

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 502

By: Hall of the Senate

and

Hilbert of the House

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10                                   COMMITTEE SUBSTITUTE

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

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:

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

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

6 As used in this act:

7 1. "Commission" means the Corporation Commission;

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

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

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

18 a. a 100%-electric motor vehicle originally equipped so  
19 that the vehicle:

20 (1) draws propulsion energy solely from a battery  
21 with at least twenty (20) kilowatt hours of  
22 capacity, which can be recharged from any  
23 external source of electricity,  
24

1 (2) is manufactured primarily for use on public  
2 streets, roads, and highways, but does not  
3 include a vehicle operated exclusively on a rail  
4 or rails, and

5 (3) which has at least four wheels,

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

8 (1) draws propulsion energy from:

9 (a) an internal combustion engine, and

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

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

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

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

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

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

4           7. "Retail electric supplier" means any person, firm,  
5 corporation, association, electric cooperative, municipal  
6 corporations, or beneficial trusts thereof engaged in the furnishing  
7 of retail electric service; and

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

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

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

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

1 C. An electric vehicle charging provider shall not be  
2 considered to be a public utility pursuant to the provisions of  
3 Section 151 of Title 17 of the Oklahoma Statutes or a retail  
4 electric supplier pursuant to the provisions of this act or Section  
5 158.22 of Title 17 of the Oklahoma Statutes.

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

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

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

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

23 A municipality that owns or operates an electric charging  
24 station that begins operations after the effective date of this act

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

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

12 A. The Commission shall have authority to enforce violations of  
13 this section for retail electric suppliers within its jurisdiction.  
14 A complaint may be brought to the Commission at any time. If the  
15 Commission determines, after investigation and an evidentiary  
16 hearing, that the retail electric supplier has violated this  
17 section, the Commission may assess a fine against the utility for  
18 contempt as set forth in Section 1 et seq. of Title 17 of the  
19 Oklahoma Statutes and may order such further action as may be fair,  
20 just and reasonable under the circumstances of the proceeding.

21 B. The Attorney General shall have authority to enforce  
22 violations of this section for retail electric suppliers outside the  
23 jurisdiction of the Commission. A complaint may be brought to the  
24 Attorney General at any time. If the Attorney General determines,

1 after investigation, that the retail electric supplier is in  
2 violation of this section, the Attorney General may issue a fine for  
3 such violation not to exceed Five Hundred Dollars (\$500.00). Each  
4 day's continuance of such violation, after due service upon such  
5 retail electric supplier, of the violation shall be a separate  
6 offense.

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 04/10/2023 - DO  
15 PASS, As Amended.

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