

1 H.863

2 Introduced by Representatives Burke of Brattleboro, Lalley of Shelburne,
3 Pouech of Hinesburg, Tomlinson of Winooski, White of
4 Waitsfield, Austin of Colchester, Bartholomew of Hartland,
5 Campbell of St. Johnsbury, Casey of Montpelier, Cina of
6 Burlington, Cole of Hartford, Dodge of Essex, Eastes of
7 Guilford, Holcombe of Norwich, James of Manchester,
8 Kleppner of Burlington, Logan of Burlington, McGill of
9 Bridport, Mrowicki of Putney, Rachelson of Burlington, and
10 Torre of Moretown

11 Referred to Committee on

12 Date:

13 Subject: Highways; motor vehicles; transportation; retail delivery fee;
14 gasoline; diesel fuel; local option tax; transportation program funding;
15 electric vehicles; electric bicycles; electric vehicle supply equipment;
16 electric vehicle incentive programs; electric vehicle tax credits; public
17 transit; school transit; vehicle miles traveled; pollinator habitat; road
18 salt

19 Statement of purpose of bill as introduced: This bill proposes to do the
20 following: (1) impose a fee on retail deliveries that are subject to the sales and
21 use tax; (2) permit municipalities to adopt a local option tax on sales of

1 gasoline and diesel fuel; (3) appropriate funds to various transportation
2 programs; (4) amend the primary purposes for which Transportation
3 Alternatives Program grants will be issued; (5) require electric vehicle supply
4 equipment (EVSE) that is available for public use to accept credit cards for
5 payment; (6) require EVSE that is available for public use to make real-time
6 status information available to third parties; (7) establish laws to permit
7 property owners and tenants to install EVSE; (8) appropriate funds to support
8 the purchase of electric vehicles; (9) establish an income tax credit for the
9 purchase of certain electric vehicles; (10) require a study of potential changes
10 to laws and rules to enhance safety in relation to electric bicycles; (11) require
11 the Agency of Transportation and Agency of Natural Resources to develop a
12 process for calculating statewide reductions in vehicle miles traveled; (12)
13 require public transit agencies and school districts and supervisory unions to
14 meet annually to examine opportunities to provide education-related
15 transportation; (13) require the Agency of Transportation to create pollinator
16 habitat along State highways and to create best management practices for
17 municipalities interested in creating pollinator habitat along municipal
18 highways; and (14) require the Secretary of Natural Resources to update the
19 Vermont Local Roads curriculum with training for best management practices
20 for spreading salt.

1 An act relating to transportation initiatives to improve equity and
2 infrastructure, increase resiliency, and reduce emissions

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Transportation Revenues * * *

5 * * * Retail Delivery Fee * * *

6 Sec. 1. 23 V.S.A. chapter 26 is added to read:

7 CHAPTER 26. RETAIL DELIVERY FEE

8 § 2551. DEFINITIONS

9 As used in this chapter:

10 (1) “Commissioner” means the Commissioner of Taxes.

11 (2) “Persons required to collect tax” has the same meaning as in
12 32 V.S.A. § 9701.

13 (3) “Retail delivery” means a delivery of tangible personal property to a
14 person located in Vermont as part of a retail sale by a vendor. “Retail
15 delivery” does not include pickup of tangible personal property at a vendor’s
16 place of business, including curbside pickup.

17 (4) “Tangible personal property” has the same meaning as in 32 V.S.A.
18 § 9701, except that it does not include electricity, water, gas, steam, and
19 prewritten computer software.

20 (5) “Vendor” has the same meaning as in 32 V.S.A. § 9701.

1 § 2552. FEE ON RETAIL DELIVERIES

2 (a)(1) All retail deliveries by persons required to collect tax pursuant to
3 32 V.S.A. chapter 233 shall be subject to a delivery fee of \$0.30.

4 (2) A vendor may elect to collect the fee imposed pursuant to this
5 section from the purchaser.

6 (3) For purposes of 32 V.S.A. chapter 233, the delivery fee imposed
7 pursuant to this section shall not be included in the sales price of the tangible
8 personal property sold as part of a retail sale and shall be separately stated on
9 any invoice, bill of sale, or similar document given to the purchaser.

10 (b) If the vendor collects the delivery fee from the purchaser, the delivery
11 fee must be charged in addition to any other delivery fee.

12 (c) The delivery fee imposed pursuant to this section shall only be charged
13 once per retail transaction regardless of the number of:

14 (1) items of tangible personal property purchased; or

15 (2) shipments needed to deliver the items of tangible personal property
16 purchased.

17 (d)(1) The delivery fee imposed pursuant to this section shall be
18 nonrefundable if any or all items of tangible personal property that were
19 purchased are returned to the vendor or the vendor provides a refund or credit
20 in an amount that is equal to or less than the purchase price of the items.

1 (2) The delivery fee imposed pursuant to this section shall be refunded
2 to the purchaser if the retail delivery is canceled by the purchaser, vendor, or
3 the delivery provider.

4 § 2553. RETURNS; PAYMENT OF RETAIL DELIVERY FEES

5 (a) A vendor shall report the amount of fees collected on a return
6 prescribed by the Commissioner. The return shall include any other
7 information that the Commissioner deems necessary for the administration of
8 this chapter.

9 (b) Returns required pursuant to this section shall be submitted to the
10 Commissioner on the same schedule as the vendor is required to submit sales
11 tax returns pursuant to 32 V.S.A. § 9775.

12 (c) All fees collected by a vendor for the time period covered by a return
13 shall be remitted to the Commissioner at the same time the vendor submits the
14 return.

15 § 2554. ADMINISTRATION; OVERPAYMENTS; REFUNDS;

16 ENFORCEMENT; PENALTIES

17 The provisions of 32 V.S.A. chapter 233 relating to administration, refunds
18 of overpayments, enforcement, penalties, and appeals shall apply to this
19 chapter.

1 § 2555. DEPOSIT AND USE OF FEES

2 Retail delivery fees collected pursuant to this chapter shall be deposited into
3 the Transportation Fund and used to support the provision of town highway aid
4 pursuant to 19 V.S.A. § 306(a).

5 Sec. 2. 19 V.S.A. § 306 is amended to read:

6 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

7 (a) General State aid to town highways.

8 (1) An annual appropriation to class 1, 2, and 3 town highways shall be
9 made. This appropriation shall increase over the previous fiscal year's
10 appropriation pursuant to this subdivision by the same percentage change as
11 the following, whichever is less, or shall remain at the previous fiscal year's
12 appropriation pursuant to this subdivision if either of the following are
13 negative or zero:

14 * * *

15 (3) In addition to the amounts appropriated pursuant to subdivision (1)
16 of this subsection, the total amount of retail delivery fees collected pursuant to
17 23 V.S.A. chapter 26 for the prior fiscal year shall be included in the amount
18 appropriated pursuant to this subsection but shall not be counted for purposes
19 of determining the amount by which the amounts appropriated pursuant to
20 subdivision (1) shall increase each fiscal year.

21 (4) The funds appropriated shall be distributed to towns as follows:

* * *

* * * Local Option Tax on Gasoline and Diesel Fuel Sales * * *

Sec. 3. 24 V.S.A. § 138 is amended to read:

§ 138. LOCAL OPTION TAXES

(a) Local option taxes are authorized under this section for the purpose of affording municipalities an alternative method of raising municipal revenues. Except as provided in subsection (h) of this section, and subject to certification by the Commissioner of Taxes, a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.

(b) If the legislative body of a municipality by a majority vote recommends, the voters of a municipality may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess any or all of the following:

(1) a one percent sales tax;

(2) a one percent meals and alcoholic beverages tax;

(3) a one percent rooms tax;

(4) a one percent tax upon each gallon of gasoline motor fuel sold or delivered by a distributor;

(5) a one percent tax upon each gallon of diesel fuel sold or delivered by a distributor.

1 (c)(1) ~~Any tax~~ Taxes imposed under ~~the authority~~ subdivisions (b)(1)–(3)
2 of this section shall be collected and administered by the Department of Taxes,
3 in accordance with State law governing such State tax or taxes and subdivision
4 (2) of this subsection; provided, however, that a sales tax imposed under this
5 section shall be collected on each sale that is subject to the Vermont sales tax
6 using a destination basis for taxation. Taxes imposed under subdivisions (b)(4)
7 and (5) of this section shall be collected and administered by the Department of
8 Motor Vehicles in accordance with State law governing such tax. Except with
9 respect to taxes collected on the sale of aviation jet fuel, a per-return fee of
10 \$5.96 shall be assessed, 75 percent of which shall be borne by the
11 municipality, and 25 percent of which shall be borne by the State to be paid
12 from the PILOT Special Fund. Notwithstanding 32 V.S.A. § 603 or any other
13 provision of law or municipal charter to the contrary, revenue from the fee
14 shall be used to compensate the ~~Department~~ departments for the costs of
15 administering and collecting the local option tax and of administering the State
16 appraisal and litigation program established in 32 V.S.A. § 5413. The fee shall
17 be subject to the provisions of 32 V.S.A. § 605.

18 (2) Notwithstanding any other law or municipal charter to the contrary,
19 if the ~~Commissioner~~ applicable commissioner determines that local option tax
20 was collected on a transaction in a municipality not authorized to impose local
21 option tax under this section, the ~~Commissioner~~ commissioner shall either

1 refund the erroneously collected tax pursuant to 23 V.S.A. chapter 27 or 28, or
2 32 V.S.A. chapter 233 or 225 or, if the purchaser cannot reasonably be
3 determined, deposit the erroneously collected tax as required for State diesel
4 fuel and gasoline taxes pursuant to 19 V.S.A. § 11(2); State sales and use tax
5 pursuant to 16 V.S.A. § 4025(a)(6); or State meals and rooms tax pursuant to
6 10 V.S.A. § 1388(a)(4), 16 V.S.A. § 4025(a)(4), and 32 V.S.A. § 435(b)(7).

7 (d)(1) Except as provided in subsection (c) of this section and subdivision
8 (2) of this subsection with respect to taxes collected on the sale of aviation jet
9 fuel, of the taxes collected under this section, 75 percent of the taxes shall be
10 paid on a quarterly basis to the municipality in which they were collected, after
11 reduction for the costs of administration and collection under subsection (c) of
12 this section. Revenues received by a municipality may be expended for
13 municipal services only, and not for education expenditures. Any remaining
14 revenue shall be deposited into the PILOT Special Fund established by 32
15 V.S.A. § 3709.

16 (2)(A) Of the taxes collected under this section on the sale of aviation jet
17 fuel, on a quarterly basis, 70 percent of the taxes shall be paid to the
18 municipality in which they were collected, and 30 percent shall be deposited in
19 the Transportation Fund.

1 (B) All revenues referenced in subdivision (A) of this subdivision (2)
2 shall be used exclusively for aviation purposes consistent with 49 U.S.C.
3 § 47133 and Federal Aviation Administration regulations and policies.

4 (e) As used in this section, “municipality” means a city, town, or
5 incorporated village.

6 (f) Nothing in this section shall affect the validity of any existing provision
7 of law or municipal charter authorizing a municipality to impose a tax similar
8 to the local option taxes authorized in this section.

9 (g) If the legislative body of a municipality by a majority vote recommends
10 or by petition of ~~ten~~ 10 percent of the voters of a municipality recommends, the
11 voters of a municipality may at an annual or special meeting warned for that
12 purpose by a majority vote of those present and voting rescind any or all of the
13 local option taxes assessed under subsection (b) of this section.

14 (h)(1) The Commissioner of Taxes may limit the number of municipalities
15 enacting a local option tax under subsection (b) of this section to five per
16 calendar year. For local option taxes authorized under subdivisions (b)(4) and
17 (5) of this section, the Commissioner of Taxes shall consult with the
18 Commissioner of Motor Vehicles before acting pursuant to this subsection.

19 (2) The Commissioner of Taxes shall certify the first five notices from
20 municipalities it receives under subsection (a) of this section in each calendar

1 year and those municipalities may proceed to assess a local option tax
2 according to subsection (a) of this section.

3 (3) In the Commissioner's discretion, after receiving notice from the
4 fifth municipality pursuant to subsection (a) of this section in a calendar year,
5 the Commissioner of Taxes may delay certification, or reject further notices for
6 that year, if the Commissioner determines that additional certifications would
7 cause an undue burden on tax administration.

8 (i) As used in this section:

9 (1) "Diesel fuel" means "fuel" as defined in 23 V.S.A. § 3002.

10 (2) "Distributor" means "distributor" as defined in 23 V.S.A. § 3002 or
11 3102.

12 (3) "Gasoline motor fuel" means "gasoline or other motor fuel" as set
13 forth in 23 V.S.A. § 3101, except that it does not include aviation gasoline.

14 * * * Appropriations for Transportation Programs * * *

15 Sec. 4. APPROPRIATIONS

16 (a) The sum of \$3,590,000.00 is appropriated from the Transportation Fund
17 to the Agency of Transportation in fiscal year 2027 for rural transit
18 administrative support.

19 (b) The sum of \$5,740,250.00 is appropriated from the Transportation Fund
20 to the Agency of Transportation in fiscal year 2027 for rural transit operating
21 support.

1 (c) The sum of \$4,800,000.00 is appropriated from the Transportation Fund
2 to the Agency of Transportation in fiscal year 2027 to provide grant assistance
3 to the Green Mountain Transit Authority.

4 (d) The sum of \$200,000.00 is appropriated from the Transportation Fund
5 to the Agency of Transportation in fiscal year 2027 for the Better Connections
6 Grant Program.

7 (e) The sum of \$340,000.00 is appropriated from the Transportation Fund
8 to the Agency of Transportation in fiscal year 2027 for the Mobility and
9 Transportation Innovations Grant Program.

10 (f) The sum of \$1,169,905.00 is appropriated from the Transportation Fund
11 to the Agency of Transportation in fiscal year 2027 for funding to support
12 bicycle and pedestrian facilities.

13 (g) The sum of \$523,966.00 is appropriated from the Transportation Fund
14 to the Agency of Transportation in fiscal year 2027 to be deposited in the
15 Downtown Transportation Fund for use in the Transportation Alternatives
16 Grant Program.

17 (h) The sum of \$325,000.00 is appropriated from the General Fund to the
18 Agency of Transportation to support the continuation of the Agency's
19 partnership with Drive Electric Vermont. The monies shall be used for
20 programs and activities that support increased ownership and use of plug-in
21 electric vehicles in the State through:

* * * Transportation Alternatives Grant Program * * *

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

* * *

~~(2) In evaluating applications for Transportation Alternatives grants, the~~

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1 ~~and the circumstantial factors sufficient to overcome the weighting shall be in~~
2 ~~the complete discretion of the Agency.~~

3 * * *

4 * * * Publicly Available EV Chargers * * *

5 Sec. 6. 19 V.S.A. § 2908 is added to read:

6 § 2908. PUBLIC EVSE; REQUIRED FORMS OF PAYMENT

7 All EVSE available to the public that require payment for use shall accept
8 credit cards for payment of all applicable charges and fees in addition to any
9 other form of payment accepted by the EVSE.

10 Sec. 7. 19 V.S.A. § 2909 is added to read:

11 § 2909. PUBLIC EVSE; REAL-TIME STATUS; AVAILABILITY

12 All EVSE available to the public that is built or replaced on or after January
13 1, 2027, shall make its status, including whether it is available for use, in use,
14 or out of service, available in real time to the public and any entities that
15 aggregate information regarding the status of publicly available EVSE for the
16 purpose of advising potential users regarding the availability of EVSE for use.

17 * * * Private Electric Vehicle Supply Equipment * * *

18 Sec. 8. 9 V.S.A. § 4468b is added to read:

19 § 4468b. ELECTRIC VEHICLE SUPPLY EQUIPMENT

20 (a) As used in this section:

1 (1) “Electric vehicle supply equipment (EVSE)” means a device or
2 system designed and used specifically to transfer electrical energy to a plug-in
3 electric vehicle.

4 (2) “EVSE time-of-use (TOU) meter” means an electric meter supplied
5 and installed by an electric distribution utility that is separate from, and in
6 addition to, any other electric meter and is devoted exclusively to the charging
7 of plug-in electric vehicles and that tracks the TOU when charging occurs. An
8 EVSE TOU meter includes any wiring or conduit necessary to connect the
9 meter to an EVSE, regardless of whether it is supplied or installed by an
10 electric utility.

11 (b) For any rental agreement executed, extended, or renewed on and after
12 January 1, 2027, a landlord shall approve a written request of a tenant to install
13 EVSE at a parking space allotted for the tenant that meets the requirements of
14 this section and complies with the landlord’s procedural approval process for
15 modification to the property.

16 (c) This section does not apply to residential rental properties where:

17 (1) EVSE already exists for tenants in a ratio that is equal to or greater
18 than 10 percent of the designated parking spaces;

19 (2) parking is not provided as part of the lease agreement; or

20 (3) there are fewer than five parking spaces.

1 (d) A landlord shall not be obligated to provide an additional parking space
2 to a tenant in order to accommodate EVSE.

3 (e) If the EVSE has the effect of providing the tenant with a reserved
4 parking space, the landlord may charge a monthly rental amount for that
5 parking space.

6 (f) The EVSE or EVSE TOU meter, or both, and all modifications and
7 improvements to the property shall comply with federal, State, and local law,
8 and all applicable zoning requirements, land use requirements, and covenants,
9 conditions, and restrictions.

10 (g) A tenant's written request to make a modification to the property in
11 order to install and use EVSE shall include the tenant's consent to enter into a
12 written agreement that includes the following:

13 (1) Compliance with the landlord's requirements for the installation,
14 use, maintenance, and removal of the EVSE or both the EVSE and EVSE TOU
15 meter and installation, use, and maintenance of the infrastructure for the EVSE
16 or both the EVSE and EVSE TOU meter.

17 (2) Compliance with the landlord's requirements for the tenant to
18 provide a complete financial analysis and scope of work regarding the
19 installation of the EVSE or both the EVSE and EVSE TOU meter and its
20 infrastructure.

1 (3) Obligation of the tenant to pay the landlord all costs associated with
2 the landlord's installation of the EVSE or both the EVSE and EVSE TOU
3 meter and related infrastructure prior to any modification or improvement
4 being made to the leased property. The costs associated with modifications
5 and improvements shall include the cost of permits, supervision, construction,
6 and, solely if required by the contractor and consistent with its past
7 performance of work for the landlord, performance bonds.

8 (4) Obligation of the tenant to pay as part of rent for the costs associated
9 with the electrical usage, whether or not through an EVSE TOU meter, of the
10 EVSE; costs for damage, maintenance, repair, removal, and replacement of the
11 EVSE or both the EVSE and EVSE TOU meter; and costs for modifications or
12 improvements made to the property associated with the EVSE or both the
13 EVSE and EVSE TOU meter.

14 (h) The tenant and each successor tenant shall obtain personal liability
15 coverage in an amount not to exceed 10 times the annual rent charged for the
16 dwelling unit covering property damage and personal injury proximately
17 caused by the installation or operation of the EVSE or both the EVSE and
18 EVSE TOU meter. The policy shall be maintained in full force and effect from
19 the time of installation of the EVSE or both the EVSE and EVSE TOU meter
20 until the EVSE or the EVSE and EVSE TOU meter is removed or the tenant
21 forfeits possession of the dwelling unit to the landlord.

1 (i) Notwithstanding subsection (h) of this section, no insurance shall be
2 required of a tenant installing an EVSE or both an EVSE and EVSE TOU
3 meter if the following are satisfied:

4 (1) the EVSE has been certified by a Nationally Recognized Testing
5 Laboratory that is approved by the Occupational Safety and Health
6 Administration of the U.S. Department of Labor; and

7 (2) the EVSE and any associated alterations to the dwelling's electrical
8 system are performed by a licensed electrician, and the EVSE TOU meter, if
9 applicable, is installed by the electric distribution utility providing service.

10 (j) A landlord that intentionally violates this section shall be liable to the
11 tenant or other party for actual damages and shall pay a civil penalty to the
12 tenant or other party in an amount not to exceed \$1,000.00.

13 (k) In any action by a tenant requesting to have an EVSE installed and
14 seeking to enforce compliance with this section, the prevailing plaintiff shall
15 be awarded reasonable attorney's fees.

16 Sec. 9. 27A V.S.A. § 1-204 is amended to read:

17 § 1-204. PREEXISTING COMMON INTEREST COMMUNITIES

18 (a)(1) Unless excepted under section 1-203 of this title, the following
19 sections and subdivisions of this title apply to a common interest community
20 created in this State before January 1, 1999: sections 1-103, 1-105, 1-106, 1-
21 107, 2-103, 2-104, and 2-121; subdivisions 3-102(a)(1) through (6) and (11)

1 through (16); and sections 3-111, 3-116, 3-118, 4-109, and 4-117 to the extent
2 necessary to construe the applicable sections. The sections and subdivisions
3 described in this subdivision apply only to events and circumstances occurring
4 after December 31, 1998, and do not invalidate existing provisions of the
5 declarations, bylaws, plats, or plans of those common interest communities.

6 * * *

7 (3) Unless excepted under section 1-203 of this title, section 3-125 of
8 this title shall apply to a common interest community created in this State
9 before January 1, 1999. Section 3-125 applies only to events and
10 circumstances occurring after June 30, 2026, and does not invalidate existing
11 provisions of the declarations, bylaws, plats, or plans of those common interest
12 communities.

13 * * *

14 Sec. 10. 27A V.S.A. § 3-125 is added to read:

15 § 3-125. ELECTRIC VEHICLE SUPPLY EQUIPMENT

16 (a) Definitions. As used in this section:

17 (1) “Electric vehicle supply equipment (EVSE)” means a device or
18 system designed and used specifically to transfer electrical energy to a plug-in
19 electric vehicle.

20 (2) “EVSE owner” means the unit owner who applies to install an EVSE
21 and each successive unit owner associated with the initial application to install

1 the EVSE unless there is a specific change in ownership of the EVSE, in which
2 case the EVSE owner shall be the owner specified in a conveying document
3 memorializing the change in ownership of the EVSE.

4 (3) “EVSE time-of-use (TOU) meter” means an electric meter supplied
5 and installed by an electric distribution utility that is separate from, and in
6 addition to, any other electric meter and is devoted exclusively to the charging
7 of plug-in electric vehicles and that tracks the TOU when charging occurs. An
8 EVSE TOU meter includes any wiring or conduit necessary to connect the
9 meter to an EVSE, regardless of whether it is supplied or installed by an
10 electric utility.

11 (4) “Plug-in electric vehicle” has the same meaning as in 23 V.S.A.
12 § 4(85).

13 (5) “Reasonable restrictions” are restrictions that do not significantly
14 increase the cost of the EVSE or EVSE TOU meter, or both, or significantly
15 decrease the efficiency or specified performance of the EVSE or EVSE TOU
16 meter, or both.

17 (b) Protected uses.

18 (1) Any covenant, restriction, or condition contained in any deed,
19 contract, security instrument, or other instrument affecting the transfer or sale
20 of any interest in a common interest community, and any provision of a
21 governing document associated with a common interest community, such as a

1 declaration or bylaws, that either effectively prohibits or unreasonably restricts
2 the installation or use of EVSE or an EVSE TOU meter, or both, within a unit
3 owner's unit or in a designated parking space, including a deeded parking
4 space, a parking space in a unit owner's exclusive use common element, or a
5 parking space that is specifically designated for use by a particular unit owner
6 or is in conflict with this section is void and unenforceable.

7 (2) This subsection shall not apply to provisions that impose reasonable
8 restrictions on EVSE or EVSE TOU meters, or both. However, it is the policy
9 of the State to promote, encourage, and remove obstacles to the use of plug-in
10 electric vehicles, including access to EVSE at home.

11 (3) The EVSE or EVSE TOU meter, or both, and all modifications and
12 improvements to the common interest community shall comply with federal,
13 State, and local law, and all applicable zoning requirements, land use
14 requirements, and covenants, conditions, and restrictions.

15 (4) If approval is required for the installation or use of EVSE or EVSE
16 TOU meters, or both, the application for approval shall be processed and
17 approved by the association in the same manner as an application for approval
18 of an architectural modification to the common interest community and shall
19 not be intentionally avoided or delayed. The approval or denial of an
20 application shall be in writing. If an application is not denied in writing within
21 60 days from the date of receipt of the application, the application shall be

1 deemed approved, unless that delay is the result of a reasonable request for
2 additional information.

3 (5) If the EVSE or EVSE TOU meter, or both, is to be placed in a
4 common element or a limited common element, as designated in the common
5 interest community's declaration, the following provisions apply:

6 (A) The unit owner first shall obtain approval from the association to
7 install the EVSE or EVSE TOU meter, or both, and the association shall
8 approve the installation if the unit owner agrees in writing to do all of the
9 following:

10 (i) comply with the association's architectural standards for the
11 installation of the EVSE or EVSE TOU meter, or both;

12 (ii) engage a licensed contractor to install the EVSE and, if
13 necessary, to install wiring or conduit necessary to connect the EVSE to an
14 EVSE TOU meter;

15 (iii) engage the electric distribution utility providing service to
16 install the EVSE TOU meter, if applicable;

17 (iv) provide a certificate of insurance that names the association as
18 an additional insured under the unit owner's insurance policy within 14 days
19 after approval; and

1 (v) pay for both the costs associated with the installation of the
2 EVSE or both the EVSE and EVSE TOU meter and the electricity usage
3 associated with the EVSE.

4 (B) The unit owner and each successive owner of the EVSE or both
5 the EVSE and EVSE TOU meter shall be responsible for all of the following:

6 (i) costs for damage to the EVSE or EVSE TOU meter, or both; a
7 common element; or a limited common element resulting from the installation,
8 maintenance, repair, removal, or replacement of the EVSE or EVSE TOU
9 meter, or both;

10 (ii) costs for the maintenance, repair, and replacement of the
11 EVSE or EVSE TOU meter, or both, until the EVSE has been removed and for
12 the restoration of the common element or limited common element after
13 removal;

14 (iii) cost of electricity associated with the EVSE; and

15 (iv) disclosing to prospective buyers of the unit the existence of
16 any EVSE or EVSE TOU meters, or both, and the related responsibilities of
17 the unit owner under this section.

18 (C) The owner of EVSE, whether the EVSE is located within a unit
19 or within a common element or a limited common element, shall, at all times,
20 maintain a liability coverage policy that names the association as an additional
21 insured. The unit owner that submitted the application to install the EVSE or

1 EVSE TOU meter, or both, shall provide the association with the
2 corresponding certificate of insurance within 14 days following approval of the
3 application. That unit owner and each successor EVSE owner shall annually
4 provide the association with the certificate of insurance.

5 (D) An EVSE owner shall not be required to maintain a homeowner
6 liability coverage policy for an existing National Electrical Manufacturers
7 Association standard alternating current power plug.

8 (6) Installation of EVSE or both EVSE and an EVSE TOU meter for the
9 exclusive use of a unit owner in a common element or limited common
10 element shall be authorized by the association only if installation in the unit
11 owner's unit or designated parking space is impossible or unreasonably
12 expensive. In such cases, the association shall enter into a license agreement
13 with the unit owner for the use of the space in a common element or limited
14 common element and the unit owner shall comply with all of the requirements
15 in subdivision (5) of this subsection.

16 (7) The association may install EVSE or both EVSE and an EVSE TOU
17 meter in the common element or limited common element for the use of all
18 unit owners in the association and, in that case, the association shall develop
19 appropriate terms of use for the EVSE.

1 (8) Subject to subdivision (3) of this subsection, an association may
2 create a new parking space where one did not previously exist to facilitate the
3 installation of an EVSE.

4 (9) An association that intentionally violates this subsection shall be
5 liable to the applicant unit owner or other party for actual damages and shall
6 pay a civil penalty to the applicant unit owner or other party in an amount not
7 to exceed \$1,000.00.

8 (10) In any action by a unit owner requesting to have an EVSE installed
9 and seeking to enforce compliance with this section, the prevailing plaintiff
10 shall be awarded reasonable attorney's fees.

11 * * * Efficient Vehicle Incentive Program Funding * * *

12 Sec. 11. APPROPRIATIONS FOR VEHICLE INCENTIVE PROGRAMS

13 (a) The sum of \$3,000,000.00 is appropriated from the General Fund to the
14 Agency of Transportation in fiscal year 2027 for the purpose of funding the
15 MileageSmart Program established pursuant to 19 V.S.A. § 2903.

16 (b) The sum of \$70,000.00 is appropriated from the General Fund to the
17 Agency of Transportation in fiscal year 2027 for the purpose of funding the
18 eBike Incentive Program established pursuant to 2021 Acts and Resolves No.
19 55, Sec. 28, as amended by 2022 Acts and Resolves No. 184, Sec. 23.

* * * Electric Vehicle Tax Credit * * *

Sec. 12. 32 V.S.A. § 5830h is added to read:

§ 5830h. VERMONT ELECTRIC VEHICLE TAX CREDIT

(a) Definitions. As used in this section:

(1) “Electric vehicle” has the same meaning as “plug-in electric vehicle” under 23 V.S.A. § 4(85).

(2) “Qualifying taxpayer” means a sole proprietorship or pass-through entity primarily engaged in the business of selling motor vehicles at retail. For purposes of this subdivision, “primarily” means at least 80 percent of the taxpayer’s gross receipts are from sales of motor vehicles, as defined under 23 V.S.A. § 4(21).

(b) Credit. A qualifying taxpayer shall be entitled to a nonrefundable credit against the tax imposed by section 5822 of this title for the taxable year. The credit shall be for \$5,000.00 for every new electric vehicle sold at retail and \$2,500.00 for every used electric vehicle sold at retail.

(c) Requirement to pass the credit on to the consumer. The credit under this section shall only be available for electric vehicles resold in the taxable year where the retail sales price was reduced in an amount equal to, or exceeding, the amount of credit claimed under this section.

1 Sec. 13. 32 V.S.A. § 5813 is amended to read:

2 § 5813. STATUTORY PURPOSES

3 * * *

4 (bb) The statutory purpose of the electric vehicle tax credit in section
5 5830h of this title is to incentivize Vermonters to purchase new and used
6 electric vehicles.

7 * * * Study of Regulation of Electric Bicycles * * *

8 Sec. 14. STUDY OF REGULATION OF ELECTRIC BICYCLES; REPORT

9 (a) The Secretary of Transportation, in consultation with the Commissioner
10 of Public Safety, the Vermont League of Cities and Towns, and Local Motion,
11 shall study Vermont's State laws and rules, as well as Vermont municipalities'
12 ordinances, related to electric bicycles and motor-assisted bicycles. In
13 particular, the Secretary shall examine the following in relation to electric
14 bicycles and motor-assisted bicycles in Vermont:

15 (1) the enforcement of applicable laws, rules, and ordinances, including
16 the rate of enforcement and challenges or barriers to enforcement;

17 (2) the efficacy of applicable safety-related laws, rules, and ordinances;

18 (3) recent trends among laws, rules, and ordinances for electric bicycles
19 and motor-assisted bicycles in jurisdictions outside Vermont; and

20 (4) potential changes to Vermont's statutes related to electric bicycles
21 and motor-assisted bicycles that could enhance the safety of individuals using

1 electric bicycles and motor-assisted bicycles as well as other individuals using
2 roadways, sidewalks, and multiuse paths.

3 (b) On or before December 15, 2026, the Secretary shall submit a written
4 report to the House and Senate Committees on Transportation with the
5 Secretary's findings pursuant to subsection (a) of this section and any
6 recommendations for legislative action.

7 * * * Study of Vehicle Miles Traveled Reduction Target * * *

8 Sec. 15. VEHICLE MILES TRAVELED; REDUCTION; TARGET

9 (a) The Secretary of Transportation, in consultation with the Secretary of
10 Natural Resources, shall develop a process for setting annual and longer-term
11 targets for reducing the amount of vehicle miles traveled in Vermont. On or
12 before December 15, 2026, the Secretary of Transportation shall submit a
13 written report to the House and Senate Committees on Transportation that
14 outlines the process developed pursuant to this subsection and includes a
15 proposal for legislative action necessary to implement that process.

16 (b) As used in this section, "vehicle miles traveled" means the estimated
17 sum of all the miles traveled by motor vehicles in Vermont during a calendar
18 year.

19 * * * Education Transportation * * *

20 Sec. 16. 24 V.S.A. § 5095 is added to read:

1 § 5095. COORDINATION WITH SUPERVISORY UNIONS AND
2 SCHOOL DISTRICTS

3 (a) A public transit system, as that term is defined pursuant to subdivisions
4 5088(6)(A)–(C) of this subchapter, and the school districts and supervisory
5 unions within the public transit system’s area of operation shall meet at least
6 once every two years to examine opportunities for the public transit system and
7 the school district or supervisory union to coordinate transportation services to
8 provide more effective transportation to students enrolled in the school district
9 or supervisory union.

10 (b) The public transit system and the school district or supervisory union,
11 as applicable, shall specifically examine opportunities to provide students
12 enrolled in the school district or supervisory union with transportation:

13 (1) to and from school;

14 (2) to after-school activities; and

15 (3) from school to locations where students work, shop, obtain health
16 care, or engage in recreational or extracurricular activities.

17 (c) Any changes made to the public transit system’s routes or the services it
18 provides as a result of the meetings required pursuant to this section shall be
19 designed to:

20 (1) maintain or increase the general public’s access to the public transit
21 system;

8 * * * Pollinator Habitat * * *

9 Sec. 17. 19 V.S.A. § 46 is added to read:

10 § 46. POLLINATOR HABITAT ALONG HIGHWAYS:
11 IDENTIFICATION; CREATION; BEST MANAGEMENT
12 PRACTICES; ANNUAL REPORT

13 (a)(1) The Agency of Transportation shall create and maintain pollinator
14 habitats within State highway rights-of-way in locations selected in
15 consultation with the Agency of Natural Resources.

16 (2) Habitat locations shall be planted, to the extent possible, with native
17 plants.

18 (3) Plants chosen for a habitat location shall:

19 (A) provide food and nesting habitat for pollinators found in the area
20 of the habitat location;

1 (B) be able to tolerate runoff from the highway, including salt;

2 (C) be adapted to growing in the soil conditions found within the
3 highway right-of-way; and

4 (D) be maintained in a manner designed to minimize disruptions to
5 pollinator populations.

6 (b) The Agency of Transportation, in consultation with the Agency of
7 Natural Resources and the Vermont League of Cities and Towns, shall develop
8 best management practices for the identification, creation, and maintenance of
9 pollinator habitat along municipal highways. The best management practices
10 shall include information regarding:

11 (1) identification of potential habitat locations;

12 (2) plant selection; and

13 (3) habitat maintenance, including modifications to mowing and other
14 routine maintenance practices.

15 (c) The Secretary of Transportation shall annually, on or before January 15,
16 report to the House and Senate Committees on Transportation regarding:

17 (1) the total amount of pollinator habitat that has been created within
18 State highway rights-of-way;

19 (2) any new pollinator habitat created within State highway rights-of-
20 way during the preceding calendar year;

1 (3) any changes or updates made during the preceding calendar year to
2 the Agency's best management practices for the identification, creation, and
3 maintenance of pollinator habitat along municipal highways; and

4 (4) changes in maintenance costs for unpaved portions of State highway
5 rights-of-way and changes in mowing practices along State highways.

6 * * * Municipal Salt Application; Local Roads Curriculum * * *

7 Sec. 18. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS
8 CURRICULUM; AFFIRMATIVE DEFENSE

9 On or before November 1, 2027, the Secretary of Natural Resources, in
10 collaboration with the Secretary of Transportation, shall identify and make
11 changes to the Vermont Local Roads curriculum to create training for best
12 management practices for spreading salt on roads, parking lots, and sidewalks.

13 * * * Effective Dates * * *

14 Sec. 19. EFFECTIVE DATES

15 (a) This section shall take effect on passage.

16 (b) Notwithstanding 1 V.S.A. § 214, Secs. 12 and 13 (electric vehicle tax
17 credit) shall take effect retroactively on January 1, 2026, and shall apply to
18 taxable years beginning on and after January 1, 2026.

19 (c) The remaining sections of this act shall take effect on July 1, 2026.