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MEMORANDUM

To: Committee on Energy, Utilities and Telecommunications
From: Nick Myers, Assistant Revisor of Statutes
Date: February 15, 2017
Subject: House Bill 2166

House Bill 2166 would authorize private entities to provide electric vehicle charging stations and would authorize such entities to charge for use of those vehicle charging stations. Under current law, the Retail Electric Suppliers Act (RESA) prohibits any person or entity from providing retail electric service unless such person or entity is the certified retail electric supplier in that territory.¹

HB 2166 amends the definition of “retail electric supplier” in RESA to provide that a non-utility entity that provides electric vehicle charging services would not be considered to furnish retail electric service under RESA. Thus, an entity that provides electric vehicle charging services would not be a “retail electric supplier” under RESA unless it is otherwise considered a “public utility” under K.S.A. 66-104. HB 2166 also amends K.S.A. 66-104 to similarly exempt those entities that provide electric vehicle charging services from the definition of a “public utility.” Ultimately, the two statutory changes would allow unregulated entities provide and charge for vehicle charging services on premises owned or operated by the entity without making that entity a public utility under Kansas law and imposing any new KCC jurisdiction.

¹ See K.S.A. 66-1,170 *et seq.*