

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 502

By: Hall of the Senate

3 and

4 Hilbert of the House

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[electric vehicles - legislative intent - charging
7 stations - tariff - rules - codification - effective
8 date]

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AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
13 and insert:

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"An Act relating to electric vehicles; enacting the
15 Oklahoma Electric Vehicle Charging Act; defining
16 terms; requiring provision of certain electric
17 services through designated business entity;
18 prohibiting certain subsidy amounts; providing
19 electric vehicle charging providers not to be
20 considered public utilities for purposes of statutory
21 provisions; authorizing subsidies for certain
22 infrastructure; prohibiting discrimination by retail
23 electric suppliers with respect to electric vehicle
24 charging providers; prohibiting use of certain
revenues by municipalities; requiring accounts,
books, and records for purposes of audit; providing
for enforcement by Oklahoma Corporation Commission;
providing for enforcement by district court;
prescribing procedures; authorizing administrative
rules; providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 160.31 of Title 17, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Electric Vehicle Charging Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 160.32 of Title 17, unless there is created a duplication in numbering, reads as follows:

As used in this 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 (1) draws propulsion energy solely from a battery
2 with at least twenty (20) kilowatt hours of
3 capacity, which can be recharged from any
4 external source of electricity,

5 (2) is manufactured primarily for use on public
6 streets, roads, and highways, but does not
7 include a vehicle operated exclusively on a rail
8 or rails, and

9 (3) which has at least four wheels,

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

12 (1) draws propulsion energy from:

13 (a) an internal combustion engine, and

14 (b) a battery with at least five (5) kilowatt
15 hours of capacity, which can be recharged
16 from an external source of electricity,

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

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

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

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

6 6. "Make-ready infrastructure" means the electrical
7 infrastructure required to service an electrical load, but shall not
8 include an electric vehicle charging station;

9 7. "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. "Retail electric service" means electric service furnished
14 to a consumer for ultimate consumption.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 160.33 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

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

1 B. After December 31, 2023, any electric vehicle charging
2 station that is provided by, owned, operated, or maintained by a
3 retail electric supplier, or a subsidiary or affiliate thereof,
4 shall not, directly or indirectly, be subsidized by any fee or
5 charge associated with the retail electric service provider's
6 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 or Section
11 158.22 of Title 17 of the Oklahoma Statutes.

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

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 160.34 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 A retail electric supplier shall not discriminate among electric
22 vehicle charging providers, and the same fees, terms, and conditions
23 shall apply to every electric vehicle charging provider, including
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1 the retail electric supplier's separate, unregulated entity,
2 subsidiary, or affiliate.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 160.35 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 A municipality that owns or operates an electric charging
7 station that begins operations after the effective date of this act
8 shall not use revenues derived by the municipality from the sale of
9 electric power delivered through a municipally owned electric
10 distribution system in order to construct or maintain such electric
11 charging station and the municipality shall keep such accounts,
12 books, and records as may be required in order for an audit of the
13 municipal expenditures to be performed at any time in order for the
14 municipality to prove compliance with the provisions of this
15 section.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 130.36 of Title 17, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Commission shall have authority to enforce violations of
20 this act for retail electric suppliers that are rate-regulated by
21 the Corporation Commission. A complaint may be brought to the
22 Commission at any time. If the Commission determines, after
23 investigation and an evidentiary hearing, that the retail electric
24 supplier has violated this act, the Commission may assess a fine

1 against the utility for contempt as set forth in Section 1 et seq.
2 of Title 17 of the Oklahoma Statutes and may order such further
3 action as may be fair, just, and reasonable under the circumstances
4 of the proceeding.

5 B. The district court shall have authority to enforce
6 violations of this act for retail electric suppliers not rate-
7 regulated by the Commission and municipal corporations. A petition
8 may be filed with the district court at any time by an aggrieved
9 party. If the district court determines, after hearing the matter,
10 that the retail electric supplier or municipal corporation is in
11 violation of this act, the district court may order the violation
12 cease and levy civil charges or penalties against the retail
13 electric supplier or municipal corporation consistent with the civil
14 enforcement provisions for contempt as set forth in Section 1 et
15 seq. of Title 17 of the Oklahoma Statutes and may order such further
16 action as may be fair, just, and reasonable under the circumstances
17 of the proceeding.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 160.37 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 The Corporation Commission may promulgate rules to implement and
22 ensure compliance with the provisions of this act.

23 SECTION 8. This act shall become effective November 1, 2023."
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1 Passed the House of Representatives the 26th day of April, 2023.

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Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 502

By: Hall of the Senate

3 and

4 Hilbert of the House

5
6 [electric vehicles - legislative intent - charging
7 stations - tariff - rules - codification - effective
8 date]

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

10 SECTION 9. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 160.31 of Title 17, unless there
12 is created a duplication in numbering, reads as follows:

13 This act shall be known and may be cited as the "Oklahoma
14 Electric Vehicle Charging Act".

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 160.32 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Legislature finds that:

19 1. It is in the best interest of this state to establish a
20 framework designed to encourage private sector investment in the
21 deployment of electric vehicle charging stations. Such framework is
22 essential to ensure that this state is prepared for increased
23 adoption of electric vehicles and to ensure equitable provisions for
24 all electric vehicle charging providers;

1 2. Widespread deployment of electric vehicle charging
2 infrastructure is consistent with the public policy of this state;
3 and

4 3. Electric vehicle charging infrastructure has the potential
5 to expand infrastructure investment, improve economic conditions,
6 and develop this state to be a leader in new and innovative
7 technologies.

8 B. To facilitate investments in such stations by private
9 businesses, the Legislature declares that it is necessary to:

10 1. Implement competitively neutral policies to encourage
11 private sector investment in electric vehicle charging station
12 deployment on real property whose owners or tenants desire to make
13 such an investment;

14 2. Develop and implement competitively neutral electricity
15 tariffs aimed at and optimized for fair and robust competition while
16 ensuring transparency in pricing and compliance with 16 U.S.C.
17 2621(d) (21);

18 3. Encourage private investment, ownership, and operation of
19 publicly available electric vehicle charging stations, including
20 equipment that allows for fast charging;

21 4. Stimulate innovation, competition, and private investment in
22 the electric vehicle charging market;

23 5. Develop mechanisms to incentivize and support the short-term
24 and long-term efficient and cost-effective use of the electric grid

1 in a manner that supports the operation of electric vehicle charging
2 stations; and

3 6. Ensure that the cost of the deployment of electric vehicle
4 charging stations, including, but not limited to, the costs set
5 forth in this act, is borne solely by the providers and consumers of
6 electricity used to charge electric vehicles, and is not subsidized
7 by other classes of electric utility ratepayers; provided, utilities
8 may offer incentives to reduce costs of make-ready infrastructure.

9 SECTION 11. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 160.33 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 As used in this act:

13 1. "Commission" means the Corporation Commission;

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

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

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

24

1 a. a 100%-electric motor vehicle originally equipped so
2 that the vehicle:

3 (1) draws propulsion energy solely from a battery
4 with at least twenty (20) kilowatt hours of
5 capacity, which can be recharged from any
6 external source of electricity,

7 (2) is manufactured primarily for use on public
8 streets, roads, and highways, but does not
9 include a vehicle operated exclusively on a rail
10 or rails, and

11 (3) which has at least four wheels,

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

14 (1) draws propulsion energy from:

15 (a) an internal combustion engine, and

16 (b) a battery with at least five (5) kilowatt
17 hours of capacity, which can be recharged
18 from an external source of electricity,

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

23 (3) which has at least four wheels, and
24

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

5 5. "Charging station" means equipment by which electric current
6 is transferred to the power system of an electric vehicle together
7 with the real property upon which such equipment is located or
8 affixed;

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

12 7. "Make-ready infrastructure" means the electrical
13 infrastructure required to service an electrical load, but shall not
14 include an electric vehicle charging station;

15 8. "Retail electric supplier" means any person, firm,
16 corporation, association, electric cooperative, municipal
17 corporations, or beneficial trusts thereof engaged in the furnishing
18 of retail electric service; and

19 9. "Retail electric service" means electric service furnished
20 to a consumer for ultimate consumption.

21 SECTION 12. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 160.34 of Title 17, unless there
23 is created a duplication in numbering, reads as follows:

1 A. A retail electric supplier or a subsidiary or affiliate
2 thereof that provides, owns, operates, or maintains an electric
3 vehicle charging station directly to the public shall do so only
4 through a separate, unregulated entity and must do so on the same
5 fees, terms, charges, and conditions offered to private providers of
6 electric vehicle charging stations pursuant to the retail electric
7 supplier's approved tariffs.

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

14 C. An electric vehicle charging provider shall not be
15 considered to be a public utility pursuant to the provisions of
16 Section 151 of Title 17 of the Oklahoma Statutes or a retail
17 electric supplier pursuant to the provisions of this act or Section
18 158.22 of Title 17 of the Oklahoma Statutes.

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

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 160.35 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Each retail electric supplier shall be required to maintain
5 a commercial direct current fast charging station tariff utilizing
6 alternatives to traditional demand-based rate structures which sets
7 forth the fees, terms, and conditions for the sale of electricity to
8 electric vehicle charging providers for the operation of electric
9 vehicle charging stations.

10 B. The fees, terms, and conditions of the retail electric
11 supplier's tariff shall not discriminate among electric vehicle
12 charging providers, and the same fees, terms, and conditions thereof
13 shall apply to every electric vehicle charging provider, including
14 the retail electric supplier's separate, unregulated entity,
15 subsidiary, or affiliate.

16 C. Each retail electric supplier's commercial tariff filed
17 under subsection A of this section shall not include the application
18 of demand ratchet provisions and shall be designed to be billed on
19 the basis of kilowatt-hours or kilovolt-amperes.

20 D. Each retail electric supplier's commercial tariff shall
21 comply with the objectives of this act, including, but not limited
22 to, the requirement that an electric vehicle charging station not be
23 subsidized, directly or indirectly, by regulated services offered by
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1 a retail electric service provider except as otherwise provided in
2 this act.

3 E. Retail electric suppliers who are rate regulated by the
4 Corporation Commission shall file an initial tariff with the
5 Commission that complies with the requirements of this act on or
6 before October 1, 2024. The Commission shall issue an order
7 approving or amending the retail electric supplier's commercial
8 tariff, in compliance with this act, within one hundred twenty (120)
9 days of the tariff submission. An appeal from a decision of the
10 Commission may be made as provided by law.

11 F. All other retail electric suppliers, who are not rate
12 regulated by the Commission, shall publish an initial tariff that
13 complies with the requirements of this act by October 1, 2024. The
14 tariff as published by the non-rate regulated retail electric
15 supplier may be challenged in court to enforce compliance with the
16 requirements of this act.

17 G. Each retail electric supplier's commercial tariff filed
18 under this section shall remain in effect until a successor tariff
19 is approved in accordance with the provisions of this act.

20 SECTION 14. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 160.36 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:

23 The Corporation Commission may promulgate rules to implement and
24 ensure compliance with the provisions of this act.

