

House Bill 1491

By: Representative Jasperse of the 11th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act relating to regulation and taxation of electricity used as motor fuel and
2 electric vehicle charging stations, approved May 2, 2023, (Ga. L. 2023, p. 376/SB 146), so
3 as to extend the effective date of provisions relative to regulatory authority of the Department
4 of Agriculture and revenue and taxation; to amend Article 8A of Chapter 1 of Title 10 of the
5 Official Code of Georgia Annotated, relating to electric vehicle charging stations, so as to
6 revise and provide for standards for display of electricity dispensed by electric vehicle
7 charging stations; to provide for standards and conditions for annual registration of electric
8 vehicle charging stations with the Department of Agriculture; to provide for registration fees;
9 to provide for inspections for safety; to provide for condemnation of electric vehicle charging
10 stations that present a public safety hazard; to amend Article 1 of Chapter 9 of Title 48 of the
11 Official Code of Georgia Annotated, relating to motor fuel tax, so as to provide for an
12 exception for collection of motor fuel taxes relative to electricity delivered by certain electric
13 vehicle charging stations; to provide for related matters; to provide for effective dates; to
14 repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1491

- 1 -

SECTION 1.

16

17 An Act relating to regulation and taxation of electricity used as motor fuel and electric
18 vehicle charging stations, approved May 2, 2023, (Ga. L. 2023, p. 376/SB 146) is amended
19 by revising subsection (b) of Section 5-1 to read as follows:

20 "(b) Part II of this Act, which provides for the regulatory authority of the Department of
21 Agriculture, and Part III of this Act, relating to revenue and taxation, shall become
22 effective on January 1, 2026."

SECTION 2.

23

24 Article 8A of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
25 electric vehicle charging stations, is amended by revising Code Section 10-1-222, relating
26 to monitoring of amount of electricity delivered and inspections of stations, as follows:

27 "10-1-222.

28 (a)(1)(A) All electric vehicle charging stations that deliver electricity to a consumer for
29 consideration of payment shall be capable of accurately measuring and prominently
30 displaying the amount of electricity delivered to each electric vehicle on a per
31 kilowatt-hour basis, either directly upon the station or remotely through the use of a
32 digital network. Such stations shall be further equipped with meters to record the total
33 kilowatt-hours dispensed.

34 (B) All electric vehicle charging stations installed for operation on or after January 1,
35 2026, shall be capable of accurately measuring and prominently displaying the amount
36 of electricity delivered to each electric vehicle on a per kilowatt-hour basis, either
37 directly upon the station or remotely through the use of a digital network. Such stations
38 shall be further equipped with meters to record the total kilowatt-hours dispensed.

39 (2) All electric vehicle charging stations that deliver electricity by alternating current and
40 for no consideration of payment in operation prior to January 1, 2026, shall be capable
41 of prominently displaying when the maximum needed amount of electricity has been

42 delivered to an electric vehicle, either directly upon the station or remotely through the
43 use of a digital network.

44 (b) All electric vehicle charging stations shall be subject to inspection as provided for in
45 this article. Prior to operation of any electric vehicle charging station and annually
46 thereafter, an electric vehicle charging provider shall register with the Commissioner in the
47 form and manner prescribed by such Commissioner. Such registration shall include the
48 location of the electric vehicle charging station; whether the electricity to be provided will
49 be in exchange for consideration of payment; the date of first operation of the electric
50 vehicle charging station; the name, brand, or manufacturer of the type of electric vehicle
51 charging station, together with the name and address thereof; and certification that the
52 electric vehicle charging station is in conformity with the specifications established
53 pursuant to this article by the Commissioner.

54 (c) Upon compliance with the requirements of this Code section, a certificate of
55 registration shall be issued:

56 (1) For an electric vehicle charging station described in paragraph (1) of subsection (a)
57 of this Code section, upon payment of an annual registration fee of \$250.00; or

58 (2) For an electric vehicle charging station described in paragraph (2) of subsection (a)
59 of this Code section, upon payment of an annual registration fee of \$50.00.

60 (d) Certificates of registration issued by the Commissioner pursuant to this Code section
61 shall be posted in a prominent and accessible place upon the electric vehicle charging
62 station."

63 **SECTION 3.**

64 Said article is further amended by revising Code Section 10-1-224, relating to inspection of
65 stations, seal of accuracy in electricity delivery, adjustments, condemnation, secret
66 manipulation prohibited, and regulatory authority, as follows:

67 "10-1-224.

68 (a) Electric vehicle charging station inspectors shall inspect all electric vehicle charging
69 stations located in the territory assigned to them.

70 (b) All electric vehicle charging stations that deliver electricity to a consumer for
71 consideration of payment found to be giving accurate measure of the amount of electricity
72 delivered within the tolerance established by regulations of the Commissioner shall have
73 the electric vehicle charging station sealed with an official seal applied by an inspector duly
74 authorized by the Commissioner.

75 (c)(1) If any electric vehicle charging station shall be found to be in unsafe condition
76 pursuant to standards established by regulations of the Commissioner, the inspector shall
77 then and there notify the electric vehicle charging provider, whether owner or lessee.
78 Should the electric vehicle charging provider in receipt of notice pursuant to this
79 paragraph fail or refuse to then and there make such adjustments as shall be necessary to
80 bring the electric vehicle charging station into compliance with safety rules or
81 regulations, the same shall be considered a hazard to public safety and condemned and
82 rendered inoperable immediately by the inspector examining the same; and such electric
83 vehicle charging station shall not again be operated without the written consent of the
84 Commissioner. Inspectors shall be required to report to the Commissioner immediately
85 the name and number of any electric vehicle charging station condemned and rendered
86 inoperable pursuant to this paragraph.

87 (2) If any electric vehicle charging station that delivers electricity to a consumer for
88 consideration of payment shall be found to be giving inaccurate measure of the amount
89 of electricity delivered in excess of the tolerance established by regulations of the
90 Commissioner, the inspector shall then and there notify the electric vehicle charging
91 provider, whether owner or lessee. Should the electric vehicle charging provider in
92 receipt of notice pursuant to this paragraph fail or refuse to then and there make such
93 adjustments as shall be necessary to bring the measure within the allowed variation, the

94 same shall be condemned and rendered inoperable immediately by the inspector
95 examining the same; and such electric vehicle charging station shall not again be operated
96 without the written consent of the Commissioner. Inspectors shall be required to report
97 to the Commissioner immediately the name and number of any electric vehicle charging
98 station condemned and rendered inoperable pursuant to this paragraph.

99 (d) When any electric vehicle charging station is condemned under this article by any
100 inspector, it shall be the duty of the inspector immediately to make affidavit before the
101 judge of the probate court of the county in which the electric vehicle charging station is
102 located that such station is being operated contrary to law by the electric vehicle charging
103 provider who shall be named in the affidavit. Thereupon the judge of the probate court
104 shall issue an order to the electric vehicle charging provider named in the affidavit to show
105 cause before him or her on the day named in the order, not more than ten days nor fewer
106 than three days from the issuance of the order, why the electric vehicle charging station
107 should not be forfeited, confiscated to the state, and dismantled. On such day named in the
108 order, it shall be the duty of the judge of the probate court to hear the respective parties and
109 to determine whether or not the electric vehicle charging station has been operated contrary
110 to the provisions of this article. If the judge of the probate court finds that the electric
111 vehicle charging station has been so operated, he or she shall forthwith issue an order
112 adjudging the electric vehicle charging station to be forfeited and confiscated to the state
113 and directing the sheriff of the county to dismantle the electric vehicle charging station and
114 take it into his or her possession, and, after ten days' notice by posting or publication, as
115 the court may direct, to sell the electric vehicle charging station to the highest bidder for
116 cash. The proceeds of sale, or as much thereof as may be necessary, shall be used by the
117 sheriff, first, to pay the costs associated with sale, which shall be the same as in cases of
118 attachment, and the sheriff shall thereupon pay over and deliver the residue, if any, to the
119 person from whose possession the electric vehicle charging station has been taken.

120 (e) It shall be unlawful to install or operate any electric vehicle charging station which can
121 be secretly manipulated in such manner as to give short measure or in violation of any rule
122 or regulation of the Commissioner relating to safe operation of electric vehicle charging
123 stations. Such inaccurate or unsafe electric vehicle charging station shall be condemned
124 as provided in this Code section, and thereafter it shall be unlawful for any person to ~~resell~~
125 dispense any electricity from such electric vehicle charging station until such station has
126 been made or altered to comply with this article and has been inspected and approved for
127 service by the inspector.

128 (f) It shall be unlawful for anyone to remove a seal applied by an inspector to an electric
129 vehicle charging station without first securing consent of the Commissioner, whose consent
130 may be given through one of the duly authorized inspectors.

131 (g) The department shall have the power to implement rules and regulations necessary to
132 carry out the inspections of electric vehicle charging stations as provided for by this Code
133 section."

134 **SECTION 4.**

135 Article 1 of Chapter 9 of Title 48 of the Official Code of Georgia Annotated, relating to
136 motor fuel tax, is amended in Code Section 48-9-2, relating to definitions relative to motor
137 fuel tax, by revising subparagraph (G) of paragraph (5) as follows:

138 "(G) Consumes, uses, or sells electricity as a motor fuel through an electric vehicle
139 charging station for both highway and nonhighway use; provided, however, that such
140 term shall not include any electric vehicle charging stations that deliver electricity by
141 alternating current and for no consideration of payment in operation prior to January 1,
142 2026;"

170 obtained on forms furnished by the Department of Revenue showing that there is
171 no highway use of such fuels and the person obtaining such fuel is not a reseller of
172 such fuels. Each exemption certificate shall be valid for a period of not more than
173 three years and shall be kept by the distributor as one of the records specified in
174 Code Section 48-9-8. It shall be the responsibility of the purchaser to notify the
175 distributor when the purchaser is no longer qualified for the nonhighway exemption.
176 All applicable taxes ~~must~~ shall be charged the purchaser until the purchaser is
177 granted a valid distributor's license for that type of motor fuel."

178 **SECTION 6.**

179 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
180 effective on January 1, 2026.

181 (b) Section 1 of this Act shall become effective upon its approval by the Governor or upon
182 its becoming law without such approval.

183 **SECTION 7.**

184 All laws and parts of laws in conflict with this Act are repealed.