

HOUSE BILL No. 2451

By Committee on Transportation

1-16

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

11 (b) On and after January 1, 2016, there is hereby imposed an
12 electricity highway fee on electricity sold at any motor vehicle electric
13 recharge location in this state. The amount of such fee shall be determined
14 by the department of transportation and approved by the commission and
15 shall be comparable to the motor fuel tax established in K.S.A. 79-3401 et
16 seq., and amendments thereto.

17 (c) All the moneys collected for the electricity highway fee by any
18 person or entity that owns, controls, operates or manages a motor vehicle
19 electric recharge location shall be remitted to the department of revenue on
20 a quarterly basis. The secretary of the department of revenue shall remit all
21 such fees to the state treasurer in accordance with the provisions of K.S.A.
22 75-4215, and amendments thereto. Upon receipt of each such remittance,
23 the state treasurer shall deposit the entire amount in the state treasury. The
24 state treasurer shall credit such amount as the secretary shall order in the
25 motor-vehicle fuel tax refund fund to be used for the purpose of paying
26 motor-vehicle fuel tax refunds as provided by law. The state treasurer shall
27 credit the remainder of such amounts as follows: To the state highway fund
28 amounts specified in K.S.A. 79-34,142, and amendments thereto; to a
29 special city and county highway fund amounts specified in K.S.A. 79-
30 34,142, and amendments thereto, to be apportioned and distributed in the
31 manner provided in K.S.A. 79-3425c, and amendments thereto; and to the
32 current production account and the new production account of the Kansas
33 qualified agricultural ethyl alcohol producer incentive fund in the amount
34 and in the manner specified in K.S.A. 79-34,161, and amendments thereto,
35 to be expended in the manner provided in K.S.A. 79-34,162, and
36 amendments thereto.

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

5 (e) (1) Any person or entity that furnishes electricity to a motor
6 vehicle electric recharge location in a residential location, shall provide a
7 submeter for each recharge location at such residential location to measure
8 the electricity furnished for use in a light duty plug-in electric vehicle. Any
9 person or entity that furnishes electricity to a motor vehicle recharge
10 location in a commercial location shall provide a separate electric meter
11 for each recharge location to measure the electricity furnished for use in a
12 light duty plug-in electric vehicle or shall provide a master meter for
13 multiple electric vehicle recharge devices at the same location.

14 (2) An electric utility may recover the costs of providing any electric
15 meters pursuant to this section over a period of 12 months. Any person or
16 entity that owns, controls, operates or manages a motor vehicle electric
17 recharge location may, over a period of 12 months, collect the costs
18 associated with providing submeters. Commercial customers may elect to
19 use submeters or a master meter to calculate the appropriate motor fuel
20 equivalent funds to be assessed for the applicable motor vehicle electric
21 recharge locations.

22 (3) Any person or entity that owns, controls, operates or manages a
23 motor vehicle electric recharge location shall not charge any surcharge,
24 beyond the cost recovery authorized by this section, for the installation,
25 maintenance or any other purpose related to the use of a separate electric
26 meter or submeter.

27 (4) The furnishing of electricity, by any person, entity or public
28 utility, to a person or entity for use in a light duty plug-in electric vehicle,
29 whether in a residential or commercial location, is a retail sale of
30 electricity and shall not be construed as a sale for resale.

31 (f) The commission shall not regulate or prescribe the rates, charges
32 and fees for the provision of electricity for a motor vehicle electric
33 recharge location furnished by persons other than public utilities except for
34 the electricity highway fee pursuant to subsection (b). Sales of electricity
35 by public utilities to persons who are not public utilities and that provide
36 electricity at a motor vehicle electric recharge location shall continue to be
37 regulated by the commission to the same extent as are other services
38 provided by public utilities. The commission shall determine the
39 compensation rate to credit to owners of electric vehicles for the electricity
40 used by a utility by discharging electricity from the vehicle's batteries to
41 the electric system to provide peak power or any form of grid stabilization
42 or ancillary service. The commission is authorized to adopt rules and
43 regulations necessary to effectuate the provisions of this act.

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