

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:

## CHAPTER 26. RETAIL DELIVERY FEE

## § 2551. DEFINITIONS

## 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.

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.

## § 2555. DEPOSIT AND USE OF FEES

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

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

## § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

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

\* \* \*

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

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

1

\* \* \*

2

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

3

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

4

§ 138. LOCAL OPTION TAXES

5

(a) Local option taxes are authorized under this section for the purpose of  
affording municipalities an alternative method of raising municipal revenues.

7

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.

11

(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:

15

(1) a one percent sales tax;

16

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

17

(3) a one percent rooms tax;

18

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

20

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

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

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.

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.

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.

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:

- 1        (1) stakeholder coordination;
- 2        (2) consumer education and outreach;
- 3        (3) infrastructure development; and
- 4        (4) the provision of technical assistance and support to Vermont
- 5        municipalities and Vermont businesses desiring to electrify their vehicle fleets.

6 \* \* \* Transportation Alternatives Grant Program \* \* \*

7 Sec. 5. 19 V.S.A. § 38 is amended to read:

## 8 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

9 \* \* \*

10 (f)(1) In fiscal year 2024 2027 and thereafter, 50 80 percent of Grant  
11 Program funds, or such lesser sum if all eligible applications amount to less  
12 than 50 80 percent of Grant Program funds, shall be reserved for municipalities  
13 for environmental mitigation projects relating to stormwater and highways,  
14 including eligible salt and sand shed projects, bicycle and pedestrian facilities  
15 and safe routes to schools, and the balance of Grant Program funds shall be  
16 awarded for any eligible activity and in accordance with the priorities  
17 established in subdivision (2) of this subsection.

18                   (2) In evaluating applications for Transportation Alternatives grants, the  
19                   Agency shall give preferential weighting to projects involving as a primary  
20                   feature a bicycle or pedestrian facility. The degree of preferential weighting

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       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.

1 \* \* \* Electric Vehicle Tax Credit \* \* \*

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

§ 5830h. VERMONT ELECTRIC VEHICLE TAX CREDIT

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

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

7                   (2) “Qualifying taxpayer” means a sole proprietorship or pass-through  
8                   entity primarily engaged in the business of selling motor vehicles at retail. For  
9                   purposes of this subdivision, “primarily” means at least 80 percent of the  
10                  taxpayer’s gross receipts are from sales of motor vehicles, as defined under  
11                  23 V.S.A. § 4(21).

12        (b) Credit. A qualifying taxpayer shall be entitled to a nonrefundable credit  
13        against the tax imposed by section 5822 of this title for the taxable year. The  
14        credit shall be for \$5,000.00 for every new electric vehicle sold at retail and  
15        \$2,500.00 for every used electric vehicle sold at retail.

16        (c) Requirement to pass the credit on to the consumer. The credit under  
17        this section shall only be available for electric vehicles resold in the taxable  
18        year where the retail sales price was reduced in an amount equal to, or  
19        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.

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.

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;

- 1        (2) increase usage of the public transit system;
- 2        (3) support or increase the financial self-sufficiency of the public transit
- 3        system;
- 4        (4) reduce the school district's or supervisory union's costs related to
- 5        student transportation; and
- 6        (5) comply with all applicable Federal Transit Administration
- 7        regulations for student transportation.

3 Pollinator

## 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;

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.

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.