

SENATE BILL NO. 191—SENATOR SETTELMAYER

MARCH 9, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to vehicles.
(BDR 58-597)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vehicles; imposing a surcharge on the sale of electric service to charge the battery of an electric vehicle or a plug-in hybrid electric vehicle; requiring the Department of Motor Vehicles to administer the imposition and collection of the surcharge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Legislature declares that it is the policy of this State to
2 expand and accelerate the deployment of electric vehicles and supporting
3 infrastructure throughout this State. (NRS 701B.670) **Sections 3 and 4** of this bill
4 establish definitions for electric vehicles and plug-in hybrid electric vehicles.
5 **Section 5** of this bill imposes a 10 percent surcharge on the sale of electric service
6 to charge the battery of an electric vehicle or a plug-in hybrid electric vehicle.
7 **Section 5** requires any person who sells electric service for such a purpose to
8 collect the surcharge at the time the electric service is sold and to remit monthly all
9 amounts collected to the Department of Motor Vehicles. **Section 5** further requires
10 the Department to administer the collection of the surcharge and, after deducting
11 the costs of administration, pay all amounts collected to the State Treasurer for
12 deposit in the State Highway Fund. **Sections 6 and 7** of this bill make conforming
13 changes related to the imposition and collection of the surcharge.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 701B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 701B.670 and sections 2 to 5,*
5 *inclusive, of this act, unless the context otherwise requires, the*
6 *words and terms defined in sections 3 and 4 of this act have the*
7 *meanings ascribed to them in those sections.*

8 **Sec. 3.** *“Electric vehicle” means a vehicle powered solely by*
9 *one or more electric motors.*

10 **Sec. 4.** *“Plug-in hybrid electric vehicle” means a vehicle*
11 *powered at least partially by one or more electric motors and*
12 *which has a battery that can be charged by plugging it into an*
13 *external source of electric power.*

14 **Sec. 5. 1.** *There is hereby imposed a surcharge of 10*
15 *percent on the total amount of each sale of electric service*
16 *through a charging station to charge the battery of an electric*
17 *vehicle or a plug-in hybrid electric vehicle.*

18 **2.** *Any person who sells electric service through a charging*
19 *station to charge the battery of an electric vehicle or a plug-in*
20 *hybrid electric vehicle must:*

21 **(a)** *Collect the surcharge imposed pursuant to this section at*
22 *the time the electric service is sold.*

23 **(b)** *Not later than the last day of each calendar month, submit*
24 *to the Department:*

25 **(1)** *A statement of all electric service sold by the person*
26 *through a charging station to charge the battery of an electric*
27 *vehicle or a plug-in hybrid electric vehicle during the preceding*
28 *month; and*

29 **(2)** *The total amount of all surcharges collected by the*
30 *person during the preceding month.*

31 **3.** *The amount remitted to the Department pursuant to*
32 *subsection 2 must be, after deducting costs of administration*
33 *which must not exceed 2 percent of the amount collected, paid*
34 *over by the Department to the State Treasurer for deposit in the*
35 *State Highway Fund.*

36 **4.** *The Department:*

37 **(a)** *Is charged with the administration of this section.*

38 **(b)** *Shall adopt regulations and prescribe all necessary forms*
39 *or other requirements for the purpose of making the*
40 *administration of this section effective.*

41 **5.** *As used in this section, “Department” means the*
42 *Department of Motor Vehicles.*



Sec. 6. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program, including, without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:

(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;

(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;

(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program;

(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure; and

(e) The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles.

4. The Commission shall:

(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and



(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.

5. Each utility:

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to subsection 4; and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

6. As used in this section:

(a) ~~["Electric vehicle" means a vehicle powered solely by one or more electric motors.]~~ *"Commission" means the Public Utilities Commission of Nevada.*

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 7. NRS 481.023 is hereby amended to read as follows:

481.023 1. Except as otherwise provided in this section and in the provisions of law described in this section, the Department shall execute, administer and enforce, and perform the functions and duties provided in:

(a) Chapter 108 of NRS, and perform such duties and exercise such powers relating to liens on vehicles as may be conferred upon it pursuant to chapter 108 of NRS or the provisions of any other law.

(b) Chapters 360A, 365, 366, 371 and 373 of NRS, relating to the imposition and collection of taxes on motor fuels.

(c) Chapters 481, 482 to 486, inclusive, and 487 of NRS, relating to motor vehicles. The Department shall not execute, administer or enforce, or perform the functions or duties provided in NRS 486.363 to 486.375, inclusive, relating to the education and safety of motorcycle riders.

(d) *The provisions of section 5 of this act, relating to the imposition and collection of a surcharge on electric service sold through a charging station to charge the battery of an electric vehicle or a plug-in hybrid electric vehicle.*

(e) Chapter 706 of NRS relating to licensing of motor vehicle carriers and the use of public highways by those carriers.

~~(e)~~ (f) The provisions of NRS 426.401 to 426.461, inclusive.

2. The Department shall perform such other duties and exercise such other powers as may be conferred upon the Department.



- 1 **Sec. 8.** 1. This section becomes effective upon passage and
2 approval.
3 2. Sections 1 to 7, inclusive, of this act become effective:
4 (a) Upon passage and approval for the purpose of adopting
5 regulations and performing any preparatory administrative tasks that
6 are necessary to carry out the provisions of this act; and
7 (b) On January 1, 2022, for all other purposes.
8 3. Section 6 of this act expires by limitation on December 31,
9 2025.

