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February 8, 2024

By: Hall

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.

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;

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

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

6 a. a 100%-electric motor vehicle originally equipped so
7 that the vehicle:

8 (1) draws propulsion energy solely from a battery
9 with at least twenty (20) kilowatt hours of
10 capacity, which can be recharged from any
11 external source of electricity,

12 (2) is manufactured primarily for use on public
13 streets, roads, and highways, but does not
14 include a vehicle operated exclusively on a rail
15 or rails, ~~and~~

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

18 (4) ~~which~~ has at least four wheels,

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

21 (1) draws propulsion energy from:

22 (a) an internal combustion engine, and
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- (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

1 station's electrical load on the retail electric supplier's or
2 municipal corporation's side of the electric meter, but shall not
3 include an electric vehicle charging station;

4 ~~7.~~ 9. "Retail electric supplier" means any person, firm,
5 corporation, association, electric cooperative, or beneficial trusts
6 thereof engaged in the furnishing of retail electric service not to
7 include municipal corporations; and

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

10 SECTION 2. AMENDATORY Section 3, Chapter 330, O.S.L.
11 2023 (17 O.S. Supp. 2023, Section 160.33), is amended to read as
12 follows:

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

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

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

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

15 SECTION 3. AMENDATORY Section 5, Chapter 330, O.S.L.
16 2023 (17 O.S. Supp. 2023, Section 160.35), is amended to read as
17 follows:

18 Section 160.35. A municipality that owns or operates an
19 electric charging station or hydrogen fueling station that begins
20 operations after ~~the effective date of this act~~ November 1, 2023,
21 shall not use revenues derived by the municipality from the sale of
22 electric power delivered through a municipally owned electric
23 distribution system in order to construct or maintain such electric
24 charging station or hydrogen fueling station and the municipality

1 shall keep such accounts, books, and records as may be required in
2 order for an audit of the municipal expenditures to be performed at
3 any time in order for the municipality to prove compliance with the
4 provisions of this section.

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS
23 February 8, 2024 - DO PASS
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