

STATEMENT OF EMERGENCY
302 KAR 79:014E.

This emergency administrative regulation is being promulgated to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. Specifically, during the 2026 Regular Session, the General Assembly passed House Bill 757, which enacted KRS 363.785. Under KRS 363.785(1), beginning on January 1, 2027, all electric power dealers selling electricity to the public from an electric vehicle charging station capable of generating 20 kw/h of power or more shall obtain a license from the Kentucky Department of Agriculture. KRS 363.785(6) further requires the Kentucky Department of Agriculture to promulgate administrative regulations in accordance with KRS Chapter 13A within ninety (90) days of July 15, 2026. This administrative regulation is being filed on an emergency basis to ensure compliance with the statutory deadline. This emergency regulation will be replaced by an ordinary administrative regulation because the licensure program for retail electric vehicle charging stations will remain in effect permanently, unless altered by the General Assembly. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

JONATHAN SHELL, Commissioner of Agriculture

DEPARTMENT OF AGRICULTURE
Office of Consumer and Environmental Protection
(New Emergency Administrative Regulation)

302 KAR 79:014E. Retail Electric Vehicle Charging Station Licensing and Inspection

RELATES TO: KRS 363.510; KRS 363.785

STATUTORY AUTHORITY: KRS 363.510; KRS 363.785

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 363.785 requires the Kentucky Department of Agriculture to issue licenses to electric vehicle power dealers operating an electric vehicle charging station with a charging capacity of 20 kilowatts or more that offers electricity for sale to the public to power electric vehicles and to inspect those electric vehicle charging stations. This administrative regulation establishes the licensing and inspection procedures utilized by the department. KRS 363.785(6) requires the department to promulgate administrative regulations establishing electric vehicle charging station inspection standards and to carry out and enforce KRS 363.785.

Section 1. Licensing and Renewal.

(1) Beginning January 1, 2027, unless otherwise exempt under KRS 363.785(5), a person shall not offer for sale to the public electric power dispensed from an electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more to charge an electric vehicle without first obtaining a retail electric vehicle charging license from the department.

(2) To apply for a retail electric vehicle charging license, each electric vehicle power dealer shall use the department's online licensure portal to complete a "Retail Electric Vehicle Charging License Application" and pay the licensure fee of One Hundred Dollars (\$100.00) per electric vehicle charging port per electric vehicle charging station.

(3) When completing a Retail Electric Vehicle Charging License Application, each electric vehicle power dealer shall provide the dealer or an authorized representative's contact information and identify each electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more that the dealer is operating in the Commonwealth by:

- (a) Model type, including the minimum and maximum kilowatt capacity;
- (b) The National Council on Weights and Measures, National Type Evaluation Certificate of Conformance number for all electric vehicle charging stations installed after January 1, 2025;
- (c) The number of electric vehicle charging ports on the electric vehicle charging station;
- (d) The street address and geolocation of the electric vehicle charging station; and
- (e) If the electric vehicle charging station is being operated pursuant to a lease, the duration of the lease term.

(4) If the electric vehicle power dealer operates a new electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more between the initial approval of the retail electric vehicle charging license and annual renewal, the dealer shall use the department's online licensure portal to complete an "Additional Electric Vehicle Charging Station Approval Application" and provide the same information about the additional electric vehicle charging station as required in subsection (3) of this Section.

(5) A valid retail electric vehicle charging license, or other proof of licensure as provided by the department, shall be conspicuously displayed at each electric vehicle charging station for which a license is required.

(6) Operating an electric vehicle charging station without a retail electric vehicle charging license shall result in the placement of a Stop-Sale Order on each electric vehicle charging station for which a retail electric vehicle charging license is required. Upon successful application submission and approval of the necessary retail electric vehicle charging license, the Stop-Sale Order issued under this subsection of this Section shall be removed.

(7) Each retail electric vehicle charging license shall be effective from the date of issuance until January 31 of the following calendar year.

(8) Prior to January 31 of each calendar year, an electric vehicle power dealer holding a retail electric vehicle charging license shall use the department's online licensure portal to renew the license by confirming the accuracy of the information associated with the licensee's account and paying the applicable licensure fee.

(9) All applications and licensure fees required by this Section of this administrative regulation shall be submitted using the department's online licensure portal available at the department's website, <https://www.kyagr.com/OnlinePortal/RegisterCompany>.

Section 2. Inspections and Enforcement.

(1) All electric vehicle charging stations for which a retail electric vehicle charging station license is required shall conform to all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and 302 KAR 81:010.

(2) An electric vehicle charging station that deviates from any standard in the current edition of the National Institute of Standards and Technology's Handbook 44 or 302 KAR 81:010 shall be subject to a Stop-Sale Order.

(3) Any Stop-Sale Order issued under this Section shall remain in effect until the electric vehicle power dealer provides proof the electric vehicle charging station has been brought into compliance with all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and the department has confirmed such compliance following an additional inspection.

(4) The department shall conduct the additional inspection required under subsection (3) of this Section within ten (10) days of receiving notice from the electric vehicle power dealer of the proof of conformity required under subsection (3) of this Section.

(5) The department shall affix to any electric vehicle charging station placed under a Stop-Sale order, for any reason, a tag or other object preventing the public from using the electric vehicle charging station. Removal of the tag or other object by any person without the express written approval of the department shall result in the department initiating action against the person under KRS 363.991.

Section 3. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Retail Electric Vehicle Charging License Application" 10/2026; and

(b) "Additional Electric Vehicle Charging Station Approval Application," 10/2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The material incorporated by reference is also available on the Department's website at <https://www.kyagr.com/consumer/electric-vehicle-charger.html>.

JONATHAN SHELL, Commissioner

APPROVED BY AGENCY: October 8, 2026

FILED WITH LRC: October 8, 2026 at 2:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on November 23, 2026, at 1:00 P.M., at 107

Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marc E. Manley, Deputy General Counsel, Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. (502) 782-9219. MarcE.Manley@ky.gov.