

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 device or
9 infrastructure that supplies electricity for the recharging of any light duty
10 plug-in electric vehicle.

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

21 (c) All the moneys collected for the electricity highway fee by any
22 person or entity that owns, controls, operates or manages a motor vehicle
23 electric recharge location shall be remitted to the department of revenue on
24 a quarterly basis. The director of the department of revenue shall remit all
25 such fees to the state treasurer in accordance with the provisions of K.S.A.
26 75-4215, and amendments thereto. Upon receipt of each such remittance,
27 the state treasurer shall deposit the entire amount in the state treasury. The
28 state treasurer shall credit such amount as the director shall order in the
29 motor-vehicle fuel tax refund fund to be used for the purpose of paying
30 motor-vehicle fuel tax refunds as provided by law. The state treasurer shall
31 credit the remainder of such amounts as follows: To the state highway fund
32 amounts specified in K.S.A. 79-34,142, and amendments thereto, to a
33 special city and county highway fund amounts specified in K.S.A. 79-
34 34,142, and amendments thereto, to be apportioned and distributed in the
35 manner provided in K.S.A. 79-3425c, and amendments thereto, and to the
36 current production account and the new production account of the Kansas

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

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

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

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

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

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