

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4   ENGROSSED SENATE  
5   BILL NO. 1587

By: Hall of the Senate

and

Hill of the House

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10       An Act relating to the Oklahoma Electric Vehicle  
11       Charging Act; amending Sections 2, 3 and 5, Chapter  
12       330, O.S.L. 2023 (17 O.S. Supp. 2023, Sections  
13       160.32, 160.33, and 160.35), which relate to  
14       definitions and electric vehicle charging providers;  
15       modifying definitions; defining terms; conforming  
16       language; construing provisions; updating statutory  
17       references; updating statutory language; providing  
18       for codification; and providing an effective date.

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

20       SECTION 1.       AMENDATORY       Section 2, Chapter 330, O.S.L.  
21       2023 (17 O.S. Supp. 2023, Section 160.32), is amended to read as  
22       follows:

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

1. "Commission" means the Corporation Commission;

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

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

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

11            a. a 100%-electric motor vehicle originally equipped so  
12 that the vehicle:

13                    (1) draws propulsion energy solely from a battery  
14 with at least twenty (20) kilowatt hours of  
15 capacity, which can be recharged from any  
16 external source of electricity,

17                    (2) is manufactured primarily for use on public  
18 streets, roads, and highways, but does not  
19 include a vehicle operated exclusively on a rail  
20 or rails, ~~and~~

21                    (3) is capable of being powered by an electric motor  
22 drawing current from fuel cells, and

23                    (4) which ~~which~~ has at least four wheels,  
24

1           b.    a plug-in hybrid electric motor vehicle which is  
2               originally equipped so that the vehicle:

3               (1)   draws propulsion energy from:

4                   (a)   an internal combustion engine, and

5                   (b)   a battery with at least five (5) kilowatt

6                       hours of capacity, which can be recharged

7                       from an external source of electricity,

8               (2)   is manufactured primarily for use on public

9                   streets, roads and highways, but does not include

10                  a vehicle operated exclusively on a rail or

11                  rails, and

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

13           c.    for purposes of this paragraph, the term ~~"electric~~

14               ~~vehicle"~~ electric vehicle does not include a vehicle

15               that is manufactured primarily for off-road use and

16               that has a maximum speed of thirty (30) miles per hour

17               or less;

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

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

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

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

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

13        ~~8.~~ 10. "Retail electric service" means electric service  
14 furnished to a consumer for ultimate consumption.

15        SECTION 2.        AMENDATORY        Section 3, Chapter 330, O.S.L.  
16 2023 (17 O.S. Supp. 2023, Section 160.33), is amended to read as  
17 follows:

18        Section 160.33. A. A retail electric supplier or a subsidiary  
19 or affiliate thereof that provides, owns, operates, or maintains a  
20 direct current fast charging station or hydrogen fueling station  
21 directly to the public shall do so only through a separate,  
22 unregulated entity and must do so on the same fees, terms, charges,  
23 and conditions offered to private providers of electric vehicle  
24 charging stations.

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

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

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

19 SECTION 3. AMENDATORY Section 5, Chapter 330, O.S.L.  
20 2023 (17 O.S. Supp. 2023, Section 160.35), is amended to read as  
21 follows:

22 Section 160.35. A municipality that owns or operates an  
23 electric charging station or hydrogen fueling station that begins  
24 operations after ~~the effective date of this act~~ November 1, 2023,

1 shall not use revenues derived by the municipality from the sale of  
2 electric power delivered through a municipally owned electric  
3 distribution system in order to construct or maintain such electric  
4 charging station or hydrogen fueling station and the municipality  
5 shall keep such accounts, books, and records as may be required in  
6 order for an audit of the municipal expenditures to be performed at  
7 any time in order for the municipality to prove compliance with the  
8 provisions of this section.

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

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

19 B. Nothing in Sections 160.33, 160.34, 160.35, and 160.36 of  
20 Title 17 of the Oklahoma Statutes shall be construed to apply to an  
21 electric vehicle charging station or hydrogen fueling station that  
22 was constructed, provided by, owned, operated, or maintained by a  
23 retail electric supplier or municipal corporation prior to November  
24 1, 2023.

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

COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
dated 04/04/2024 - DO PASS.