

HOUSE BILL No. 2004

By Representatives Rhiley, Garber, Seiwert and Waggoner

1-3

1 AN ACT concerning taxation; relating to electric vehicles; establishing the
2 EV energy equity road repair tax act and providing for a road repair tax
3 on the distribution of electricity from public charging stations.
4

5 WHEREAS, Battery-powered electric vehicles are expected to account
6 for 20% of global light-vehicle sales in 2025 and 59% of sales in 2035;
7 and

8 WHEREAS, Just over 50% of passenger cars sold in the United States
9 will be electric vehicles by 2030, according to a report from Bloomberg
10 NEF; and

11 WHEREAS, About 45% of new car sales could be electric by 2035,
12 according to IHS Markit; and

13 WHEREAS, Gasoline-powered vehicles in 2020 had an average fuel
14 economy of 25 miles per gallon; and

15 WHEREAS, Based on the average fuel economy of gasoline-powered
16 vehicles, the \$.24 per gallon state motor fuel tax on gasoline would
17 generate \$.96 per 100 miles for road repairs; and

18 WHEREAS, Electric vehicles in 2020 consumed an average of 32
19 kilowatt-hour of electricity per 100 miles covered; and

20 WHEREAS, It would take \$.03 per kilowatt-hour to generate \$.96 per
21 100 miles to have an equitable road repair tax.

22 Now, therefore:

23 *Be it enacted by the Legislature of the State of Kansas:*

24 Section 1. (a) This section shall be known and may be cited as the
25 EVEERRT (EV energy equity road repair tax) act.

26 (b) As used in this section:

27 (1) "Electric vehicle" means any vehicle that is an:

28 (A) All-electric vehicle; or

29 (B) electric hybrid or plug-in electric hybrid vehicle.

30 (2) "Kilowatt-hour" means a unit of energy equal to one kilowatt of
31 power sustained for one hour or 3,600 kilojoules.

32 (3) "Public charging station" means any device or infrastructure that
33 supplies electricity to the public for the charging of an electric vehicle.

34 "Public charging station" does not include such a device or infrastructure
35 located at a primary residence.

36 (4) "Road repair tax" means the tax on energy used in electric vehicle

1 operations on state highways and is intended to fund road construction and
2 repair as would otherwise be provided for in the motor fuel tax law
3 pursuant to K.S.A. 79-3402, and amendments thereto.

4 (c) There is hereby imposed a road repair tax on electricity distributed
5 at a public charging station location. The tax shall be imposed regardless
6 of whether the public charging station charges for the electricity or
7 provides the electricity for free. The road repair tax shall be equal to \$0.03
8 per kilowatt-hour, or portion thereof, of electricity provided to an electric
9 vehicle at a public charging station. The owner of the public charging
10 station shall collect and remit the road repair tax imposed pursuant to this
11 section to the director of taxation. The owner of the public charging station
12 shall be entitled to charge and collect an amount equal to the road repair
13 tax as part of the selling price.

14 (d) The director of taxation shall remit all taxes collected under this
15 section to the state treasurer in accordance with the provisions of K.S.A.
16 75-4215, and amendments thereto. Upon receipt of each such remittance,
17 the state treasurer shall deposit the entire amount in the state treasury to
18 the credit of the state highway fund.

19 (e) The provisions of K.S.A. 79-3464d, and amendments thereto,
20 concerning the liability for the owner for the collection or payment of the
21 motor vehicle or special fuel taxes are hereby adopted for the purpose
22 relating to liability for the collection or payment of the road repair tax, to
23 the extent practicable.

24 (f) The secretary of revenue shall adopt rules and regulations
25 establishing the criteria and procedures for the licensing of public charging
26 stations and reporting by such public charging stations of the energy
27 provided.

28 (g) (1) It shall be unlawful for any owner of a public charging station
29 to:

30 (A) Fail, neglect or refuse to render the road repair tax to the director
31 of taxation at the director's office, within the time required by the director,
32 under rules and regulations adopted by the director;

33 (B) fail, neglect or refuse to pay the director any tax, taxes, interest or
34 penalties for which such person is liable;

35 (C) fail, neglect or refuse to keep and maintain for a period of three
36 years, or fail to make fully and freely accessible during business hours to
37 the director, the director's deputy or agent, all books, papers and records
38 required by this act to be kept and maintained and so made accessible;

39 (D) aid and abet in violations described in subparagraphs (A) through
40 (C); or

41 (E) falsify, forge or willfully conceal from the director or director's
42 agent any books, papers and records required by this act.

43 (2) (A) Except as provided in paragraph (2)(B), violation of

1 paragraph (1) is an unclassified misdemeanor punishable by a fine of not
2 less than \$5,000 nor more than \$50,000, imprisonment in the county jail
3 for not less than 30 days nor more than one year, or both such fine and
4 imprisonment.

5 (B) Violation of paragraph (1) involving failure, neglect or refusal to
6 render the road repair tax to the director of taxation is an unclassified
7 misdemeanor punishable by a fine of \$25 per kilowatt-hour of energy that
8 such tax is found to not have been remitted to the department of revenue
9 pursuant to this section, imprisonment in the county jail for not less than
10 30 days nor more than one year, or both such fine and imprisonment.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.