

An Act

ENROLLED SENATE
BILL NO. 600

By: Rader of the Senate

and

Hilbert and Hill of the
House

An Act relating to revenue and taxation; amending Sections 4 and 8 of Enrolled House Bill No. 2234 of the 1st Session of the 58th Oklahoma Legislature, which relate to the Driving on Road Infrastructure with Vehicles of Electricity (DRIVE) Act of 2021; providing certain exemptions to tax; providing certain methodology for calculation of equivalent measurement; providing certain exemptions to certain registration; modifying certain registration requirement; expanding qualifying categories of metering systems; providing an effective date; and providing for conditional effect.

SUBJECT: Electric vehicles

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

SECTION 1. AMENDATORY Section 4 of Enrolled House Bill No. 2234 of the 1st Session of the 58th Oklahoma Legislature, is amended to read as follows:

Section 4. A. There is hereby imposed a tax of three cents (\$0.03) per kilowatt hour or its equivalent, as determined by the Oklahoma Tax Commission, on the electric current used to charge or recharge the battery or batteries of an electric vehicle. The tax shall be levied beginning January 1, 2024.

B. The amount of tax prescribed or authorized by this section shall not include any fees or charges associated with the method for payment for the charging service, but shall be based only upon the rate of tax and the electricity transferred during the charging process.

C. The tax imposed pursuant to this section shall not be applicable to electric vehicles charged at a private residence at which the owner or occupant of the residence uses electric power paid for by the owner or occupant of the residence which is supplied to the residence by a regulated public utility, an electric cooperative or other wholesale level of electric supply, whether or not supplemented by electric power produced by the owner or occupant using solar energy or other methods to provide electric power to the residence.

D. The tax imposed pursuant to this section shall not be applicable to electric vehicles charged at charging stations with a charging capacity of less than fifty (50) kilowatts and charging stations that do not require payment for use.

E. In order to determine an equivalent measurement as required in subsection A of this section, the Oklahoma Tax Commission shall promulgate rules that allow businesses, based on the average cost that such business charged customers at the business's charging stations in the preceding year, to charge the tax on a percentage basis equivalent to the amount of tax that would otherwise have been charged had the rate provided in subsection A of this section been applied in the preceding year. The percentage basis equivalent shall be recalculated annually in conjunction with the Oklahoma Tax Commission. Businesses with multiple charging station locations in the state shall be authorized to utilize the same percentage basis equivalent at all such locations.

SECTION 2. AMENDATORY Section 8 of Enrolled House Bill No. 2234 of the 1st Session of the 58th Oklahoma Legislature, is amended to read as follows:

Section 8. A. All Except for charging stations with a charging capacity of less than fifty (50) kilowatts, and charging stations that do not require payment for use, all charging stations in

operation prior to the effective date of this act shall register with the Oklahoma Tax Commission not later than January 31, 2024. The Oklahoma Tax Commission shall provide or make available updated registration information to the Oklahoma Corporation Commission.

B. For a charging station which requires payment for its use and begins operations for the first time on or after November 1, 2021, the charging station owner or operator shall register with the Oklahoma Tax Commission not later than fifteen (15) days after the date as of which the first business operations at the station site begin or by January 31, 2024, whichever is later.

C. Any public charging station for an electric vehicle constructed or which begins operations for the first time on or after November 1, 2021, shall use a metering system that is capable of imposing the cost for the charging service using a unit per kilowatt hour or ~~a comparable~~ an equivalent measurement as determined by the Tax Commission, such as time elapsed while charging and the charging capacity of the charging station, or such as the process described in subsection E of Section 1 of this act. The metering system shall include a system by which an audit of the electricity supplied through the system may be performed to determine the amount of electricity transferred to a customer and the cost charged by the charging station owner or operator for each unit of electricity transferred.

D. The Oklahoma Tax Commission shall have the authority to inspect the premises and equipment of any charging station owner or operator to enforce compliance with the provisions of this section.

E. If a charging station owner or operator fails to remit the tax as required by the provisions of this act, the Oklahoma Tax Commission shall begin proceedings to terminate the charging station owner or operator license to do business for failure to remit in the same manner as prescribed by law for failure to remit sales tax.

SECTION 3. This act shall become effective November 1, 2021.

SECTION 4. The provisions of this act shall be contingent upon the enactment of the provisions of Enrolled House Bill No. 2234 of the 1st Session of the 58th Oklahoma Legislature and shall not become operative as law otherwise.

Passed the Senate the 27th day of April, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____