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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2878

03/15/2023

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; imposing a tax on electric fuel; proposing coding for
1.3 new law in Minnesota Statutes, chapter 296A; repealing Minnesota Statutes 2022,
1.4 section 168.013, subdivision 1m.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [296A.075] ELECTRIC FUEL TAX.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Charging station" means equipment by which electric fuel is transferred to the power
1.10 system of an electric vehicle and the real property upon which such equipment is located
1.11 or affixed.

1.12 (c) "Charging station operator" means any person or lawfully recognized business entity
1.13 that owns or operates a charging station in the state.

1.14 (d) "Electric fuel" means electrical energy delivered or placed into the battery or other
1.15 energy storage device of an electric vehicle to be used to power the electric vehicle.

1.16 (e) "Electric utility" has the meaning given in section 216B.38, subdivision 5.

1.17 (f) "Electric vehicle" has the meaning given in section 169.011, subdivision 26a.

1.18 (g) "Legacy chargers" means charging stations in operation prior to October 1, 2023,
1.19 that do not have a metering system in place capable of measuring electric fuel transferred
1.20 from the charging station to the electric vehicle or are incapable of measuring the time
1.21 elapsed while actively charging an electric vehicle and placing a fee on the charging session.

2.1 (h) "Public charging station" means a location at which a charging station operator
2.2 conducts for-profit business using a metered system for the delivery of electric fuel to an
2.3 electric vehicle and charges the customer either for the electric fuel transferred to the power
2.4 system of the electric vehicle or for the duration of time during which electric fuel is
2.5 transferred to the power system of the electric vehicle.

2.6 Subd. 2. Tax imposed on electric fuel. (a) On and after October 1, 2023, a tax of 5.1
2.7 cents per kilowatt hour is imposed on electric fuel used to charge or recharge the battery of
2.8 an electric vehicle.

2.9 (b) The tax imposed under this subdivision must be remitted monthly by each charging
2.10 station operator to the commissioner of revenue, no later than the 20th day of the month
2.11 following the month during which the electric charging for an electric vehicle occurred, for
2.12 deposit in the highway user tax distribution fund. The tax must be remitted on a form
2.13 prescribed by the commissioner of revenue.

2.14 (c) The tax imposed under this subdivision is not applicable to electric vehicles charged
2.15 at a private residence at which the owner or occupant of the residence uses electric power
2.16 paid for by the owner or occupant of the residence and that is supplied to the residence by
2.17 an electric utility.

2.18 (d) The tax imposed under this subdivision is not applicable to electric vehicles charged
2.19 at charging stations with a charging capacity of less than 50 kilowatts and charging stations
2.20 that do not require payment for use.

2.21 (e) Any public charging station that begins operations for the first time on or after October
2.22 1, 2023, must use a metering system that is capable of imposing the cost for the charging
2.23 service using a unit per kilowatt hour.

2.24 (f) Legacy chargers are exempt from the tax levied under this subdivision until January
2.25 1, 2030.

2.26 Sec. 2. REPEALER.

2.27 Minnesota Statutes 2022, section 168.013, subdivision 1m, is repealed.

168.013 VEHICLE REGISTRATION TAXES.

Subd. 1m. **Electric vehicle.** In addition to the tax under subdivision 1a, a surcharge of \$75 is imposed for an all-electric vehicle, as defined in section 169.011, subdivision 1a. Notwithstanding subdivision 8, revenue from the fee imposed under this subdivision must be deposited in the highway user tax distribution fund.