

As Passed House	As Passed Senate <sup>1</sup>
<p>Sec. 1. TRANSPORTATION PROGRAM ADOPTED AS AMENDED; DEFINITIONS</p> <p><u>(a) The Agency of Transportation’s proposed fiscal year 2020 Transportation Program appended to the Agency of Transportation’s Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019), as amended by this act, is adopted to the extent federal, State, and local funds are available.</u></p> <p><u>(b) As used in this act, unless otherwise indicated:</u></p> <p><u>(1) “Agency” means the Agency of Transportation.</u></p> <p><u>(2) “Secretary” means the Secretary of Transportation.</u></p> <p><u>(3) The table heading “As Proposed” means the Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change”</u></p>	<p>[NO CHANGES]</p> <p><u>(2) “Electric vehicle supply equipment” has the same meaning as in 30 V.S.A. § 201 as amended by Sec. 30 of this act.</u></p> <p><u>(3) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A. § 4(85) as added by Sec. 29 of this act and is abbreviated “PEV.”</u></p> <p><u>(4) “Secretary” means the Secretary of Transportation.</u></p> <p><u>(5) The table heading “As Proposed” means the Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change”</u></p>

<sup>1</sup> Note: This assumes that the Senate passes H.529 with the proposed amendment from Senate Transportation and no other amendments. This column will be updated after H.529 is passed by the Senate.

As Passed House	As Passed Senate <sup>1</sup>
<p>Sec. 24. 23 V.S.A. § 1203(b) is amended to read:</p> <p>(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, <del>or</del> laboratory assistant, <u>intermediate or advanced emergency medical technician, or paramedic</u> acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or <del>other</del> <u>another</u> drug. This limitation does not apply to the taking of a breath sample. <u>A medical facility or business may not charge more than \$75.00 for services rendered when an individual is brought to a facility for the sole purpose of an evidentiary blood sample or when an emergency medical technician or paramedic draws an evidentiary blood sample.</u></p>	<p>Sec. <b>28</b>. 23 V.S.A. § 1203(b) is amended to read:</p> <p style="text-align: center;"><b>[NO CHANGES]</b></p>
<p>Sec. 25. 23 V.S.A. § 4(85)–(86) is added to read:</p> <p><u>(85) “Electric vehicle” means a pleasure car that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices where the recharge energy must be drawn from a source off the vehicle, such as residential electric service.</u></p> <p><u>(86) “Plug-in hybrid electric vehicle” means an electric vehicle that also includes an on-board method of charging, such as an on-board engine and generator.</u></p>	<p>Sec. <b>29</b>. 23 V.S.A. § 4(<b>85</b>) is added to read:</p> <p><u>(85) “Plug-in electric vehicle” means a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system, such as from storage batteries or other portable electrical energy storage devices provided that the vehicle can draw recharge energy from a source off the vehicle such as electric vehicle supply equipment. A “plug-in electric vehicle” includes both a motor vehicle that can only be powered by an electric motor drawing current from a rechargeable energy storage system and a motor vehicle that can be powered by an electric motor drawing current from a rechargeable energy storage system but also has an onboard combustion engine.</u></p>

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

§ 201. DEFINITIONS

(a) As used in this chapter, ~~the word “company”~~:

(1) “Company” or “companies” means and includes individuals, partnerships, associations, corporations, and municipalities owning or conducting any public service business or property used in connection therewith and covered by the provisions of this chapter. The term “company” or “companies” also includes electric cooperatives organized and operating under chapter 81 of this title, the Vermont Public Power Supply Authority to the extent not inconsistent with chapter 84 of this title, and the Vermont Hydroelectric Power Authority to the extent not inconsistent with chapter 90 of this title. In the context of actions requiring prior approval under section 107 of this title, the term “company” shall also mean any individual, partnership, association, corporation, group, syndicate, operating division, joint stock company, trust, other entity, or municipality which would be defined as a company pursuant to this section if such approval were to be granted.

(2) “Electric vehicle supply equipment” means a device or system designed and used specifically to transfer electrical energy to a plug-in electric vehicle as defined in 23 V.S.A. § 4(85), either as charge transferred via a physical or wireless connection, by loading a fully charged battery, or by other means. “Electric vehicle supply equipment available to the public” shall:

(A) be located at a publicly available parking space, which does not include a parking space that is part of or associated with a private residence or a parking space that is reserved for the exclusive use of an individual driver, vehicle, or group of drivers or vehicles including employees, tenants, visitors, residents of a common interest development, residents of an adjacent building, or customers of a business whose primary business is not electric vehicle charging;

(B) disclose all charges for the use of the electric vehicle supply equipment at the point of sale; and

(C) provide multiple payment options that allow access by the public, if a fee is required, and shall not require persons desiring to use such public electric vehicle supply equipment to pay a subscription fee or otherwise obtain a membership in any club, association, or organization as a condition of using such electric vehicle supply equipment, but may have different price schedules that are conditioned on a subscription or membership in a club, association, or organization.

(b) As used in this chapter, “energy”

(3) “Energy” means not only the traditional scientific characteristic of “ability to do work” but also the substances or processes used to produce heat, light, or motion, including petroleum or other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, solar radiation, geothermal sources, nuclear sources, biomass, organic waste products, wind, or flowing water.

As Passed House	As Passed Senate <sup>1</sup>
	<p data-bbox="1060 284 1696 313">Sec. 31. 9 V.S.A. § 2651(14) is amended to read:</p> <p data-bbox="1060 358 1885 787">(14) “Weights and measures” means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices <u>including electric vehicle supply equipment available to the public, as defined in subdivision 2730(a)(14) of this title</u>, but not including meters for the measurement of electricity, gas (natural or manufactured), or water when they are operated in a public utility system. Such electricity, gas, and water meters are specifically excluded from the purview of this chapter, and this chapter shall not apply to such meters or to any appliances or accessories associated therewith.</p>
	<p data-bbox="1060 833 1696 862">Sec. 32. 9 V.S.A. § 2730(a)(14) is added to read:</p> <p data-bbox="1060 907 1885 1011">(14) “<u>Electric vehicle supply equipment</u>” and “<u>electric vehicle supply equipment available to the public</u>” have the same meanings as in 30 V.S.A. § 201.</p>
	<p data-bbox="1060 1053 1713 1083">Sec. 33. 30 V.S.A. § 8002(16) is amended to read:</p> <p data-bbox="1060 1128 1871 1196">(16) “Net metering system” means a plant for generation of electricity that:</p> <ul style="list-style-type: none"><li data-bbox="1178 1235 1703 1265">(A) is of no more than 500 kW capacity;</li><li data-bbox="1060 1310 1843 1375">(B) operates in parallel with facilities of the electric distribution system;</li></ul>

As Passed House	As Passed Senate <sup>1</sup>
	<p>(C) is intended primarily to offset the customer's own electricity requirements and does not supply electricity to electric vehicle supply equipment, as defined in section 201 of this title, for the for profit resale of electricity to the public by the kWh or for other retail sales to the public, including those based in whole or in part on a flat fee per charging session or a time-based fee for occupying a parking space while using electric vehicle supply equipment; and</p> <p>(D)(i) employs a renewable energy source; or</p> <p>(ii) is a qualified micro-combined heat and power system of 20 kW or fewer that meets the definition of combined heat and power in subsection 8015(b) of this title and uses any fuel source that meets air quality standards.</p>
<p>Sec. 26. LEGISLATIVE FINDINGS</p> <p><u>The General Assembly finds that:</u></p> <p>(a) <u>In its final report, the Vermont Climate Action Commission recommended building an electric vehicle (EV) point-of-sale customer incentive for new and used EVs.</u></p> <p>(b) <u>Transportation energy burdens are particularly high for rural Vermonters with low income. A vigorous incentive for both new and used EVs, combined with the lower fueling and maintenance costs of EVs, could significantly lessen transportation cost burdens for Vermonters.</u></p>	<p>[SECTION DELETED]</p>

**Sec. 28. STUDY OF EXTENSION OF ELECTRIC VEHICLE INCENTIVE PROGRAM**

The Department of Public Service, in consultation with the Agency of Transportation and the Joint Fiscal Office, shall complete a study and submit a written report to the House and Senate Committees on Transportation on or before December 15, 2019 concerning the steps necessary to implement fees on electric and plug-in hybrid electric vehicle charging, as well as facilitating the extension of the Electric Vehicle Incentive Program established in Sec. 27 of this act in order to achieve the levels of electric vehicle adoption in Vermont's Comprehensive Energy Plan (CEP). The CEP suggests that annual sales of electric and plug-in hybrid electric vehicles will need to reach 4,600 by 2025. This study and report shall consider the following factors:

(a) the cost and feasibility of utility equipment needed to separately meter electric and plug-in hybrid electric vehicle charging;

(b) other costs incurred by the electric utilities related to electric and plug-in hybrid electric vehicle deployment, associated infrastructure, and implementation of the State's renewable energy standard;

(c) the amount of incremental revenue to the electric utilities generated by additional electric and plug-in hybrid electric vehicles;

**Sec. 35. PUBLIC UTILITY COMMISSION TARIFF DESIGN REPORT**

As a follow up to the report due on or before July 1, 2019, the Public Utility Commission, in consultation with those Vermont electric distribution utilities that wish to participate, the Agency of Transportation, the Department of Public Service, and Efficiency Vermont, shall report back to the Senate Committees on Transportation and on Natural Resources and Energy and the House Committees on Transportation and on Energy and Technology on or before December 15, 2019 concerning the steps necessary to implement fees on PEV charging if fees are to be collected on PEV charging:

(1) Fees and assessments. Whether or not electric distribution utilities should collect both a transportation efficiency fee, as defined in subdivision (A) of this subdivision, and a transportation infrastructure assessment, as defined in subdivision (B) of this subdivision, or just a transportation infrastructure assessment and how best to implement:

(A) A transportation efficiency fee. A per-kWh transportation efficiency fee on electricity provided by an electric distribution utility for electric vehicle supply equipment equal to the energy efficiency charge rate set by the Commission, and to be charged instead of an energy efficiency charge; and

(B) A transportation infrastructure assessment. A per-kWh transportation infrastructure assessment on electricity

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<p><u>(d) the feasibility of using other funding mechanisms to support the Electric Vehicle Incentive Program;</u></p> <p><u>(e) the level of investment and incentives needed to reach the number of electric and plug-in hybrid electric vehicles in the CEP; and</u></p> <p><u>(f) such other factors as the Department of Public Service and Agency of Transportation may identify.</u></p>	<p><u>provided by an electric distribution utility for electric vehicle supply equipment.</u></p> <p><u>(2) Electric vehicle charging tariff design. The design of an electric vehicle charging tariff for electric utilities with more than 17,000 customers, and other electric utilities at their discretion, that allows a customer, including a company that owns and operates electric vehicle supply equipment, to purchase electricity solely to charge a plug-in electric vehicle. The report should consider whether the tariff should:</u></p> <p><u>(A) contain either a time-of-day or off-peak rate, as elected by the electric utility that takes advantage of lower-cost electricity and minimizes adverse grid effects and investment costs, maximizes the grid benefits of PEV charging, including electric distribution utility control of charging, and reduces the negative environmental effects of burning fossil fuels for transportation and electrical generation;</u></p> <p><u>(B) include the per-kWh transportation efficiency fee;</u></p> <p><u>(C) include the per-kWh transportation infrastructure assessment;</u></p> <p><u>(D) offer a customer the option to purchase electricity from the utility's current mix of energy supply sources or entirely from renewable energy sources;</u></p> <p><u>(E) include a mechanism to allow the recovery of costs reasonably necessary to comply with electric vehicle charging</u></p>



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	<p><u>tariff setting, such as costs to inform and educate customers about the financial, energy conservation, and environmental benefits of electric vehicles and to publicly advertise and promote participation in a customer-optional tariff;</u></p> <p><u>(F) provide for clear and transparent customer billing statements including the amount of energy consumed under the tariff;</u></p> <p><u>(G) incorporate any necessary costs of metering or submetering within the rate charged to the customer; and</u></p> <p><u>(H) factor in other considerations as the Commission deems appropriate.</u></p> <p><u>(3) Reporting by electric distribution utilities. Whether there should be a mandatory periodic report from electric distribution utilities to the Commission and what should be included in those reports, consideration should be given to:</u></p> <p><u>(A) participation and impact highlights, including participation levels and new electric vehicle supply equipment installed by county;</u></p> <p><u>(B) the overall costs and benefits of the tariff, including any changes or issues encountered during the reporting period; and</u></p> <p><u>(C) other data required by the Commission.</u></p>

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	<p data-bbox="1060 284 1879 609"><u>(4) Incremental revenue and costs. The amount of incremental revenue to electric distribution utilities expected to be generated by PEVs and all other financial benefits that PEVs may bring to electric distribution utilities over the next 10 years, whether there are necessary costs and technical feasibility problems to meter PEV charging separate from other electrical demand on the same account, and all other costs expected to be incurred by the electric distribution utilities related to PEV deployment and associated infrastructure.</u></p> <p data-bbox="1060 649 1879 755"><u>(5) Net metering. How to address the use of net metering energy and net metering energy credits for electric vehicle supply equipment.</u></p>
	<p data-bbox="1060 799 1669 863"><u>Sec. 36. REPORTING BY THE AGENCY OF AGRICULTURE, FOOD AND MARKETS</u></p> <p data-bbox="1060 906 1879 1230"><u>(a) The Agency of Agriculture, Food and Markets shall file a written report with the Senate Committees on Transportation and on Finance and the House Committees on Transportation and on Ways and Means on or before December 1, 2019 that provides an update on the National Institute of Standards and Technology's progress towards adopting a code on electric vehicle fueling systems and makes a recommendation for an annual licensing fee for electric vehicle supply equipment available to the public for inclusion in 9 V.S.A. § 2730(f)(1).</u></p> <p data-bbox="1060 1271 1879 1373"><u>(b) If the National Institute of Standards and Technology has not adopted a code on electric vehicle fueling systems by December 1, 2020 then the Agency of Agriculture, Food and</u></p>

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<p>Sec. 31. 19 V.S.A. § 11 is amended to read:</p> <p>§ 11. TRANSPORTATION FUND</p> <p>The Transportation Fund shall comprise the following:</p> <p style="text-align: center;">* * *</p> <p>(7) both statewide and departmental indirect cost recoveries from federal sources by the Agency of Transportation; <u>and</u></p> <p>(8) other miscellaneous sources including the sale of maps, plans, <del>and</del> reports, fees collected by the Travel Information Council, leases for property at State-owned airports and railroads, proceeds from the sale of State surplus property under the provisions of 29 V.S.A. §§ 1556 and 1557, <del>and</del> <u>proceeds from the sale of recycled materials, and fees collected for use of electric vehicle charging stations at facilities owned or controlled by the Agency.</u></p>	<p style="text-align: center;"><b>[SECTION DELETED]</b></p>
<p>Sec. 32. 30 V.S.A. § 203 is amended to read:</p> <p>§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES</p> <p>The Public Utility Commission and the Department of Public Service shall have jurisdiction over the following described companies within the State, their directors, receivers, trustees, lessees, or other persons or companies owning or operating such companies and of all plants, lines, exchanges, and equipment of</p>	<p>Sec. <b>39</b>. 30 V.S.A. § 203 is amended to read:</p> <p style="text-align: center;"><b>[NO CHANGES]</b></p>

As Passed House	As Passed Senate <sup>1</sup>
<p>such companies used in or about the business carried on by them in this State as covered and included herein. Such jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department may, when they deem the public good requires, examine the plants, equipment, lines, exchanges, stations, and property of the companies subject to their jurisdiction under this chapter.</p> <p>(1) A company engaged in the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.</p> <p>(2) That part of the business of a company <del>which</del> <u>that</u> consists of the manufacture, transmission, distribution, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.</p> <p style="text-align: center;">* * *</p> <p><u>(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over a company otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging plug-in</u></p>	<p style="text-align: center;">* * *</p> <p><u>(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over <b>persons</b> otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging <b>a plug-</b></u></p>

As Passed House	As Passed Senate <sup>1</sup>
<p><u>electric vehicles or plug-in hybrid electric vehicles. Electric distribution utilities that are regulated by the Commission may provide electric vehicle charging services to the public on an unregulated basis through a separate unregulated affiliate or may offer such charging services to the public on a regulated basis with cost recovery under the authority, oversight, and with approval of the Commission. A meter used to measure the amount of electricity sold or to calculate charges at the point of charging, whether on a regulated or unregulated basis, shall not be considered a meter operated in a public utility system for the purposes of 9 V.S.A. § 2651(14).</u></p>	<p><u>in electric vehicle, as defined in 23 V.S.A. § 4(85). These persons may charge by the kWh for owned or operated electric vehicle supply equipment, as defined in 30 V.S.A. § 201, but shall not be treated as an electric distribution utility just because electric vehicle supply equipment charges by the kWh.</u></p>
	<p><u>Sec. 40. 29 V.S.A. § 903(g) is amended to read:</u></p> <p><u>(g) The Commissioner of Buildings and General Services, when purchasing or leasing vehicles for State use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels, to the maximum extent practicable, purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), but in no instance shall less than 50 percent of the vehicles annually purchased or leased be hybrid or plug-in electric vehicles. The Commissioner shall, whenever possible, purchase or lease the lowest-cost year of the selected make and model, and only the latest year model when it is the least expensive.</u></p>

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	<p>Sec. 49. 4 V.S.A. § 1102 is amended to read:</p> <p>§ 1102. JUDICIAL BUREAU; JURISDICTION</p> <p style="text-align: center;">* * *</p> <p>(b) The Judicial Bureau shall have jurisdiction of the following matters:</p> <p style="text-align: center;">* * *</p> <p>(29) Violations of 10 V.S.A. chapter 21, relating to the prohibition of outdoor advertising.</p> <p style="text-align: center;">* * *</p>
<p>Sec. 35. EFFECTIVE DATES</p> <p>(a) This section and Secs. <u>8 (BUILD grant), 9 (CRISI grant), 16 (public transit study), 25 (electric vehicle definitions), 26 (legislative findings), 27 (incentive program), 28 (electric vehicle incentive program study), 32 (PUC jurisdiction), and 34 (commuter rail technical analysis)</u> shall take effect on passage.</p>	<p>Sec. 50. EFFECTIVE DATES</p> <p>(a) This section and Secs. <u>1(b) (act definitions), 12 (BUILD grant), 13 (CRISI grant), 20 (public transit study), 29 (plug-in electric vehicle definition), 30 (electric vehicle supply equipment definition), 33 (net metering), 34 (vehicle incentive and emissions repair programs), 35 (Public Utility Commission report), 36 (Agency of Agriculture, Food and Markets reporting), 39 (PUC jurisdiction), 44 (emissions inspections), 45 (emissions inspections implementation), 46 (vehicle feebate report), and 47 (weight-based annual registration report)</u> shall take effect on passage.</p>

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<p><u>(b) Sec. 30 (fees for electric vehicle charging stations) shall take effect on July 1, 2022.</u></p>          <p><u>(c) All other sections shall take effect on July 1, 2019.</u></p>	<p><u>(b) Secs. 31 (weights and measures definition), and 32 (electric vehicle supply equipment definition) shall take effect on the earlier of January 1, 2021 or six months after the National Institute of Standards and Technology adopts code on electric vehicle fueling systems.</u></p>  <p><u>(c) Sec. 41 (State vehicle fleet) shall take effect on July 1, 2021.</u></p>  <p><u>(d) All other sections shall take effect on July 1, 2019.</u></p>