An Act

ENROLLED SENATE
BILL NO. 502

By: Hall of the Senate

and

Hilbert of the House

An Act relating to electric vehicles; enacting the Oklahoma Electric Vehicle Charging Act; defining terms; requiring provision of certain electric services through designated business entity; prohibiting certain subsidy amounts; providing electric vehicle charging providers not to be considered public utilities for purposes of statutory provisions; authorizing subsidies for certain infrastructure; prohibiting discrimination by retail electric suppliers with respect to electric vehicle 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.

SUBJECT: Oklahoma Electric Vehicle Charging Act

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

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

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

A. A retail electric supplier or a subsidiary or affiliate thereof that provides, owns, operates, or maintains a direct current

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

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

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

A municipality that owns or operates an electric charging station that begins operations after the effective date of this act 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 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 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 130.36 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall have authority to enforce violations of this act for retail electric suppliers that are rate-regulated by the Corporation Commission. A complaint may be brought to the Commission at any time. If the Commission determines, after investigation and an evidentiary hearing, that the retail electric supplier has violated this act, the Commission may assess a fine against the utility for contempt as set forth in Section 1 et seq. of Title 17 of the Oklahoma Statutes and may order such further action as may be fair, just, and reasonable under the circumstances of the proceeding.

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

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

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

SECTION 8. This act shall become effective November 1, 2023.

Passed the Senate the 22nd day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2023.

Tammy West

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd day of May, 20 23, at 9:46 o'clock a. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 6th day of June, 20 23, at 3:49 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th day of June, 20 23, at 5:16 o'clock P. M.

By: Brian Bingman