considered a public
8 utility within the meaning of K.S.A. 66-104, and amendments thereto,
9 solely because of that ownership, control, operation or management.

10 (e) Any person or entity that furnishes electricity to a motor vehicle
11 electric recharge location; ~~whether in a residential or commercial location;~~
12 shall provide a separate electric meter for each recharge location to
13 measure the electricity furnished for use in a light duty plug-in electric
14 vehicle or shall provide a master meter for multiple electric vehicle
15 recharge devices at the same location. Any person or entity that owns,
16 controls, operates or manages a motor vehicle electric recharge location
17 shall not charge any surcharge for the installation, maintenance or any
18 other purpose related to the use of a separate electric meter. The furnishing
19 of electricity, by any person, entity or public utility, to a person or entity
20 for use in a light duty plug-in electric vehicle; ~~whether in a residential or~~
21 ~~commercial location;~~ is a retail sale of electricity and shall not be
22 construed as a sale for resale.

23 (f) The commission shall not regulate or prescribe the rates, charges
24 and fees for the provision of electricity for a motor vehicle electric
25 recharge location furnished by persons other than public utilities except for
26 the electricity highway fee pursuant to subsection (b). Sales of electricity
27 by public utilities to persons who are not public utilities and that provide
28 electricity at a motor vehicle electric recharge location shall continue to be
29 regulated by the commission to the same extent as are other services
30 provided by public utilities. The commission is authorized to adopt rules
31 and regulations necessary to effectuate the provisions of this act.

32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the statute book.
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