



WISCONSIN LEGISLATURE

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Sen. Howard Marklein and Rep. Nancy VanderMeer circulate legislation to
enable retail electric vehicle charging in Wisconsin
*Legislation needed to capture National Electric Vehicle Infrastructure (NEVI) Formula Program
funding from the Federal government.*

MADISON – State Senator Howard Marklein (R-Spring Green) and Rep. Nancy VanderMeer (R-Tomah) circulated legislation today to enable retail electric vehicle charging in Wisconsin. The legislation makes necessary changes to state law to enable private businesses to own and operate electric vehicle (EV) charging facilities and creates operational structure for the future of EV charging.

“We were approached by retailers and the Wisconsin Department of Transportation (DOT) to change state laws in order to make wide-scale, retail EV charging possible in Wisconsin,” Marklein and VanderMeer said. “This bill enables Wisconsin to capture nearly \$78 million in federal funds that are available for private businesses, such as local gas stations and convenience stores, to construct, own and operate EV chargers along the main travel corridors in Wisconsin.”

“The EV charging legislation is necessary because current law requires every entity that sells electricity to be regulated as a utility. It is not necessary for gas stations, grocery stores and others who want to offer EV charging for sale to be regulated like a utility,” Marklein and VanderMeer said. “This bill changes the law to allow for EV charging without this cumbersome regulation. The bill also requires retailers to purchase their power from a utility and to collect an excise tax per kilowatt hour that will be dedicated to the state’s Transportation Fund like the gas tax.”

Background on the bills:

There are two bills:

- LRB-2813/1 - the policy for the EV Charging Bill.
- LRB-4850/1 - the funding / budget authority for Federal EV Charging funds.

The policy bill does the following:

- Allows private sector businesses to construct and sell electricity by the kilowatt hour.
- The private sector businesses will not be considered a utility for this purpose.
- The private sector businesses must purchase power for this type of re-sale from a utility.
- The private sector can sell all levels of charging – Levels 1-3+
- The public sector (cities, counties, towns and villages) may continue to provide free access to Level 1 and Level 2 charging.
- The public sector is prohibited from constructing Level 3+ charging except for their own fleet.
- The public sector cannot sell EV charging, but they can lease property to a private entity to own and operate EV charging on public property.
- Municipal electric utilities will be treated like all other utilities and may construct and sell Level 1-3+ charging, as long as no taxpayer funding is used to construct the charging facilities.
- Collects and distributes excise tax of \$.03 per kilowatt hour into the Transportation Fund for parity with the gas tax.

The intent of the funding bill is to provide the budget authority for the DOT to distribute the NEVI funds for EV Charging infrastructure.

The bills are currently circulating for co-sponsorship and will be introduced in December.

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