

An Act

ENROLLED SENATE
BILL NO. 1587

By: Hall of the Senate

and

Hill and Deck of the House

An Act relating to the Oklahoma Electric Vehicle Charging Act; amending Sections 2, 3 and 5, Chapter 330, O.S.L. 2023 (17 O.S. Supp. 2023, Sections 160.32, 160.33, and 160.35), which relate to definitions and electric vehicle charging providers; modifying definitions; defining terms; conforming language; construing provisions; updating statutory references; updating statutory language; providing for codification; and providing an effective date.

SUBJECT: Oklahoma Electric Vehicle Charging Act

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

SECTION 1. AMENDATORY Section 2, Chapter 330, O.S.L. 2023 (17 O.S. Supp. 2023, Section 160.32), is amended to read as follows:

Section 160.32. As used in ~~this act~~ the Oklahoma Electric Vehicle Charging Act:

1. "Commission" means the Corporation Commission;

2. "Direct current fast charging station" means an electric vehicle charging system capable of delivering electricity at a minimum of fifty (50) kilowatts direct current to an electric vehicle's rechargeable battery at a minimum voltage of two hundred (200) volts;

3. "Electric cooperative" means an electric cooperative corporation organized under Section 437.1 of Title 18 of the Oklahoma Statutes that provides electric service to the public;

4. "Electric vehicle" means a 100%-electric or plug-in hybrid electric motor vehicle with the following characteristics:

- a. a 100%-electric motor vehicle originally equipped so that the vehicle:
 - (1) draws propulsion energy solely from a battery with at least twenty (20) kilowatt hours of capacity, which can be recharged from any external source of electricity,
 - (2) is manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated exclusively on a rail or rails, ~~and~~
 - (3) is capable of being powered by an electric motor drawing current from fuel cells, and
 - (4) which has at least four wheels,
- b. a plug-in hybrid electric motor vehicle which is originally equipped so that the vehicle:
 - (1) draws propulsion energy from:
 - (a) an internal combustion engine, and
 - (b) a battery with at least five (5) kilowatt hours of capacity, which can be recharged from an external source of electricity,
 - (2) is manufactured primarily for use on public streets, roads and highways, but does not include a vehicle operated exclusively on a rail or rails, and

(3) ~~which~~ has at least four wheels, and

- c. for purposes of this paragraph, the term ~~"electric vehicle"~~ electric vehicle does not include a vehicle that is manufactured primarily for off-road use and that has a maximum speed of thirty (30) miles per hour or less;

5. "Electric vehicle charging provider" means the owner of an electric vehicle charging station operating in a retail electric supplier's designated service area;

6. "Fuel cell" means a cell that converts the chemical energy of hydrogen directly into electricity through electrochemical reactions;

7. "Hydrogen fueling station" means any equipment that dispenses hydrogen into a motor vehicle or electric vehicle powered by a fuel cell;

8. "Make-ready infrastructure" means the electrical infrastructure required to service an electric vehicle charging station's electrical load on the retail electric supplier's or municipal corporation's side of the electric meter, but shall not include an electric vehicle charging station;

~~7.~~ 9. "Retail electric supplier" means any person, firm, corporation, association, electric cooperative, or beneficial trusts thereof engaged in the furnishing of retail electric service not to include municipal corporations; and

~~8.~~ 10. "Retail electric service" means electric service furnished to a consumer for ultimate consumption.

SECTION 2. AMENDATORY Section 3, Chapter 330, O.S.L. 2023 (17 O.S. Supp. 2023, Section 160.33), is amended to read as follows:

Section 160.33. A. A retail electric supplier or a subsidiary or affiliate thereof that provides, owns, operates, or maintains a direct current fast charging station or hydrogen fueling station directly to the public shall do so only through a separate,

unregulated entity and must do so on the same fees, terms, charges, and conditions offered to private providers of electric vehicle charging stations.

B. After December 31, 2023, any electric vehicle charging station or hydrogen fueling station that is provided by, owned, operated, or maintained by a retail electric supplier, or a subsidiary or affiliate thereof, shall not, directly or indirectly, be subsidized by any fee or charge associated with the retail electric service provider's regulated service offerings.

C. An electric vehicle charging provider shall not be considered to be a public utility pursuant to the provisions of Section 151 of Title 17 of the Oklahoma Statutes or a retail electric supplier pursuant to the provisions of ~~this act~~ the Oklahoma Electric Vehicle Charging Act or Section 158.22 of Title 17 of the Oklahoma Statutes.

D. Nothing in this section shall be construed to restrict a retail electric supplier or municipal corporation from subsidizing the costs of make-ready infrastructure through fees or charges for services provided by its regulated services so long as such subsidy is offered to electric vehicle charging providers on a nondiscriminatory basis between such providers.

SECTION 3. AMENDATORY Section 5, Chapter 330, O.S.L. 2023 (17 O.S. Supp. 2023, Section 160.35), is amended to read as follows:

Section 160.35. A municipality that owns or operates an electric charging station or hydrogen fueling station that begins operations after ~~the effective date of this act~~ November 1, 2023, shall not use revenues derived by the municipality from the sale of electric power delivered through a municipally owned electric distribution system in order to construct or maintain such electric charging station or hydrogen fueling station and the municipality shall keep such accounts, books, and records as may be required in order for an audit of the municipal expenditures to be performed at any time in order for the municipality to prove compliance with the provisions of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 160.38 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. Nothing in Sections 160.33, 160.34, 160.35, or 160.36 of Title 17 of the Oklahoma Statutes shall be construed to prohibit an electric supplier or municipal corporation from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station or hydrogen fueling station on its own premises for the sole purpose of serving its own electric vehicles that is not open to the public.

B. Nothing in Sections 160.33, 160.34, 160.35, and 160.36 of Title 17 of the Oklahoma Statutes shall be construed to apply to an electric vehicle charging station or hydrogen fueling station that was constructed, provided by, owned, operated, or maintained by a retail electric supplier or municipal corporation prior to November 1, 2023.

SECTION 5. This act shall become effective November 1, 2024.

Passed the Senate the 14th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____