

1 *Requested by Sen. Bray*

2 TO THE HONORABLE SENATE:

3 The Committee on Natural Resources and Energy to which was referred  
4 House Bill No. 410 entitled “An act relating to adding products to Vermont’s  
5 energy efficiency standards for appliances and equipment” respectfully reports  
6 that it has considered the same and recommends that the Senate propose to the  
7 House that the bill be amended by striking out all after the enacting clause and  
8 inserting in lieu thereof the following:

9 \* \* \* Appliance Efficiency \* \* \*

10 Sec. 1. PURPOSE

11 (a) In 9 V.S.A. § 2792, the General Assembly found that efficiency  
12 standards for products sold or installed in the State provide benefits to  
13 consumers and businesses, including saving money on utility bills, saving  
14 energy and thereby reducing the environmental impacts of energy  
15 consumption, reducing or delaying the need for new power plants and  
16 upgrades to the electric transmission and distribution system, and allowing the  
17 energy cost savings to be spent on other goods and services within the State’s  
18 economy.

19 (b) The purpose of this act is to obtain the benefits found in 9 V.S.A.  
20 § 2792 for the following products to which the State’s efficiency standards  
21 under 9 V.S.A. chapter 74 do not currently apply: air compressors,

1 commercial dishwashers, commercial fryers, commercial hot-food holding  
2 cabinets, commercial steam cookers, computers and computer monitors,  
3 faucets, high color rendering index fluorescent lamps, portable air  
4 conditioners, portable electric spas, residential ventilating fans, showerheads,  
5 spray sprinkler bodies, ~~telephones~~, uninterruptible power supplies, urinals,  
6 ~~water closets~~, and water coolers.

7 Sec. 2. 9 V.S.A. § 2793 is amended to read:

8 § 2793. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

11 (16) With respect to air compressors, the following definitions apply:

12 (A) “Air compressor” means a compressor that is designed to  
13 compress air that has an inlet open to the atmosphere or other source of air and  
14 that consists of the bare compressor, also known as the compression element;  
15 one or more drivers; mechanical equipment to drive the compression element;  
16 and any ancillary equipment.

17 (B) “Compressor” means a machine or apparatus that converts  
18 different types of energy into the potential energy of gas pressure for  
19 displacement and compression of gaseous media to any higher-pressure values  
20 above atmospheric pressure and has a pressure ratio at full-load operating  
21 pressure greater than 1.3.

1           (17) “Commercial dishwasher” means a machine designed to clean and  
2           sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying  
3           sprays of detergent solution, with or without blasting media granules, and a  
4           sanitizing rinse. The phrase “commercial dishwasher” does not include  
5           dishwashers intended for consumer use as defined in 10 C.F.R. § 430.2.

6           (18) “Commercial fryer” means an appliance, including a cooking  
7           vessel, in which oil is placed to such a depth that the cooking food is supported  
8           by displacement of the cooking fluid rather than by the bottom of the vessel.  
9           Heat is delivered to the cooking fluid by means of an immersed electric  
10           element of band-wrapped vessel or by heat transfer from gas burners either  
11           through the walls of the fryer or through tubes passing through the cooking  
12           fluid.

13           (19) “Commercial hot-food holding cabinet” means a heated, fully  
14           enclosed compartment with one or more solid or transparent doors designed to  
15           maintain the temperature of hot food that has been cooked using a separate  
16           appliance. The phrase “commercial hot-food holding cabinet” does not include  
17           heated glass merchandizing cabinets, drawer warmers, or cook-and-hold  
18           appliances.

19           (20) “Commercial steam cooker” means a device with one or more  
20           food-steaming compartments in which the energy in the steam is transferred to

1 the food by direct contact. A commercial steam cooker may also be known as  
2 a compartment steamer.

3 (21) “Computer” means a device that performs logical operations  
4 and processes data, whether or not input devices or displays are included  
5 when the device is shipped.

6 (A) At a minimum, a computer includes:

7 (i) a central processing unit (CPU) to perform operations or, if  
8 no CPU is present, then the device functions as a client gateway to a  
9 server, and the server acts as a computational CPU;

10 (ii) the ability to support user input devices such as a  
11 keyboard, mouse, or touch pad; and

12 (iii) an integrated display screen or the ability to support an  
13 external display screen to output information.

14 (B) The term “computer” includes both stationary and portable  
15 units and includes a desktop computer, a portable all-in-one, a notebook  
16 computer, a mobile gaming system, a high-expandability computer, a  
17 small-scale server, a thin client, and a workstation.

18 (C) The term “computer” does not include a tablet, a game  
19 console, a television, a device with an integrated and primary display that  
20 has a screen size of 20 square inches or less, a server other than a small-  
21 scale server, or an industrial computer.

1           ~~(22) “Computer monitor” means an analog or digital device~~  
2           ~~composed of a display screen and associated electronics that has a~~  
3           ~~diagonal screen size greater than or equal to 17 inches and less than or~~  
4           ~~equal to 61 inches, that has a pixel density of greater than 5,000 pixels per~~  
5           ~~square inch (psi), and that is designed primarily for the display of~~  
6           ~~computer-generated signals for viewing by one person in a desk-based~~  
7           ~~environment. The term “computer monitor” does not include:~~

8                     ~~(A) displays with integrated or replaceable batteries designed to~~  
9                     ~~support primary operation without AC mains or external DC power, such~~  
10                    ~~as electronic readers, mobile phones, tablets, battery-powered digital~~  
11                    ~~picture frames; or~~

12                    ~~(B) a television or signage display.~~

13           ~~(23) “ENERGY STAR Program” means the federal program initiated by~~  
14           ~~the U.S. Environmental Protection Agency pursuant to 42 U.S.C. § 7403(g)~~  
15           ~~that includes certification of energy-saving products, buildings, and tools, and~~  
16           ~~includes other resources for saving energy.~~

17           ~~(22) With respect to faucets and showerheads, the following definitions~~  
18           ~~apply:~~

19                     ~~(A) “Faucet” means a lavatory faucet, kitchen faucet, metering~~  
20           ~~faucet, public lavatory faucet, or replacement aerator for a lavatory, public~~  
21           ~~lavatory, or kitchen faucet. As used in this subdivision (24)(A):~~

1                    (i) “Metering faucet” means a fitting that, when turned on, will  
2                    gradually shut itself off over a period of several seconds.

3                    (ii) “Public lavatory faucet” means a fitting intended to be  
4                    installed in nonresidential bathrooms that are exposed to walk-in traffic.

5                    (iii) “Replacement aerator” means an aerator sold as a  
6                    replacement, separate from the faucet to which it is intended to be attached.

7                    (B) “Showerhead” means an accessory to a supply fitting for  
8                    spraying water onto a bather, typically from an overhead position. The term  
9                    includes a body spray and handheld shower. As used in this subdivision

10                  (22)(B):

11                  (i) “Body spray” means a shower device for spraying water onto a  
12                  bather other than from the overhead position.

13                  (ii) “Handheld shower” means a showerhead that can be held or  
14                  fixed in place for the purpose of spraying water onto a bather and that is  
15                  connected to a flexible hose.

16                  (23) “High color rendering index (CRI) fluorescent lamp” means a  
17                  fluorescent lamp with a color rendering index of 87 or greater that is not a  
18                  compact fluorescent lamp.

19                  (24) “Portable electric spa” means a factory-built electric spa or hot tub,  
20                  which may or may not include any combination of integral controls, water  
21                  heating, or water circulating equipment.

1           (25) With respect to portable air conditioners, the following definitions  
2           apply:

3           (A) “Portable air conditioner” means a portable encased assembly,  
4           other than a packaged terminal air conditioner, room air conditioner, or  
5           dehumidifier, that includes a source of refrigeration; delivers cooled,  
6           conditioned air to an enclosed space; and is powered by single-phase electric  
7           current. The assembly may include additional means for air circulation and  
8           heating and may be a single-duct or a dual-duct portable air conditioner.

9           (B) “Single-duct portable air conditioner” means a portable air  
10           conditioner that draws all of the condenser inlet air from the conditioned space  
11           without the means of a duct and discharges the condenser outlet air outside the  
12           conditioned space through a single duct attached to an adjustable window  
13           bracket.

14           (C) “Dual-duct portable air conditioner” means a portable air  
15           conditioner that draws some or all of the condenser inlet air from outside the  
16           conditioned space through a duct attached to an adjustable window bracket,  
17           may draw additional condenser inlet air from the conditioned space, and  
18           discharges the condenser outlet air outside the conditioned space by means of a  
19           separate duct attached to an adjustable window bracket.

20           (26) “Residential ventilating fan” means a ceiling, wall-mounted, or  
21           remotely mounted in-line fan designed to be used in a bathroom or utility

1 room, or a kitchen range hood, whose purpose is to move air from inside the  
2 building to the outdoors.

3 (27) With respect to spray sprinkler bodies, the following definitions  
4 apply:

5 (A) “Pressure regulator” means a device that maintains constant  
6 operating pressure immediately downstream from the device, given higher  
7 pressure upstream.

8 (B) “Spray sprinkler body” means the exterior case or shell of a  
9 sprinkler incorporating a means of connection to the piping system designed to  
10 convey water to a nozzle or orifice.

11 ~~(30) “Telephone” means an electronic product whose primary~~  
12 ~~purpose is to transmit and receive sound over a distance using a voice or~~  
13 ~~data network. The term does not include a cellular telephone as defined in~~  
14 ~~the “ENERGY STAR Program Product Specification for Telephony,”~~  
15 ~~Version 3.0.~~

16 (28) “Uninterruptible power supply” means a battery charger consisting  
17 of a combination of convertors, switches, and energy storage devices, such as  
18 batteries, constituting a power system that maintains continuity of load power  
19 in case of input power failure.

20 (29) With respect to urinals ~~and water closets~~, the following definitions  
21 apply:



1            (A) “Dual-flush effective flush volume” means the average flush  
2            volume of two reduced flushes and one full flush.

3            (B) “Dual-flush water closet” means a water closet incorporating  
4            a feature that allows the user to flush the water closet with either a  
5            reduced or a full volume of water.

6            (C) “Plumbing fixture” means an exchangeable device that connects  
7            to a plumbing system to deliver and drain away water and waste.

8            (B) “Urinal” means a plumbing fixture that receives only liquid body  
9            waste and conveys the waste through a trap into a drainage system.

10           (E) “Water closet” means a plumbing fixture having a water-  
11           containing receptor that receives liquid and solid body waste through an  
12           exposed, integral trap into a drainage system.

13           (C) “Trough-type urinal” means a urinal designed for simultaneous  
14           use by two or more persons.

15           (30) With respect to water coolers, the following definitions apply:

16           (A) “Cold-only unit” means a water cooler that dispenses cold  
17           water only.

18           (B) “Cook and cold unit” means a water cooler that dispenses both  
19           cold and room-temperature water.

1           (C) “Hot and cold unit” means a water cooler that dispenses both hot  
2           and cold water. A hot and cold unit also may dispense room-temperature  
3           water.

4           (D) “On demand” means that a water cooler heats water as it is  
5           requested, which typically takes a few minutes to deliver.

6           (E) “Storage-type” means that a water cooler stores thermally  
7           conditioned water in a tank and the conditioned water is available  
8           instantaneously. Storage-type water coolers include point-of-use, dry storage  
9           compartment, and bottled water coolers.

10           (F) “Water cooler” means a freestanding device that consumes  
11           energy to cool or heat potable water, or both.

12           Sec. 3. 9 V.S.A. § 2794 is amended to read:

13           § 2794. SCOPE

14           (a) The provisions of this chapter apply to the following types of new  
15           products sold, offered for sale, or installed in the State:

16           (1) Medium voltage dry-type distribution transformers.

17           (2) Metal halide lamp fixtures.

18           (3) Residential furnaces and residential boilers.

19           (4) Single-voltage external AC to DC power supplies.

20           (5) State-regulated incandescent reflector lamps.

21           (6) General service lamps.

- 1           (7) Air compressors.
- 2           (8) Commercial dishwashers.
- 3           (9) Commercial fryers.
- 4           (10) Commercial hot-food holding cabinets.
- 5           (11) Commercial steam cookers.
- 6           (12) Computers and computer monitors.
- 7           (13) Faucets.
- 8           (14) High CRI fluorescent lamps.
- 9           (15) Portable air conditioners.
- 10          (16) Portable electric spas.
- 11          (17) Residential ventilating fans.
- 12          (18) Showerheads.
- 13          (19) Spray sprinkler bodies.
- 14          (20) **Telephones.**
- 15          ~~(21)~~ Uninterruptible power supplies.
- 16          (21) Urinals.
- 17          ~~(23)~~ **Water closets.**
- 18          (22) Water coolers.
- 19          (23) Each other product for which the Commissioner is required to
- 20          adopt an efficiency or water conservation standard by rule pursuant to
- 21          section 2795 of this title.



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(C) For purposes of this subdivision (4), the efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the test methodology specified by the ~~U.S. Environmental Protection Agency's Energy Star~~ ENERGY STAR Program, "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC-DC and AC-AC Power Supplies (August 11, 2004)."

\* \* \*

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations, except that for faucets, showerheads, and urinals, and water closets, the minimum standard and testing protocol shall be as otherwise set forth in this section.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

1           (8) In this subdivision (8), “final rule” means the document setting forth  
2           a final action by the U.S. Department of Energy (DOE) with respect to a final  
3           rule for “Energy Conservation Standards for Air Compressors,” docket no.  
4           EERE-2013-BT-STD-0040, approved by DOE on December 5, 2016. Air  
5           compressors that meet the 12 criteria to be codified under 10 C.F.R.  
6           § 431.345(a) and set forth on pages 350 to 351 of the final rule shall meet the  
7           requirements contained in Table 1 on page 352 of the final rule using the  
8           instructions to be codified under 10 C.F.R. § 431.345(b) and set forth on page  
9           353 of the final rule. Compliance with these requirements shall be measured in  
10           accordance with 10 C.F.R. Part 431, Subpart T, Appendix A, entitled “Uniform  
11           Test Method for Certain Air Compressors,” as in effect on July 3, 2017.

12           (9) Commercial dishwashers included in the scope of the “ENERGY  
13           STAR Program Requirements Product Specification for Commercial  
14           Dishwashers,” Version 2.0, shall meet the qualification criteria of that  
15           specification.

16           (10) Commercial fryers included in the scope of the “ENERGY STAR  
17           Program Requirements Product Specification for Commercial Fryers,” Version  
18           2.0, shall meet the qualification criteria of that specification.

19           (11) Commercial hot-food holding cabinets shall have a maximum idle  
20           energy rate of 40 watts per cubic foot of interior volume, as determined by the  
21           “idle energy rate-dry test” in ASTM F2140-11, “Standard Test Method for

1 Performance of Hot-Food Holding Cabinets,” ASTM International (2011).  
2 Interior volume shall be measured as prescribed in the “ENERGY STAR  
3 Program Requirements Product Specification for Commercial Hot-Food  
4 Holding Cabinets,” Version 2.0.

5 (12) Commercial steam cookers shall meet the requirements of the  
6 “ENERGY STAR Program Requirements Product Specification for  
7 Commercial Steam Cookers,” Version 1.2.

8 (13) Computers and computer monitors shall meet the requirements of  
9 20 California Code of Regulations (C.C.R.) § 1605.3(v) and compliance with  
10 these requirements shall be measured in accordance with test methods  
11 prescribed in 20 C.C.R. § 1604(v).

12 **(A) For the purposes of this subdivision (13), terms used in the**  
13 **referenced portions of the C.C.R. shall be as defined in 20 C.C.R. § 1602.**

14 **(B) The rules shall define “computer” and “computer monitor”**  
15 **to have the same meaning as set forth in 20 C.C.R. § 1602(v).**

16 **(C) The referenced portions of the C.C.R. shall be those adopted on**  
17 **or before the effective date of this section. However, the Commissioner shall**  
18 **have authority to amend the rules so that the definitions of “computer”**  
19 **and “computer monitor” and the minimum efficiency standards for**  
20 **computers and computer monitors conform to subsequently adopted**  
21 **modifications to the referenced sections of the C.C.R.**

1           (14) Faucets, except for metering faucets, and showerheads shall meet  
2           the standards set forth in this subdivision (14) when tested in accordance with  
3           10 C.F.R. Part 430, Subpart B, Appendix S, entitled “Uniform Test Method for  
4           Measuring the Water Consumption of Faucets and Showerheads,” as in effect  
5           on January 3, 2017.

6           (A) Lavatory faucets and replacement aerators shall not exceed a  
7           maximum flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square  
8           inch (psi).

9           (B) Residential kitchen faucets and replacement aerators shall not  
10          exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary  
11          flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at  
12          60 psi after each use.

13          (C) Public lavatory faucets and replacement aerators shall not exceed  
14          a maximum flow rate of 0.5 gpm at 60 psi.

15          (D) Showerheads shall not exceed a maximum flow rate of 2.0 gpm  
16          at 80 psi.

17          (15) High CRI fluorescent lamps shall meet the minimum efficacy  
18          requirements contained in 10 C.F.R. § 430.32(n)(4) as that subdivision existed  
19          on January 3, 2017. Compliance with requirements shall be measured in  
20          accordance with 10 C.F.R. Part 430, Subpart B, Appendix R, entitled  
21          “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color



1 Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric  
2 Lamps,” as that appendix existed on January 3, 2017.

3 (16) Urinals ~~and water closets~~, other than those ~~trough-type urinals~~  
4 ~~and urinals~~ designed and marketed exclusively for use at prisons or mental  
5 health facilities, shall ~~meet the standards set forth in this subdivision (16)~~ **have**  
6 **a maximum flush volume of 0.5 gallons per flush** when tested in accordance  
7 with 10 C.F.R. Part 430, Subpart B, Appendix T, entitled “Uniform Test  
8 Method for Measuring the Water Consumption of Water Closets and Urinals,”  
9 as in effect on January 3, 2017 and shall pass the waste extraction test for  
10 water closets set forth in Sec. 7.10 of the American Society of Mechanical  
11 Engineers (ASME) standard A112.19.2-2013/CSA B.45.1, as that standard  
12 exists on the effective date of this section.

13 ~~(A) Urinals, except for trough-type urinals, shall have a~~  
14 ~~maximum flush volume of 0.5 gallons per flush.~~

15 ~~(B) Water closets, except for dual-flush tank-type water closets,~~  
16 ~~shall have a maximum flush volume of 1.28 gallons per flush.~~

17 ~~(C) Dual-flush tank-type water closets shall have a maximum~~  
18 ~~dual-flush effective flush volume of 1.28 gallons per flush.~~

19 (17) Portable air conditioners shall have a Combined Energy Efficiency  
20 Ratio (CEER), that is greater than or equal to:  $1.04 \times [SACC / (3.7177 \times$   
21  $SACC^{0.6384})]$ .

1           (A) In this subdivision (17), “SACC” means seasonally adjusted  
2           cooling capacity expressed in British thermal units per hour.

3           (B) The CEER shall be measured in accordance with 10 C.F.R. Part  
4           430, Subpart B, Appendix CC, entitled “Uniform Test Method for Measuring  
5           the Energy Consumption of Portable Air Conditioners,” as in effect on  
6           January 3, 2017.

7           (18) Portable electric spas shall meet the requirements of the American  
8           National Standard for Portable Electric Spa Energy Efficiency,  
9           ANSI/APSP/ICC-14 2014, as that standard exists on the effective date of this  
10          section.

11          (19) Residential ventilating fans shall meet the qualification criteria of  
12          the “ENERGY STAR Program Requirements Product Specification for  
13          Residential Ventilating Fans,” Version 3.2.

14          (20) Spray sprinkler bodies shall include an integral pressure regulator  
15          and shall meet the water efficiency and performance criteria and other  
16          requirements of the Environmental Protection Agency’s “WaterSense  
17          Specification for Spray Sprinkler Bodies,” Version 1.0. However, this  
18          subdivision (20) shall not apply to spray sprinkler bodies that are specifically  
19          excluded from the scope of that specification.

20          (21) **Telephones included in the scope of the “ENERGY STAR**  
21          **Program Product Specification for Telephony,” Version 3.0, shall meet the**

1 certification criteria of that specification, except that the performance  
2 requirements for external power supplies in section 3.2.2 of the  
3 specification shall not apply.

4 (22) In this subdivision (21), “final rule” means the document setting  
5 forth a final action by DOE with respect to a final rule for “Energy  
6 Conservation Standards for Uninterruptible Power Supplies,” docket no.  
7 EERE-2016-BT-STD-0022, approved by DOE on December 28, 2016.  
8 Uninterruptible power supplies that use a National Electrical Manufacturer  
9 Association (NEMA) 1-15P or 5-15P input plug and have an alternating  
10 current (AC) output shall have an average load-adjusted efficiency that meets  
11 or exceed the values shown to be codified under 10 C.F.R. § 430.32(z)(3) and  
12 set forth on pages 193–194 of the final rule. Compliance with these  
13 requirements shall be measured in accordance with 10 C.F.R. Part 430,  
14 Subpart B, Appendix Y, entitled “Uniform Test Method for Measuring the  
15 Energy Consumption of Battery Chargers,” as in effect on January 11, 2017.

16 (22) Water coolers included in the scope of the “ENERGY STAR  
17 Program Requirements Product Specification for Water Coolers,” Version 2.0,  
18 shall have “on mode with no water draw” energy consumption less than or  
19 equal to the following values, measured in accordance with the test  
20 requirements of that specification:

1           (A) 0.16 kilowatt-hours (kWh) per day for cold-only units and cook  
2           and cold units;

3           (B) 0.87 kWh per day for storage type hot and cold units; and

4           (C) 0.18 kWh per day for on-demand hot and cold units.

5           (b) When a minimum efficiency standard as described in subsection (a) of  
6           this section sets forth requirements that change over time, the rules shall  
7           provide for compliance with the changed requirements as they come into  
8           effect.

9           (c) When a subdivision within subdivisions (a)(8) through (a)(22) of  
10           this section requires compliance with an efficiency standard or testing  
11           protocol contained in a document issued by an agency of the United  
12           States, another state, or a nationally or internationally recognized  
13           organization, the rules of the Commissioner may incorporate the specified  
14           standard or protocol by reference pursuant to 3 V.S.A. § 838 rather than  
15           setting forth its language.

16           (d) With respect to computers and computer monitors subject to  
17           subdivision (a)(13) of this section, the Commissioner shall have authority  
18           to [placeholder for adopting regulatory waivers as issued by the California  
19           Energy Commission and official interpretations issued by that Commission,  
20           with the process for doing so and obtaining copies of the waivers and  
21           interpretations set forth in the rules].

1 Sec. 5. 9 V.S.A. § 2796 is amended to read:

2 § 2796. IMPLEMENTATION

3 \* \* \*

4 (d) ~~One year after the date upon which the sale or offering for sale of~~  
5 ~~certain products becomes subject to the requirements of subsection (a) or (b) of~~  
6 ~~this section, no new products may be installed for compensation in the State~~  
7 ~~unless the efficiency of a new product meets or exceeds the efficiency~~  
8 ~~standards set forth in the rules adopted pursuant to section 2795 of this title.~~

9 **(1) On or after July 1, 2019, no new light fixture or ballast that can**  
10 **be used with a high CRI fluorescent lamp may be sold or offered for sale**  
11 **in the State unless the fixture or ballast can used, without modification,**  
12 **with a high CRI fluorescent lamp that meets the minimum efficiency**  
13 **standards described in subdivision 2795(a)(15) of this title.**

14 **(2) On or after July 1, 2020, no new air compressor, commercial**  
15 **dishwasher, commercial fryer, commercial hot-food holding cabinet,**  
16 **commercial steam cooker, computer or computer monitor, faucet, high CRI**  
17 **fluorescent lamp, ~~portable air conditioner,~~ portable electric spa, residential**  
18 **ventilating fan, showerhead, spray sprinkler body, ~~telephone,~~ uninterruptible**  
19 **power supply, urinal, ~~water closet,~~ or water cooler may be sold or offered for**  
20 **sale, lease, or rent in the State unless the efficiency of the new product meets**

1 or exceeds the efficiency standards set forth in the rules adopted pursuant to  
2 section 2795 of this title.

3 **(3) This subdivision governs the date after which no new portable**  
4 **air conditioner may be sold or offered for sale, lease, or rent in the State**  
5 **unless the efficiency of the new product meets or exceeds the efficiency**  
6 **standards set forth in the rules adopted pursuant to section 2795 of this**  
7 **title (the compliance date).**

8 **(A) The compliance date shall be on or after February 1, 2022,**  
9 **unless subdivision (B) of this subdivision (3) applies.**

10 **(B) If, prior to January 1, 2019, USDOE has published a final**  
11 **rule in the Federal Register establishing efficiency standards for portable**  
12 **air conditioners and the rule has not been repealed, voided, or retracted,**  
13 **the compliance date shall be on or after the date as of which portable air**  
14 **conditioners are required to comply with the USDOE rule.**

15 **(4) The prohibitions set forth in subdivisions (2) and (3) of this**  
16 **subsection shall not apply to a product that the seller or lessor purchased on or**  
17 **before June 30, 2020 or, in the case of portable air conditioners, before the**  
18 **first date on which compliance is required under subdivision (3).**

19 \* \* \*

1 (f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a  
2 standard adopted pursuant to this chapter for a product, the standard shall  
3 become enforceable on the occurrence of the earliest of the following:

4 (A) The federal energy or water conservation standard for the product  
5 under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided.

6 However, this subdivision (A) shall not apply to any federal energy or water  
7 conservation standard set aside by a court of competent jurisdiction upon the  
8 petition of a person who will be adversely affected, as provided in 42 U.S.C.  
9 § 6306(b).

10 (B) A waiver of federal preemption is issued pursuant to 42 U.S.C.  
11 § 6297.

12 (2) The federal standard for general service lamps shall be considered to  
13 be withdrawn, repealed, or otherwise voided within the meaning of this  
14 subsection if it does not come into effect on January 20, 2020 pursuant to the  
15 actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

16 (3) When a standard adopted pursuant to this chapter becomes  
17 enforceable under this subsection, a person shall not sell or offer for sale in the  
18 State a new product subject to the standard unless the efficiency or water  
19 conservation of the new product meets or exceeds the requirements set forth in  
20 the standard.

21 Sec. 6. RULEMAKING







1 renewable energy consumed. For the electricity sector, the report shall also  
2 state the amounts in megawatt hours (MWH) and the Vermont and New  
3 England summer and winter peak electric demand, including the hour and day  
4 of peak demand.

5 (B) Projections of the energy reductions and shift to renewable  
6 energy expected to occur under existing policies, technologies, and markets.  
7 The most recent available data shall be used to inform these projections and  
8 shall be provided as a supplement to the data described in subdivision (A) of  
9 this subdivision (3).

10 (C) Recommendations of policies to further the renewable energy  
11 goals set forth in statute and the Plan, along with an evaluation of the relative  
12 cost-effectiveness of different policy approaches.

13 (4) The report shall include a supplemental analysis setting forth how  
14 progress toward the goals of the Plan is supported by complementary work in  
15 avoiding or reducing energy consumption through efficiency and demand  
16 reduction. In this subdivision (4), “demand reduction” includes dispatchable  
17 measures, such as controlling appliances that consume energy, and  
18 nondispatchable measures, such as weatherization.

19 (5) The report shall include recommendations on methods to enhance  
20 the process for planning, tracking, and reporting progress toward meeting  
21 statutory energy goals and the goals of the Plan. Such recommendations may

1 include the consolidation of one or more periodic reports filed by the  
2 Department or other State agencies relating to renewable energy, with  
3 proposals for amending the statutes relevant to those reports.

4 (6) The report shall include a summary of the following information for  
5 each sector:

6 (A) major changes in relevant markets, technologies, and costs;

7 (B) average Vermont prices compared to the other New England  
8 states, based on the most recent available data; and

9 (C) significant Vermont and federal incentive programs that are  
10 relevant to one or more of the sectors.

11 Sec. 8. 30 V.S.A. § 218c is amended to read:

12 § 218c. LEAST-COST INTEGRATED PLANNING

13 \* \* \*

14 (b) Each regulated electric or gas company shall prepare and implement a  
15 least-cost integrated plan for the provision of energy services to its Vermont  
16 customers. At least every third year on a schedule directed by the Public  
17 Utility Commission, each such company shall submit a proposed plan to the  
18 Department of Public Service and the Public Utility Commission. The  
19 Commission, after notice and opportunity for hearing, may approve a  
20 company's least-cost integrated plan if it determines that the company's plan  
21 complies with the requirements of subdivision (a)(1) of this section and of

1 sections 8004 and 8005 of this title and the recommendations of the  
2 Comprehensive Energy Plan issued under section 202b of this title.

3 \* \* \*

4 Sec. 9. 19 V.S.A. § 10b is amended to read:

5 § 10b. STATEMENT OF POLICY; GENERAL

6 (a) The Agency shall be the responsible agency of the State for the  
7 development of transportation policy. It shall develop a mission statement to  
8 reflect:

9 (1) that State transportation policy shall be to encompass, coordinate,  
10 and integrate all modes of transportation and to consider “complete streets”  
11 principles, which are principles of safety and accommodation of all  
12 transportation system users, regardless of age, ability, or modal preference; and

13 (2) the need for transportation projects that will improve the State’s  
14 economic infrastructure, as well as the use of resources in efficient,  
15 coordinated, integrated, cost-effective, and environmentally sound ways, and  
16 that will be consistent with the recommendations of the Comprehensive  
17 Energy Plan (CEP) issued under 30 V.S.A. § 202b.

18 (b) The Agency shall coordinate planning and education efforts with those  
19 of the Vermont Climate Change Oversight Committee and those of local and  
20 regional planning entities:

1 (1) to ~~assure~~ ensure that the transportation system as a whole is  
2 integrated, that access to the transportation system as a whole is integrated, and  
3 that statewide, local, and regional conservation and efficiency opportunities  
4 and practices are integrated; and

5 (2) to support ~~employer~~ employer-led or local or regional government-  
6 led conservation, efficiency, rideshare, and bicycle programs and other  
7 innovative transportation advances, especially employer-based incentives.

8 (c) In developing the State’s annual Transportation Program, the Agency  
9 shall, consistent with the planning goals listed in 24 V.S.A. § 4302 as amended  
10 by 1988 Acts and Resolves No. 200 and with appropriate consideration to  
11 local, regional, and State agency plans:

12 (1) Develop or incorporate designs that provide integrated, safe, and  
13 efficient transportation and that are consistent with the recommendations of  
14 the CEP.

15 \* \* \*

16 Sec. 10. 19 V.S.A. § 10i is amended to read:

17 § 10i. TRANSPORTATION PLANNING PROCESS

18 (a) Long-range systems plan. The ~~agency~~ Agency shall establish and  
19 implement a planning process through the adoption of a long-range  
20 multi-modal systems plan integrating all modes of transportation. The  
21 long-range multi-modal systems plan shall be based upon ~~agency~~ Agency

1 transportation policy developed under section 10b of this title, other policies  
2 approved by the ~~legislature, agency~~ General Assembly, Agency goals, mission,  
3 and objectives, and demographic and travel forecasts, design standards,  
4 performance criteria, and funding availability. The long-range systems plan  
5 shall be developed with participation of the public, and local, and regional  
6 governmental entities, and pursuant to the planning goals and processes set  
7 forth in 1988 Acts and Resolves No. 200 ~~of the Acts of the 1987 Adj. Sess.~~  
8 ~~(1988)~~. The plan shall be consistent with the Comprehensive Energy Plan  
9 (CEP) issued under 30 V.S.A. § 202b.

10 \* \* \*

11 (c) ~~Transportation program~~ Program. ~~The transportation program~~  
12 Transportation Program shall be developed in a fiscally responsible manner to  
13 accomplish the following objectives:

14 (1) ~~Managing~~ managing, maintaining, and improving the ~~state's~~ State's  
15 existing transportation infrastructure to provide capacity, safety, and flexibility  
16 in the most cost-effective and efficient manner;

17 (2) ~~Developing~~ developing an integrated transportation system that  
18 provides Vermonters with transportation choices;

19 (3) ~~Strengthening~~ strengthening the economy, protecting the quality of  
20 the natural environment, and improving Vermonters' quality of life; and

21 (4) achieving the recommendations of the CEP.

1 \* \* \*

2 Sec. 11. 3 V.S.A. § 2291 is amended to read:

3 § 2291. STATE AGENCY ENERGY PLAN

4 \* \* \*

5 (c) The Secretary of Administration with the cooperation of the  
6 Commissioners of Public Service and of Buildings and General Services shall  
7 develop and oversee the implementation of a State Agency Energy Plan for  
8 State government. The Plan shall be adopted by June 30, 2005, modified as  
9 necessary, and readopted by the Secretary on or before January 15, 2010 and  
10 each sixth year subsequent to 2010. The Plan shall be consistent with the  
11 Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b. The Plan  
12 shall accomplish the following objectives and requirements:

13 \* \* \*

14 **Sec. 11a. REPORT; ELECTRIC GENERATION CONSTRAINTS**

15 **(a) On or before December 15, 2018, the Public Utility Commission**  
16 **(PUC) shall submit a report that analyzes areas of the State in which**  
17 **generation that is interconnected to the electric transmission and**  
18 **distribution system faces constraints due to system capacity and**  
19 **conditions, including the relationship of interconnected generation to**  
20 **existing load and recommends policies to address those areas. This**  
21 **analysis shall include the area of the Sheffield-Highgate Export Interface**

1 (SHEI). The report may include any related issues arising from the  
2 analysis.

3 (b) Prior to submitting this report, the PUC shall provide an  
4 opportunity for written submission of relevant comments and information  
5 by the public and shall conduct one or more workshops at which the  
6 public may provide comments and information. The PUC shall provide  
7 prior notice of the opportunity to submit comments and information and  
8 of each workshop to the Department of Public Service, each Vermont  
9 electric transmission and distribution utility, Renewable Energy Vermont,  
10 each holder of a certificate of public good for an electric generation  
11 facility within the SHEI area with a capacity greater than 500 kilowatts,  
12 and any other person who requests such notice or whom the PUC may  
13 determine to notify.

14 (c) With respect to the recommendations in the report, the PUC shall  
15 identify those recommendations that require passage of enabling  
16 legislation and those recommendations that may be carried out under  
17 existing law. The report shall include a timetable for implementation of  
18 the recommendations that may be carried out under existing law.

19 (d) The PUC shall submit the report to the House Committee on  
20 Energy and Technology and the Senate Committees on Finance and on  
21 Natural Resources and Energy.



1       **Sec. 11b. RENEWABLE ENERGY STANDARD (RES) RULEMAKING**

2       **2015 Acts and Resolves No. 56, Sec. 8(d) is amended to read:**

3       (d) On or before July 1, ~~2018~~ **2019**, the ~~Board~~ **Public Utility Commission**  
4 shall commence rulemaking to implement Secs. 2, 3, and 7 of this act. The  
5 ~~Board~~ **Commission** shall finally adopt these rules within eight months of  
6 commencing rulemaking, unless this period is extended by the Legislative  
7 Committee on Administrative Rules under 3 V.S.A. § 843.

8                               \* \* \* Motor Vehicle Purchase and Use Tax \* \* \*

9       Sec. 12. 32 V.S.A. § 8903 is amended to read:

10       § 8903. TAX IMPOSED

11       (a)(1) There is hereby imposed upon the purchase in Vermont of a motor  
12 vehicle by a resident a tax at the time of such purchase, payable as hereinafter  
13 provided. ~~The~~ Except as otherwise provided in subdivision (3) of this  
14 subsection, the amount of the tax shall be six percent of the taxable cost of a:

15               (A) pleasure car as defined in 23 V.S.A. § 4;

16               (B) motorcycle as defined in 23 V.S.A. § 4;

17               (C) motor home as defined in subdivision 8902(11) of this title; or

18               (D) vehicle weighing up to 10,099 pounds, registered pursuant to  
19 23 V.S.A. § 367, other than a farm truck.

20       (2) For any other motor vehicle, it shall be six percent of the taxable cost  
21 of the motor vehicle or \$2,075.00 for each motor vehicle, whichever is smaller,

1 except that pleasure cars that are purchased, leased, or otherwise acquired for  
2 use in short-term rentals shall be subject to taxation under subsection (d) of this  
3 section.

4 (3)(A) For an all-electric vehicle, the tax shall be six percent of the  
5 amount that the taxable cost exceeds \$30,000.00.

6 (B) For a plug-in hybrid electric vehicle, the tax shall be six percent  
7 of the amount that the taxable cost exceeds \$15,000.00.

8 (b)(1) ~~There~~ Except as otherwise provided in subdivision (3) of this  
9 subsection, there is hereby imposed upon the use within this State a tax of six  
10 percent of the taxable cost of a:

11 (A) pleasure car as defined in 23 V.S.A. § 4;

12 (B) motorcycle as defined in 23 V.S.A. § 4;

13 (C) motor home as defined in subdivision 8902(11) of this title; or

14 (D) vehicle weighing up to 10,099 pounds, registered pursuant to  
15 23 V.S.A. § 367, other than a farm truck.

16 (2) For any other motor vehicle, it shall be six percent of the taxable cost  
17 of the motor vehicle or \$2,075.00 for each motor vehicle, whichever is smaller,  
18 by a person at the time of first registering or transferring a registration to such  
19 motor vehicle payable as hereinafter provided, except no use tax shall be  
20 payable hereunder if the tax imposed by subsection (a) of this section has been  
21 paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise

1 acquired for use in short-term rentals, in which case the vehicle shall be subject  
2 to taxation under subsection (d) of this section.

3 (3)(A) For an all-electric vehicle, the tax shall be six percent of the  
4 amount that the taxable cost exceeds \$30,000.00.

5 (B) For a plug-in hybrid electric vehicle, the tax shall be six percent  
6 of the amount that the taxable cost exceeds \$15,000.00.

7 \* \* \*

8 \* \* \* Supplemental Registration Fees for Plug-in Electric Vehicles \* \* \*

9 Sec. 13. 23 V.S.A. § 361 is amended to read:

10 § 361. PLEASURE CARS; ELECTRIC VEHICLES

11 (a) The annual fee for registration of any motor vehicle of the pleasure car  
12 type, and all vehicles powered by electricity, shall be \$74.00, and the biennial  
13 fee shall be \$136.00.

14 (b) In addition to the fees prescribed in subsection (a) of this section, plug-  
15 in electric vehicles shall be subject to the following supplemental fees:

16 (1) hybrid plug-in: \$50.00 for an annual registration and \$100.00 for a  
17 biennial registration.

18 (2) all-electric: \$100.00 for an annual registration and \$200.00 for a  
19 biennial registration.

20 (c) Monies collected pursuant to subsection (b) of this section shall be  
21 allocated as follows, with monies allocated to the Clean Energy Development

1 Fund (CEDF) established in 30 V.S.A. § 8015 to be reserved to support  
2 electric vehicles and associated charging stations as directed in 30 V.S.A.

3 § 8015(c):

4 (1) for monies collected in fiscal year 2019, 80 percent to the CEDF and  
5 20 percent to the Transportation Fund;

6 (2) for monies collected in fiscal year 2020, 70 percent to the CEDF and  
7 30 percent to the Transportation Fund; and

8 (3) for monies collected in fiscal year 2021, 60 percent to the CEDF and  
9 40 percent to the Transportation Fund.

10 Sec. 14. REPEAL

11 23 V.S.A. § 361(b) and (c) (supplemental registration fee for plug-in  
12 electric vehicles; allocation) are repealed.

13 Sec. 15. 30 V.S.A. § 8015 is amended to read:

14 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

15 (a) Creation of Fund.

16 (1) There is established the Vermont Clean Energy Development Fund  
17 to consist of each of the following:

18 (A) ~~The~~ the proceeds due the State under the terms of the  
19 memorandum of understanding between the Department of Public Service and  
20 Entergy Nuclear VY and Entergy Nuclear Operations, Inc. that was entered  
21 under Public Service Board docket 6812; together with the proceeds due the

1 State under the terms of any subsequent memoranda of understanding entered  
2 before July 1, 2005 between the Department of Public Service and Entergy  
3 Nuclear VY and Entergy Nuclear Operations, Inc.;

4 (B) supplemental electric vehicle registration fees as specified in  
5 23 V.S.A. § 361(c); and

6 (C) ~~Any~~ any other monies that may be appropriated to or deposited  
7 into the Fund.

8 (2) Balances in the Fund shall be expended solely for the purposes set  
9 forth in this subchapter and shall not be used for the general obligations of  
10 government. All balances in the Fund at the end of any fiscal year shall be  
11 carried forward and remain part of the Fund. Interest earned by the Fund shall  
12 be deposited in the Fund. This Fund is established in the State Treasury  
13 pursuant to 32 V.S.A. chapter 7, subchapter 5.

14 \* \* \*

15 (c) Purposes of Fund. The purposes of the Fund shall be to promote the  
16 development and deployment of cost-effective and environmentally sustainable  
17 electric power and thermal energy or geothermal resources for the long-term  
18 benefit of Vermont consumers, primarily with respect to renewable energy  
19 resources, and the use of combined heat and power technologies. The Fund  
20 also may be used to support natural gas and electric vehicles in accordance  
21 with subdivisions (d)(1)(K) and (L) of this section, respectively and, in the

1 case of funds from supplemental electric vehicle registration fees described in  
2 subdivision (a)(1)(B) of this section, these funds shall be used exclusively to  
3 support electric vehicles and associated charging stations in accordance with  
4 subdivision (d)(1)(L). The General Assembly expects and intends that the  
5 Public Utility Commission, the Department of Public Service, and the State's  
6 power and efficiency utilities will actively implement the authority granted in  
7 this title to acquire all reasonably available cost-effective energy efficiency  
8 resources for the benefit of Vermont ratepayers and the power system.

9 \* \* \*

10 Sec. 16. 30 V.S.A. § 8015 is amended to read:

11 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

12 (a) Creation of Fund.

13 (1) There is established the Vermont Clean Energy Development Fund  
14 to consist of each of the following:

15 (A) the proceeds due the State under the terms of the memorandum  
16 of understanding between the Department of Public Service and Entergy  
17 Nuclear VY and Entergy Nuclear Operations, Inc. that was entered under  
18 Public Service Board docket 6812; together with the proceeds due the State  
19 under the terms of any subsequent memoranda of understanding entered before  
20 July 1, 2005 between the Department of Public Service and Entergy Nuclear  
21 VY and Entergy Nuclear Operations, Inc.;

1 (B) ~~supplemental electric vehicle registration fees as specified in~~  
2 ~~23 V.S.A. § 361(e); and [Repealed.]~~

3 (C) any other monies that may be appropriated to or deposited into  
4 the Fund.

5 (2) Balances in the Fund shall be expended solely for the purposes set  
6 forth in this subchapter and shall not be used for the general obligations of  
7 government. All balances in the Fund at the end of any fiscal year shall be  
8 carried forward and remain part of the Fund. Interest earned by the Fund shall  
9 be deposited in the Fund. This Fund is established in the State Treasury  
10 pursuant to 32 V.S.A. chapter 7, subchapter 5.

11 \* \* \*

12 (c) Purposes of Fund. The purposes of the Fund shall be to promote the  
13 development and deployment of cost-effective and environmentally sustainable  
14 electric power and thermal energy or geothermal resources for the long-term  
15 benefit of Vermont consumers, primarily with respect to renewable energy  
16 resources, and the use of combined heat and power technologies. The Fund  
17 also may be used to support natural gas and electric vehicles in accordance  
18 with subdivisions (d)(1)(K) and (L) of this section, respectively ~~and, in the~~  
19 ~~case of funds from supplemental electric vehicle registration fees described in~~  
20 ~~subdivision (a)(1)(B) of this section, these funds shall be used exclusively to~~  
21 ~~support electric vehicles and associated charging stations in accordance with~~

1 ~~subdivision (d)(1)(L)~~. The General Assembly expects and intends that the  
2 Public Utility Commission, the Department of Public Service, and the State's  
3 power and efficiency utilities will actively implement the authority granted in  
4 this title to acquire all reasonably available cost-effective energy efficiency  
5 resources for the benefit of Vermont ratepayers and the power system.

6 \* \* \*

7 Sec. 17. 19 V.S.A. § 11 is amended to read:

8 § 11. TRANSPORTATION FUND

9 ~~The~~ Except as otherwise specifically provided by law, the Transportation  
10 Fund shall comprise the following:

11 (1) all taxes, penalties, and fees received by the Commissioner of  
12 Motor Vehicles except those relating to motorboats imposed under 23 V.S.A.  
13 chapter 29, which shall be expended pursuant to 23 V.S.A. § 3319;

14 \* \* \*

15 Sec. 18. REPORT AND RECOMMENDATIONS; ELECTRIC VEHICLE

16 CONTRIBUTION TO TRANSPORTATION INFRASTRUCTURE

17 (a) On or before December 15, 2020, the Secretary of Transportation  
18 (Secretary) and the Public Utility Commission (PUC) jointly shall file a report  
19 that analyzes multiple methods for ensuring that plug-in electric vehicles (EVs)  
20 owned or used in Vermont contribute, commensurately in comparison to other  
21 types of vehicles, for their use of the State's transportation infrastructure. The



1 report shall include their recommendation on which of those methods the State  
2 of Vermont should adopt.

3 (b) Prior to submitting this report, the Secretary and PUC shall provide an  
4 opportunity for written submission of relevant comments and information by  
5 the public and shall conduct one or more public meetings at which the public  
6 may provide such comments and information.

7 (c) Methods analyzed in the report shall include continuation or  
8 modification of the partial exemption from the purchase and use tax authorized  
9 in Sec. 12 of this act or the supplemental registration fee authorized in Sec. 13  
10 of this act, assessing a fee based on vehicle mileage, assessing a fee per  
11 kilowatt hour delivered to an EV in Vermont, and other methods that the  
12 Secretary and the PUC consider to merit exploration.

13 (d) In the report, the Secretary and the PUC shall consider whether the  
14 revenues generated from EVs should be allocated between the Transportation  
15 Fund and the Clean Energy Development Fund and, if so, shall provide a  
16 recommended allocation.

17 (e) The Secretary and PUC shall submit the report to the House  
18 Committees on Energy and Technology and on Transportation and to the  
19 Senate Committees on Finance, on Natural Resources and Energy, and on  
20 Transportation.



1 (b) No person shall enter or remain on any State highway facility for the  
2 purpose of overnight camping unless the particular facility has been designated  
3 for that purpose by the Traffic Committee.

4 (c)(1) On the basis of an engineering and traffic investigation or findings as  
5 to adverse effects on the quiet enjoyment and property values of people living  
6 adjacent to a State highway facility, the Traffic Committee may designate the  
7 size and types of vehicles allowed to park in a State highway facility or in  
8 particular areas of a State highway facility.

9 (2) In addition, the Secretary may prescribe that only plug-in electric  
10 vehicles are permitted to park in designated areas of a State highway facility.

11 (d) Notice of the prohibitions or restrictions under this section shall be  
12 posted at the affected facilities by regulatory signs conforming to the Manual  
13 on Uniform Traffic Control Devices.

14 Sec. 21. 23 V.S.A. § 1008a is amended to read:

15 § 1008a. REGULATION OF MOTOR VEHICLES AT STATE AIRPORTS

16 (a)(1) The Secretary may adopt rules governing the operation, use, and  
17 parking of motor vehicles on the grounds of State airports, including the  
18 access roads.

19 (2) In addition, the Secretary may prescribe that only plug-in electric  
20 vehicles are permitted to park in designated areas on such grounds.

1       **(b)** Signs indicating the ~~special regulations~~ rules or restrictions shall be  
2 conspicuously posted in and near all areas affected.

3           \* \* \* Charging Stations; Public Utility Commission Jurisdiction \* \* \*

4       Sec. 22. 30 V.S.A. § 201 is amended to read:

5       § 201. DEFINITIONS

6       (a) As used in this chapter, the word “company” or “companies” means and  
7 includes individuals, partnerships, associations, corporations, and  
8 municipalities owning or conducting any public service business or property  
9 used in connection therewith and covered by the provisions of this chapter.

10       **(1)** The term “company” or “companies” also includes electric  
11 cooperatives organized and operating under chapter 81 of this title, the  
12 Vermont Public Power Supply Authority to the extent not inconsistent with  
13 chapter 84 of this title, and the Vermont Hydroelectric Power Authority to the  
14 extent not inconsistent with chapter 90 of this title.

15       **(2)** In the context of actions requiring prior approval under section 107  
16 of this title, the term “company” shall also mean any individual, partnership,  
17 association, corporation, group, syndicate, operating division, joint stock  
18 company, trust, other entity, or municipality ~~which~~ that would be defined as a  
19 company pursuant to this section if such approval were to be granted.

20       **(3)** The ownership or operation, or both, of a station that provides power  
21 to motor vehicles or the provision of power to motor vehicles shall not, in and

1 of themselves, cause an individual or other entity to be a company within the  
2 meaning of this subsection or to be subject to the jurisdiction of the Public  
3 Utility Commission and the Department of Public Service.

4 \* \* \*

5 \* \* \* Rate Schedules for Customer Charging of Electric Vehicles \* \* \*

6 Sec. 23. 30 V.S.A. § 218(h) is added to read:

7 (h) A company may propose and the Commission may approve or require  
8 the adoption of a rate schedule under which a customer as defined in section  
9 8002 of this title may charge a plug-in electric vehicle (EV) on the customer's  
10 premises at a rate that is reduced from what the customer otherwise would pay  
11 the company for consuming electric energy. The Commission shall provide  
12 notice and opportunity for hearing prior to approving or requiring such a rate  
13 schedule. The Commission may approve or require such a schedule after  
14 finding all of the following:

15 (1) The schedule will provide benefits to the company's transmission or  
16 distribution system, or both, such as increasing the efficient use of the system  
17 through encouraging nighttime charging of EVs.

18 (2) The schedule will provide benefits to the ratepayers of the company  
19 that outweigh any costs to those ratepayers.

1           (3) Implementation of the schedule will result in avoided environmental  
2           and public health costs of greenhouse gas emissions, and the amount of those  
3           avoided costs exceeds the costs caused by the schedule and its implementation.

4           Sec. 24. INVESTIGATION; ELECTRIC VEHICLE RATE SCHEDULES

5           (a) On or before July 1, 2019, the Public Utility Commission shall open  
6           and complete an investigation and issue a final order concerning the  
7           establishment of rate schedules under which a customer may charge a plug-in  
8           electric vehicle on the customer's premises (on-premise charging) at a rate that  
9           is reduced from what the customer otherwise would pay the company for  
10           consuming electric energy.

11           (1) Terms used in this section that are defined in 30 V.S.A. § 8002 shall  
12           have the same meaning as in that statute.

13           (2) Parties to the investigation shall include the Department of Public  
14           Service and the Vermont retail electricity providers.

15           (b) Issues addressed in the Commission's final order in this investigation  
16           shall include:

17           (1) The potential existence and amount of economic benefit to the  
18           Vermont transmission and distribution system that may be obtained from  
19           encouraging on-premise charging.

1           (2) The environmental and public health costs that may be avoided  
2           through encouraging on-premise charging, including the quantification of  
3           those costs.

4           (3) The parameters of a rate schedule that would be needed to encourage  
5           on-premise charging in a manner that captures the benefits and avoids the costs  
6           described in subdivisions (1) and (2) of this subsection, respectively, and  
7           otherwise avoids or reduces the imposition of costs on ratepayers who do not  
8           engage in such charging.

9           (c) If, after consideration of the issues identified in subsection (b) of this  
10           section, the Commission finds that reduced rate schedules for on-premise  
11           charging should be instituted, the Commission’s final order shall require each  
12           Vermont retail electricity provider to submit, by a date certain, a proposed rate  
13           schedule that complies with 30 V.S.A. § 218(h).

14           \* \* \* Agency of Agriculture, Food and Markets; Weights and Measures;  
15           Electric Vehicle Charging Stations; Inspection and Enforcement \* \* \*

16           Sec. 25. 9 V.S.A. § 2651(14) is amended to read:

17           (14) “Weights and measures” means all weights and measures of every  
18           kind, instruments and devices for weighing and measuring, and any appliances  
19           and accessories associated with any or all such instruments and devices,  
20           including meters for the measurement of electricity offered for sale at an  
21           electric vehicle charging station, but not including meters for the measurement

1 of electricity, natural or manufactured gas (~~natural or manufactured~~), or water  
2 when they are operated in a public utility system. Such electricity, gas, and  
3 water meters are specifically excluded from the purview of this chapter, and  
4 this chapter shall not apply to such meters or to any appliances or accessories  
5 associated therewith.

6 \* \* \* Charging Stations; Exclusion from Net Metering \* \* \*

7 Sec. 26. 30 V.S.A. § 8002(16) is amended to read:

8 (16) “Net metering system” means a plant for generation of electricity  
9 that:

10 (A) is of no more than 500 kW capacity;

11 (B) operates in parallel with facilities of the electric distribution  
12 system;

13 (C) is intended primarily to offset the customer’s own electricity  
14 requirements and does not supply electricity to a charging station for the retail  
15 sale of electricity to plug-in electric vehicles; and

16 (D)(i) employs a renewable energy source; or

17 (ii) is a qualified micro-combined heat and power system of  
18 20 kW or fewer that meets the definition of combined heat and power in  
19 subsection 8015(b) of this title and uses any fuel source that meets air quality  
20 standards.



1 Sec. 27. 30 V.S.A. § 8010(c)(2)(F)(iii) is added to read:

2 (iii) A bill credit for kWh generated by a net metering system shall  
3 not be assigned to a customer account that serves premises containing a  
4 charging station for the retail sale of electricity to plug-in electric vehicles.

5 \* \* \* Effective Dates \* \* \*

6 Sec. 28. EFFECTIVE DATES

7 **(a) This section and Secs. 11b (RES rulemaking) and 24 (investigation;**  
8 **electric vehicle rate schedules) shall take effect on passage.**

9 **(b) Secs. 14 (repeal of 23 V.S.A. § 361(b) and (c)) and 16 (prospective**  
10 **amendment of 30 V.S.A. § 8015) shall take effect on July 1, 2021.**

11 **(c) All other sections shall take effect on July 1, 2018.**

12 **and that after passage the title of the bill be amended to read: “An act**  
13 **relating to appliance efficiency, energy planning, and electric vehicles”**

14  
15  
16 (Committee vote: \_\_\_\_\_)

17 \_\_\_\_\_

18 Senator \_\_\_\_\_

19 FOR THE COMMITTEE