Session of 2025

HOUSE BILL No. 2003

By Representative Rhiley

1-10

AN ACT concerning taxation; relating to electric vehicles; establishing the EV energy equity road repair tax act and providing for a road repair tax on the distribution of electricity from public charging stations.

WHEREAS, Battery-powered electric vehicles are expected to account for 20% of global light-vehicle sales in 2025 and 59% of sales in 2035; and

WHEREAS, Just over 50% of passenger cars sold in the United States will be electric vehicles by 2030, according to a report from Bloomberg NEF; and

WHEREAS, About 45% of new car sales could be electric by 2035, according to IHS Markit.

Now, therefore:

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

Section 1. (a) This section shall be known and may be cited as the EV energy equity road repair tax act (EVEERRT act).

(b) As used in this section:

(1) "Electric vehicle" means any vehicle that is an:

(A) All-electric vehicle; or

(B) electric hybrid or plug-in electric hybrid vehicle.

(2) "Kilowatt-hour" means a unit of energy equal to one kilowatt of power sustained for one hour or 3,600 kilojoules.

(3) "Public charging station" means any device or infrastructure that supplies electricity to the public for the charging of an electric vehicle. "Public charging station" does not include such a device or infrastructure located at a primary residence.

(4) "Road repair tax" means the tax on energy used in electric vehicle operations on state highways and is intended to fund road construction and repair as would otherwise be provided for in the motor fuel tax law pursuant to K.S.A. 79-3402, and amendments thereto.

(c) There is hereby imposed a road repair tax on electricity distributed at a public charging station location. The tax shall be imposed regardless of whether the public charging station charges for the electricity or provides the electricity for free. The road repair tax shall be equal to $0.09 per kilowatt-hour, or portion thereof, of electricity provided to an electric vehicle at a public charging station. The owner of the public charging

station shall collect and remit the road repair tax imposed pursuant to this section to the director of taxation. The owner of the public charging station shall be entitled to charge and collect an amount equal to the road repair tax as part of the selling price.

(d) The director of taxation shall remit all taxes collected under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund.

(e) The provisions of K.S.A. 79-3464d, and amendments thereto, concerning the liability for the owner for the collection or payment of the motor vehicle or special fuel taxes are hereby adopted for the purpose relating to liability for the collection or payment of the road repair tax, to the extent practicable.

(f) The secretary of revenue shall adopt rules and regulations establishing the criteria and procedures for the licensing of public charging stations and reporting by such public charging stations of the energy provided.

(g) (1) The owner of a public charging station shall:

(A) Render the road repair tax to the director of taxation at the director's office, within the time required by the director, under rules and regulations adopted by the director; and

(B) keep and maintain for a period of three years, or make fully and freely accessible during business hours to the director, the director's deputy or agent, all books, papers and records required by this act to be kept and maintained and so made accessible.

(2) Violation of paragraph (1) involving failure, neglect or refusal to render the road repair tax to the director of taxation is an unclassified misdemeanor punishable by a fine of $25 per kilowatt-hour of energy that such tax is found to not have been remitted to the department of revenue pursuant to this section, imprisonment in the county jail for not less than 30 days nor more than one year, or both such fine and imprisonment.

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