

HOUSE BILL No. 2455

By Committee on Energy and Utilities

1-17

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

2  
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. ~~At 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

to be assessed on  
and after January  
1, 2016

1 qualified agricultural chyl 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.  
33

submeter  
such residential location

Any person or entity that furnished electricity to a motor vehicle recharge location in a commercial location shall provide a separate electric meter for each recharge location to measure the electricity furnished for use in a light duty plug-in electric vehicle  
or submeter