

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 600

By: Rader of the Senate

and

6 Hilbert of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to revenue and taxation; amending
11 Sections 4 and 8 of Enrolled House Bill No. 2234 of
12 the 1st Session of the 58th Oklahoma Legislature,
13 which relate to the Driving on Road Infrastructure
14 with Vehicles of Electricity (DRIVE) Act of 2021;
15 providing certain exemptions to tax; providing
16 certain methodology for calculation of equivalent
17 measurement; providing certain exemptions to certain
18 registration; modifying certain registration
19 requirement; expanding qualifying categories of
20 metering systems; providing an effective date; and
21 providing for conditional effect.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY Section 4 of Enrolled House Bill
24 No. 2234 of the 1st Session of the 58th Oklahoma Legislature, is
amended to read as follows:

Section 4. A. There is hereby imposed a tax of three cents
(\$0.03) per kilowatt hour or its equivalent, as determined by the

1 Oklahoma Tax Commission, on the electric current used to charge or
2 recharge the battery or batteries of an electric vehicle. The tax
3 shall be levied beginning January 1, 2024.

4 B. The amount of tax prescribed or authorized by this section
5 shall not include any fees or charges associated with the method for
6 payment for the charging service, but shall be based only upon the
7 rate of tax and the electricity transferred during the charging
8 process.

9 C. The tax imposed pursuant to this section shall not be
10 applicable to electric vehicles charged at a private residence at
11 which the owner or occupant of the residence uses electric power
12 paid for by the owner or occupant of the residence which is supplied
13 to the residence by a regulated public utility, an electric
14 cooperative or other wholesale level of electric supply, whether or
15 not supplemented by electric power produced by the owner or occupant
16 using solar energy or other methods to provide electric power to the
17 residence.

18 D. The tax imposed pursuant to this section shall not be
19 applicable to electric vehicles charged at charging stations with a
20 charging capacity of less than fifty (50) kilowatts and charging
21 stations that do not require payment for use.

22 E. In order to determine an equivalent measurement as required
23 in subsection A of this section, the Oklahoma Tax Commission shall
24 promulgate rules that allow businesses, based on the average cost

1 that such business charged customers at the business's charging
2 stations in the preceding year, to charge the tax on a percentage
3 basis equivalent to the amount of tax that would otherwise have been
4 charged had the rate provided in subsection A of this section been
5 applied in the preceding year. The percentage basis equivalent
6 shall be recalculated annually in conjunction with the Oklahoma Tax
7 Commission. Businesses with multiple charging station locations in
8 the state shall be authorized to utilize the same percentage basis
9 equivalent at all such locations.

10 SECTION 2. AMENDATORY Section 8 of Enrolled House Bill
11 No. 2234 of the 1st Session of the 58th Oklahoma Legislature, is
12 amended to read as follows:

13 Section 8. A. ~~All~~ Except for charging stations with a charging
14 capacity of less than fifty (50) kilowatts, and charging stations
15 that do not require payment for use, all charging stations in
16 operation prior to the effective date of this act shall register
17 with the Oklahoma Tax Commission not later than January 31, 2024.
18 The Oklahoma Tax Commission shall provide or make available updated
19 registration information to the Oklahoma Corporation Commission.

20 B. For a charging station which requires payment for its use
21 and begins operations for the first time on or after November 1,
22 2021, the charging station owner or operator shall register with the
23 Oklahoma Tax Commission not later than fifteen (15) days after the
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1 date as of which the first business operations at the station site
2 begin or by January 31, 2024, whichever is later.

3 C. Any public charging station for an electric vehicle
4 constructed or which begins operations for the first time on or
5 after November 1, 2021, shall use a metering system that is capable
6 of imposing the cost for the charging service using a unit per
7 kilowatt hour or ~~a comparable~~ an equivalent measurement as
8 determined by the Tax Commission, such as time elapsed while
9 charging and the charging capacity of the charging station, or such
10 as the process described in subsection E of Section 1 of this act.

11 The metering system shall include a system by which an audit of the
12 electricity supplied through the system may be performed to
13 determine the amount of electricity transferred to a customer and
14 the cost charged by the charging station owner or operator for each
15 unit of electricity transferred.

16 D. The Oklahoma Tax Commission shall have the authority to
17 inspect the premises and equipment of any charging station owner or
18 operator to enforce compliance with the provisions of this section.

19 E. If a charging station owner or operator fails to remit the
20 tax as required by the provisions of this act, the Oklahoma Tax
21 Commission shall begin proceedings to terminate the charging station
22 owner or operator license to do business for failure to remit in the
23 same manner as prescribed by law for failure to remit sales tax.

24 SECTION 3. This act shall become effective November 1, 2021.

SECTION 4. The provisions of this act shall be contingent upon the enactment of the provisions of Enrolled House Bill No. 2234 of the 1st Session of the 58th Oklahoma Legislature and shall not become operative as law otherwise.

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