

House Bill 883

By: Representative Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8A of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to electric vehicle charging stations, so as to revise and provide for standards for
3 display of electricity dispensed by electric vehicle charging stations; to provide for standards
4 and conditions for annual registration of electric vehicle charging stations with the
5 Department of Agriculture; to provide for registration fees; to provide for inspections for
6 safety; to provide for authority to seek an injunction for electric vehicle charging stations
7 delivering inaccurate measures; to provide for condemnation of electric vehicle charging
8 stations that present a public safety hazard; to amend Article 1 of Chapter 9 of Title 48 of the
9 Official Code of Georgia Annotated, relating to motor fuel tax, so as to provide for an
10 exception for collection of motor fuel taxes relative to electricity delivered by certain electric
11 vehicle charging stations; to provide for related matters; to provide for an effective date; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 883

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SECTION 1.

Article 8A of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to electric vehicle charging stations, is amended by revising Code Section 10-1-222, relating to charging stations to be capable of measuring and displaying amount of electricity delivered and annual registration, as follows:

"10-1-222.

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

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

(2) All electric vehicle charging stations that deliver electricity by alternating current and for no consideration of payment in operation prior to January 1, 2026, shall be capable of prominently displaying when the maximum needed amount of electricity has been delivered to an electric vehicle, either directly upon the station or remotely through the use of a digital network.

(b) All electric vehicle charging stations shall be subject to inspection as provided for in this article. Prior to operation of any electric vehicle charging station and annually thereafter, an electric vehicle charging provider shall register with the Commissioner in the form and manner prescribed by such Commissioner. Such registration shall include the:

(1) The location of the electric vehicle charging station;

41 (2) Whether the electricity to be provided will be in exchange for consideration of
 42 payment;

43 (3) The date of first operation of the electric vehicle charging station;

44 (4) The the name, brand, or manufacturer of the type of electric vehicle charging station,
 45 together with the name and address thereof; and

46 (5) Certification certification that the electric vehicle charging station is in conformity
 47 with the specifications established pursuant to this article by the Commissioner.

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

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

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

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

57 **SECTION 2.**

58 Said article is further amended by revising Code Section 10-1-224, relating to inspection of
 59 stations, accurate stations, seal of accurate stations, condemnation of inaccurate stations,
 60 secrete manipulation prohibited, and regulatory authority, as follows:

61 "10-1-224.

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

64 (b) All electric vehicle charging stations that deliver electricity to a consumer for
 65 consideration of payment found to be giving accurate measure of the amount of electricity
 66 delivered within the tolerance established by regulations of the Commissioner shall have

67 the electric vehicle charging station sealed with an official seal applied by an inspector duly
68 authorized by the Commissioner.

69 (c)(1) If any electric vehicle charging station that delivers electricity to a consumer for
70 consideration of payment shall be found to be giving inaccurate measure of the amount
71 of electricity delivered in excess of the tolerance established by regulations of the
72 Commissioner, the inspector shall ~~then and there~~ immediately notify the electric vehicle
73 charging provider, whether owner or lessee. Should the electric vehicle charging
74 provider in receipt of notice pursuant to this paragraph fail or refuse to ~~then and there~~
75 immediately make such adjustments as shall be necessary to bring the measure within the
76 allowed variation, the ~~same~~ Commissioner shall be authorized to apply to the superior
77 court having jurisdiction over the electric vehicle charging provider for an injunction
78 against the continuance of any such violations. The appropriate superior court shall have
79 jurisdiction, upon hearing and for cause shown, to grant such temporary or permanent
80 injunction restraining further violations as the circumstances appear to require.

81 (2) If any electric vehicle charging station shall be found to be in unsafe condition
82 pursuant to standards established by regulations of the Commissioner, the inspector shall
83 immediately notify the electric vehicle charging provider, whether owner or lessee.
84 Should the electric vehicle charging provider in receipt of notice pursuant to this
85 paragraph fail or refuse to immediately make such adjustments as shall be necessary to
86 bring the electric vehicle charging station into compliance with safety rules or regulations
87 such electric vehicle charging station shall be condemned and rendered inoperable
88 immediately by the examining inspector ~~examining the same~~; and such electric vehicle
89 charging station shall not again be operated without the written consent of the
90 Commissioner. Inspectors shall be required to report to the Commissioner immediately
91 the name and number of any electric vehicle charging station condemned and rendered
92 inoperable pursuant to this paragraph.

93 (d) When any electric vehicle charging station is condemned under ~~this article~~
94 paragraph (1) of subsection (c) of this Code section by any inspector, it shall be the duty
95 of the inspector immediately to make affidavit before the judge of the probate court of the
96 county in which the electric vehicle charging station is located that such station is being
97 operated contrary to law by the electric vehicle charging provider who shall be named in
98 the affidavit. Thereupon the judge of the probate court shall issue an order to the electric
99 vehicle charging provider named in the affidavit to show cause before him or her on the
100 day named in the order, not more than ten days nor fewer than three days from the issuance
101 of the order, why the electric vehicle charging station should not be forfeited, confiscated
102 to the state, and dismantled. On such day named in the order, it shall be the duty of the
103 judge of the probate court to hear the respective parties and to determine whether or not the
104 electric vehicle charging station has been operated contrary to the provisions of this article.
105 If the judge of the probate court finds that the electric vehicle charging station has been so
106 operated, he or she shall forthwith issue an order adjudging the electric vehicle charging
107 station to be forfeited and confiscated to the state and directing the sheriff of the county to
108 dismantle the electric vehicle charging station and take it into his or her possession, and,
109 after ten days' notice by posting or publication, as the court may direct, to sell the electric
110 vehicle charging station to the highest bidder for cash. The proceeds of sale, or as much
111 thereof as may be necessary, shall be used by the sheriff, first, to pay the costs associated
112 with sale, which shall be the same as in cases of attachment, and the sheriff shall thereupon
113 pay over and deliver the residue, if any, to the person from whose possession the electric
114 vehicle charging station has been taken.

115 (e) It shall be unlawful to install or operate any electric vehicle charging station which can
116 be secretly manipulated in such manner as to give short measure. ~~Such inaccurate or that~~
117 is in violation of any rule or regulation of the Commissioner relating to safe operation of
118 electric vehicle charging stations. An unsafe electric vehicle charging station shall be
119 condemned as provided in this Code section, and thereafter it shall be unlawful for any

120 person to ~~reset~~ dispense any electricity from such electric vehicle charging station until
 121 such station has been made or altered to comply with this article and has been inspected
 122 and approved for service by the inspector.

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

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

129 **SECTION 3.**

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

133 "(G) Consumes, uses, or sells electricity as a motor fuel through an electric vehicle
 134 charging station for both highway and nonhighway use; provided, however, that such
 135 term shall not include any electric vehicle charging stations that deliver electricity by
 136 alternating current and for no consideration of payment in operation prior to January 1,
 137 2026;"

138 **SECTION 4.**

139 Said article is further amended in Code Section 48-9-3, relating to levy of excise tax, rate,
 140 taxation of motor fuels not commonly sold or measured by gallon, rate, prohibition of tax on
 141 motor fuel by political subdivisions, exception, and exempted sales, by revising
 142 paragraph (2) of subsection (a) and subdivision (b)(7)(B)(ii)(I) as follows:

143 "(2) In the event any motor fuels which are not commonly sold or measured by the gallon
 144 or which are not otherwise provided for by this Code section are used in any motor

145 vehicles on the public highways of this state, the commissioner may assess, levy, and
146 collect a tax upon such fuels, under such regulations as the commissioner may
147 promulgate, in accordance with and measured by the nearest power potential equivalent
148 to that of one gallon of regular grade gasoline; provided, however, that no tax shall be
149 collected upon such fuel dispensed from an electric vehicle charging station that delivers
150 electricity by alternating current and for which no consideration of payment is exchanged
151 that is in operation prior to January 1, 2026. Any determination by the commissioner of
152 the power potential equivalent of such motor fuels shall be prima-facie correct. Upon
153 each such quantity of such fuels used upon the public highways of this state, a tax at the
154 same rate per gallon imposed on motor fuel under paragraph (1) of this subsection shall
155 be assessed and collected."

156 "(ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage
157 receptacle which has a connection to a withdrawal outlet that may be used for
158 highway use, as defined in paragraph (8) of Code Section 48-9-2, and any special
159 fuel delivered from an electric vehicle charging station, is not exempt from the
160 motor fuel and road taxes imposed by this article unless: ~~(1)~~ the purchaser is at the
161 time of sale a valid licensed distributor of that type of motor fuel, ~~or~~ (2) such fuel
162 dispensed is from an electric vehicle charging station that delivers electricity by
163 alternating current and for which no consideration of payment is exchanged that is
164 in operation prior to January 1, 2026, or an exemption certificate has been obtained
165 on forms furnished by the Department of Revenue showing that there is no highway
166 use of such fuels and the person obtaining such fuel is not a reseller of such fuels.
167 Each exemption certificate shall be valid for a period of not more than three years
168 and shall be kept by the distributor as one of the records specified in Code Section
169 48-9-8. It shall be the responsibility of the purchaser to notify the distributor when
170 the purchaser is no longer qualified for the nonhighway exemption. All applicable

171 taxes ~~must~~ shall be charged the purchaser until the purchaser is granted a valid
172 distributor's license for that type of motor fuel."

173 **SECTION 5.**

174 This Act shall become effective on January 1, 2026.

175 **SECTION 6.**

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