

1 H.944

2 Introduced by Committee on Transportation

3 Date:

4 Subject: Transportation; annual Transportation Program; Municipal Equipment
5 and Vehicle Loan Fund; Agency of Transportation; State highway
6 design standards; bonding; bridge inspections; Public Transit
7 Advisory Council; Green Mountain Transit Authority; public private
8 partnerships; Transportation Board; Transportation Alternatives Grant
9 Program; speed limits; Drive Electric Vermont; Caledonia County
10 State Airport

11 Statement of purpose of bill as introduced: This bill proposes to adopt the
12 State's annual Transportation Program and make miscellaneous changes to the
13 laws relating to transportation.

14 An act relating to the fiscal year 2027 Transportation Program and
15 miscellaneous changes to laws related to transportation

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

17 * * * Transportation Program Adopted as Amended; Definitions * * *

18 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

19 (a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2027

20 Transportation Program appended to the Agency of Transportation's proposed

1 fiscal year 2027 budget, as amended by this act, is adopted to the extent
2 federal, State, and local funds are available.

3 (b) Definitions. As used in this act, unless otherwise indicated:

4 (1) “Agency” means the Agency of Transportation.

5 (2) “Candidate project” means a project approved by the General
6 Assembly that is not anticipated to have significant expenditures for
7 preliminary engineering or right-of-way expenditures, or both, during the
8 budget year and funding for construction is not anticipated within a predictable
9 time frame.

10 (3) “Development and evaluation (D&E) project” means a project
11 approved by the General Assembly that is anticipated to have preliminary
12 engineering expenditures or right-of-way expenditures, or both, during the
13 budget year and that the Agency is committed to delivering to construction on
14 a timeline driven by priority and available funding.

15 (4) “Electric vehicle supply equipment (EVSE)” and “electric vehicle
16 supply equipment available to the public” have the same meanings as in
17 30 V.S.A. § 201.

18 (5) “Front-of-book project” means a project approved by the General
19 Assembly that is anticipated to have construction expenditures during the
20 budget year or the following three years, or both, with expected expenditures
21 shown over four years.

1 (6) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle
2 (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in
3 23 V.S.A. § 4(85).

4 (7) “Secretary” means the Secretary of Transportation.

5 (8) “TIB funds” means monies deposited in the Transportation
6 Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

7 (9) The table heading “As Proposed” means the Proposed
8 Transportation Program referenced in subsection (a) of this section; the table
9 heading “As Amended” means the amendments as made by this act; the table
10 heading “Change” means the difference obtained by subtracting the “As
11 Proposed” figure from the “As Amended” figure; the terms “change” or
12 “changes” in the text refer to the project- and program-specific amendments,
13 the aggregate sum of which equals the net “Change” in the applicable table
14 heading; and “State” in any tables amending authorizations indicates that the
15 source of funds is State monies in the Transportation Fund, unless otherwise
16 specified.

17 * * * Repeal of Municipal Equipment and Vehicle Loan Fund Rules * * *

18 Sec. 2. RULES REGARDING MUNICIPAL HEAVY EQUIPMENT LOAN
19 FUND; REPEAL

20 The Rules Regarding Municipal Heavy Equipment Loan Fund (CVR 14-
21 053-002) are repealed. The Municipal Equipment and Vehicle Loan Fund, as

1 the successor to the Municipal Heavy Equipment Loan Fund, shall be
2 administered as provided pursuant to 29 V.S.A. § 1601.

3 * * * Statement of Policy; Highways and Bridges * * *

4 Sec. 3. 19 V.S.A. § 10c is amended to read:

5 § 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

6 * * *

7 (b) For projects that are not on the National Highway System, the Agency
8 shall ~~develop and implement~~ maintain State standards and guidance for
9 geometric design. ~~Design speeds may be lower than legal speeds.~~ Design
10 speeds lower than legal speeds may be used without the requirement of a
11 formal design exception, ~~provided appropriate warnings are posted if~~
12 appropriate warning signs, signals, and markings are used as provided pursuant
13 to 23 V.S.A. § 1025.

14 * * *

15 * * * Agency of Transportation Duties * * *

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

17 § 10. DUTIES

18 The Agency shall, except where otherwise specifically provided by law:

19 * * *

20 (8)(A) Require any contractor or contractors employed in any project of
21 the Agency for construction of a transportation improvement to file in the

1 office of the Secretary a good and sufficient surety bond to the State of
2 Vermont, executed by a surety company authorized to transact business in this
3 State in ~~such~~ the sum as required by the Agency shall direct, conditioned for
4 the compliance by the contractor or contractors and their agents and servants,
5 with all matters and things set forth and specified to be by the principal kept,
6 done, and performed at the time and in the manner in the contract between the
7 Agency and the contractor or contractors specified and to pay over, make
8 good, and reimburse the State of Vermont for all loss or losses and damage or
9 damages that the State of Vermont may sustain by reason of failure or default
10 on the part of the contractor or contractors. The Agency is authorized to
11 require any other condition in the bond that may ~~from time to time~~ be
12 necessary. The Secretary ~~at his or her discretion as to~~, as the Secretary
13 determines is in the best interest of the State, may accept other good and
14 sufficient surety in lieu of a bond and, in cases involving contracts for
15 ~~\$100,000.00~~ \$250,000.00 or less, may waive the requirement of a performance
16 bond.

17 (B) During an emergency event, the Secretary may, in the Secretary's
18 discretion, waive the bonding requirements of this subdivision (8) for
19 immediate, temporary stabilization work related to public safety or State
20 infrastructure. Permanent work shall be subject to the requirements of
21 subdivision (A) of this subdivision (8).

1 (9)(A) Require any contractor or contractors employed in any project of
2 the Agency for construction of a transportation improvement to file an
3 additional surety bond to the Secretary and the Secretary's successor in office,
4 for the benefit of labor, materialmen, and others, executed by a surety company
5 authorized to transact business in this State. The surety bond shall be in ~~such~~
6 the sum as required by the Agency shall direct, conditioned for the payment,
7 settlement, liquidation, and discharge of the claims of all creditors for
8 material; merchandise; labor; rent; hire of vehicles, power shovels, rollers,
9 concrete mixers, tools, and other appliances; professional services;
10 premiums; and other services used or employed in carrying out the terms of
11 the contract between the contractor and the State ~~and~~. The surety bond shall be
12 further conditioned for the following accruing during the term of performance
13 of the contract: the payment of taxes, both State and municipal, and the
14 payment of unemployment insurance contributions to the Vermont
15 Commissioner of Labor; ~~provided, however, in~~.

16 (B) In order to obtain the benefit of the security, the claimant shall
17 file with the Secretary a sworn statement of the claimant's claim, within 90
18 days after the final acceptance of the project by the State or within 90 days
19 from the time the taxes or unemployment contributions to the Vermont
20 Commissioner of Labor are due and payable, and, within one year after the
21 filing of the claim, shall bring a petition in the Superior Court in the name of

1 the Secretary, with notice and summons to the principal, surety, and the
2 Secretary, to enforce the claim or intervene in a petition already filed. The
3 Secretary may, if the Secretary determines that it is in the best interests of the
4 State, accept other good and sufficient surety in lieu of a bond and, in cases
5 involving contracts for ~~\$100,000.00~~ \$250,000.00 or less, may waive the
6 requirement of a surety bond.

7 (C) During an emergency event, the Secretary may, in the Secretary's
8 discretion, waive the requirements of this subdivision (9) for immediate
9 emergency stabilization work related to public safety or State infrastructure.
10 Permanent work shall be subject to the requirements of subdivision (A) of this
11 subdivision (9).

12 * * *

13 * * * Bridge Inspections; Posting; Closure * * *

14 Sec. 5. 19 V.S.A. § 1514 is added to read:

15 § 1514. BRIDGE INSPECTION; POSTING; CLOSURE

16 (a) Definition. As used in this section, "bridge" means a structure to which
17 the National Bridge Inspection Standards apply pursuant to 23 C.F.R.
18 § 650.303.

19 (b) Bridge inspections. The Agency shall inspect bridges on State
20 highways and town highways in accordance with the requirements of the
21 National Bridge Inspection Standards.

1 (c) Municipally maintained bridges.

2 (1) For a bridge for which a municipality has maintenance
3 responsibility, the Agency shall advise the municipality of its inspection
4 findings and any noted deficiencies.

5 (2) The Agency shall notify a municipality if a bridge for which the
6 municipality has maintenance responsibility requires posting or closure and,
7 upon receiving notification, the municipality shall post or close the bridge, as
8 appropriate.

9 (3) If necessary to protect the public from an imminent hazard, the
10 Agency may post or close a bridge for which a municipality has maintenance
11 responsibility.

12 (4) A municipality shall be responsible for all costs and expenses related
13 to the posting or closure of a bridge for which it has maintenance
14 responsibilities, including the costs of any required notifications, procedures,
15 signage or traffic control devices, and barricades.

16 (d) Agency-maintained bridges.

17 (1) For any bridge for which the Agency has maintenance responsibility,
18 the Agency shall have the sole responsibility and authority to determine
19 whether the bridge shall be posted or closed, except that a municipality may
20 close an Agency-maintained bridge during an emergency.

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* * * Public Transit Advisory Council * * *

Sec. 7. 24 V.S.A. § 5084 is amended to read:

§ 5084. PUBLIC TRANSIT ADVISORY COUNCIL

(a) The Public Transit Advisory Council shall be created by the Secretary of Transportation under 19 V.S.A. § 7(f)(5), ~~to~~ and shall consist of the following members:

* * *

(8) a representative of ~~the Community of Vermont Elders~~ AARP Vermont;

(9) ~~a representative of private bus operators and taxi services;~~
[Repealed.]

(10) a representative of Vermont ~~intercity~~ private bus operators;

* * *

* * * Green Mountain Transit Authority * * *

Sec. 8. 24 App. V.S.A. ch. 801, § 7 is amended to read:

§ 7. Annual budget and assessments

(a) On or before February 15 in each year, the Board of Commissioners shall prepare a budget for the Authority for the next fiscal year, which shall include an estimate of the revenue of the Authority from fares and other sources, except membership assessments, and the expenses for the next fiscal

1 year, including debt service, and at such time the Board of Commissioners
2 shall call a meeting of the residents of its members for the purpose of
3 presenting the proposed budget and inviting discussion thereon. The meeting
4 shall be held at a place within the County and shall be warned by a notice
5 published in a newspaper of general circulation in the County at least 15 days
6 prior to the meeting. The notice shall contain a copy of the proposed budget,
7 and members of the legislative body of each member municipality shall be
8 notified of the meeting by certified mail. The proposed budget may include, in
9 addition to revenues from fares and other sources, anticipated voluntary local
10 match contributions, grants, donations, and other nonassessment revenues that
11 may be offered by a member municipality or another public or private source.

12 * * *

13 (f)(1) The Authority shall be permitted to seek and accept voluntary local
14 match contributions.

15 (2) Notwithstanding the formula for apportionment, the Authority may
16 accept voluntary local match contributions from a member municipality or
17 another public or private source for the purposes of:

18 (A) meeting federal, State, or other grant matching requirements; and

19 (B) supporting Authority programs, capital projects, and operations.

20 (3) A voluntary local match contribution accepted pursuant to this
21 subsection shall be in addition to any assessment required pursuant to this

1 section and shall not reduce, offset, or otherwise modify the assessment
2 apportioned to any member municipality pursuant to the formula for
3 apportionment unless the formula is amended in accordance with the
4 provisions of this section.

5 * * * Public-Private Partnership Sunset Extension * * *

6 Sec. 9. 2018 Acts and Resolves No. 158, Sec. 21 as amended by 2023 Acts
7 and Resolves No. 62, Sec. 41 is further amended to read:

8 Sec. 21. REPEAL OF TRANSPORTATION P3 AUTHORITY

9 19 V.S.A. chapter 26, subchapter 2 shall be repealed on July 1, ~~2026~~ 2029.

10 * * * Transportation Board * * *

11 Sec. 10. 19 V.S.A. § 5 is amended to read:

12 § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

13 * * *

14 (d) Specific duties and responsibilities. The Board shall:

15 * * *

16 (7) provide appellate review, when requested in writing by an applicant
17 or permittee, of Agency decisions and rulings regarding private and
18 commercial access to State highway rights-of-way pursuant to the permit
19 process established in section 1111 of this title;

20 * * *

1 systems that will provide safe routes for nondrivers, and in accordance with the
2 priorities established in subdivision (2) of this subsection.

3 * * *

4 Sec. 12. 2023 Acts and Resolves No. 62, Sec. 11 is amended to read:

5 Sec. 11. TRANSPORTATION ALTERNATIVES GRANT PROGRAM
6 AWARDS IN STATE FISCAL YEARS 2024 TO 2027

7 Notwithstanding 19 V.S.A. § 38(c), Transportation Alternatives Grant
8 Program awards in State fiscal years 2024 to ~~2027~~ 2026 shall not exceed
9 \$600,000.00 per grant allocation. Notwithstanding 19 V.S.A. § 38(c),
10 Transportation Alternatives Grant Program awards in State fiscal year 2027
11 shall not exceed \$1,200,000.00 per grant allocation.

12 * * * Consultation Regarding Municipal Programs * * *

13 Sec. 13. MUNICIPAL TRANSPORTATION PROGRAMS; ONGOING
14 EVALUATION; IDENTIFICATION OF IMPROVEMENTS

15 (a) In addition to ongoing work pursuant to 2025 Acts and Resolves No.
16 43, Sec. 15, the Agency of Transportation, in consultation with the Vermont
17 League of Cities and Towns and the Vermont Association of Planning and
18 Development Agencies, shall:

19 (1) continue examining the requirements of 19 V.S.A. § 309c,
20 cancellation of locally managed projects, as set forth in 2024 Acts and
21 Resolves No. 43, Sec. 14, to evaluate the obligations, risks, and benefits

1 imposed by the provisions of that section on the State and the local sponsor of
2 a locally managed project and to identify potential changes to the provisions of
3 that section to ensure that State and federal transportation funding resources
4 are appropriately administered;

5 (2) continue evaluating the State’s Town Highway Aid and municipal
6 grant programs administered by the Agency, as set forth in 2024 Acts and
7 Resolves No. 43, Sec. 16, to identify potential efficiencies and improvements
8 related to the administration of Town Highway Aid and municipal grant
9 programs; and

10 (3)(A) examine the provisions in the Vermont statutes related to the
11 procedures for establishing speed limits; and

12 (B) identify potential opportunities to simplify and clarify those
13 provisions to assist municipalities in meeting local needs, including safety and
14 context sensitivity.

15 (b) The Agency shall, on or before January 15, 2027, submit to the House
16 and Senate Committees on Transportation any recommendations for legislative
17 action.

18 Sec. 14. [Deleted.]

19 Sec. 15. [Deleted.]

20 * * * Drive Electric Vermont * * *

21 Sec. 16. DRIVE ELECTRIC VERMONT; APPROPRIATION

1 In State fiscal year 2027, the sum of \$192,000.00 is appropriated from the
2 Transportation Fund to the Agency of Transportation to support the
3 continuation of the Agency's partnership with Drive Electric Vermont. The
4 monies shall be used for programs and activities that support increased
5 ownership and use of plug-in electric vehicles in the State through:
6 (1) stakeholder coordination;
7 (2) consumer education and outreach;
8 (3) infrastructure development; and
9 (4) the provision of technical assistance and support to Vermont
10 municipalities and Vermont businesses desiring to electrify their vehicle fleets.

11 * * * Caledonia County State Airport * * *

12 Sec. 17. 2023 Acts and Resolves No. 62, Sec. 8 is amended to read:

13 Sec. 8. SALE OR LEASE OF CALEDONIA COUNTY STATE

14 AIRPORT

15 (a)(1) The Agency of Transportation is authorized to issue a request for
16 proposals for the purchase or lease of the Caledonia County State Airport,
17 located in the Town of Lyndon, and the Agency shall consult with the Town of
18 Lyndon on any requests for proposals related to the purchase or lease of the
19 Airport prior to the issuance of any requests for proposals related to the
20 purchase or lease of the Airport.

1 (2) The request for proposal shall include a request for a business plan,
2 which shall, at a minimum, include the prospective purchaser's or lessor's
3 plans for investments in the Airport and the surrounding communities and may
4 include plans for partnerships with secondary and post-secondary institutions
5 in the surrounding communities.

6 (b) Subject to obtaining any necessary approvals from the U.S. Federal
7 Aviation Administration, the Vermont Secretary of Transportation, as agent for
8 the State, is authorized to convey the Airport property by warranty deed
9 according to the terms of a purchase and sale agreement or through a long-term
10 lease.

11 (c) Any such conveyance shall:

12 (1) include assignment of the State's interest in easements, leases,
13 licenses, and other agreements pertaining to the Airport and the acceptance of
14 the State's obligations under such easements, leases, licenses, and other
15 agreements that requires, at a minimum, that any leases and terms of leases that
16 are in effect at the time of the conveyance of the Airport are fully honored for
17 the balance of the lease term;

18 (2) ensure that there are investments in the Airport to address current
19 deficiencies and necessary repairs;

1 (3) ensure that the Airport continues to be a public-use airport and that
2 the public continues to have access to the Airport for general aviation uses in
3 perpetuity;

4 ~~(4) ensure that the Airport continues to be identified as a public-use~~
5 ~~airport within the National Plan of Integrated Airport Systems until at least~~
6 ~~2050, subject to federal determination;~~

7 ~~(5)~~ include, if the Airport is conveyed through a purchase and sale
8 agreement, a six-month right of first refusal, running from the date that the
9 owner of the Airport provides notice to the State of an intent to sell the Airport,
10 for the State to repurchase the Airport at fair market value before the Airport is
11 resold or transferred to a new owner; and

12 ~~(6)~~(5) include, if the Airport is leased, that the lease cannot be either
13 assigned or the lessor cannot sub-lease all or substantially all of the Airport
14 without the written approval of the Vermont Secretary of Transportation.

15 (d) The Agency shall not proceed with a sale or lease of the Airport unless:

16 (1) there is a fair market value offer, as required under 19 V.S.A.
17 § 10k(b) or 26a(a), that meets the requirements of subsection (c) of this
18 section; and

19 (2) the Town of Lyndon is given the opportunity to review and comment
20 on the final purchase and sale agreement or lease as applicable.

1 (e) This section shall constitute specific prior approval, including of any
2 sale or lease terms, by the General Assembly for purposes of 5 V.S.A. § 204.

3 Sec. 18. 2023 Acts and Resolves No. 62, Sec. 9 is amended to read:

4 Sec. 9. REPEAL OF AUTHORITY FOR SALE OR LEASE OF
5 CALEDONIA COUNTY STATE AIRPORT

6 Sec. 8 of this act shall be repealed on ~~May 1, 2026~~ November 1, 2027.

7 * * * Mileage-Based User Fee * * *

8 Sec. 19. 23 V.S.A. chapter 43 is added to read:

9 CHAPTER 43. ROAD USAGE CHARGES

10 Subchapter 1. Mileage-Based User Fee

11 § 4301. PURPOSE

12 The purpose of this chapter is to impose a mileage-based user fee for battery
13 electric vehicle pleasure cars to ensure that battery electric vehicles contribute
14 to the Transportation Fund in an amount that reflects the annual miles traveled
15 by each vehicle.

16 § 4302. DEFINITIONS

17 As used in this chapter:

18 (1) “Account manager” means a person that the Agency of
19 Transportation or Department of Motor Vehicles contracts with to administer
20 and manage the mileage-based user fee.

1 (2) “Annual vehicle miles traveled” means the total number of miles that
2 a BEV is driven during the mileage reporting period.

3 (3) “BEV” means a battery electric vehicle pleasure car.

4 (4) “Mileage-based user fee” means the fee charged for the annual
5 vehicle miles traveled by a BEV pursuant to section 4303 of this chapter.

6 (5) “Mileage-based user fee rate” means the per-mile usage fee charged
7 to the owner or lessee of a BEV pursuant to section 4303 of this chapter.

8 (6) “Mileage reporting period” means:

9 (A) the time period between annual inspections; or

10 (B) the time period between the most recent annual inspection and a
11 terminating event.

12 (7) “Terminating event” means any of the following:

13 (A) the registering of a BEV that had been registered in Vermont in a
14 different state;

15 (B) a change in ownership or lesseeship of a BEV; or

16 (C) the termination of a BEV’s registration.

17 § 4303. MILEAGE-BASED USER FEE; ASSESSMENT; CALCULATION;

18 PAYMENT; EXEMPTIONS

19 (a) Annual mileage-based user fee.

1 (1) The Commissioner shall, for each BEV registered in Vermont,
2 calculate pursuant to subsection (b) of this section a mileage-based user fee
3 within 14 days after the conclusion of the BEV's mileage reporting period.

4 (2) As soon as practicable after calculating the amount of the mileage-
5 based user fee due for a BEV, the Commissioner shall mail to the registered
6 owner or lessee of the BEV a statement of the amount of the mileage-based
7 user fee assessed pursuant to this section.

8 (3) Not more than 45 days after a mileage-based user fee assessment is
9 mailed pursuant to subdivision (2) of this subsection, the owner or lessee of the
10 BEV shall:

11 (A) remit the full amount of the mileage-based user fee to the
12 Commissioner; or

13 (B) enter into an agreement with the Commissioner to pay the
14 amount of the mileage-based user fee in quarterly or monthly installments.

15 (b) Calculation of the mileage-based user fee. The Commissioner shall
16 calculate the mileage-based user fee of each BEV by multiplying the miles
17 traveled by the BEV during the applicable period by the rate established
18 pursuant to subsection (c) of this section. The number of miles traveled for a
19 mileage reporting period shall be equal to the difference between the mileage
20 shown on the BEV's odometer at the end of the mileage reporting period and

1 the mileage shown on the BEV's odometer at the beginning of the mileage
2 reporting period.

3 (c) Mileage-based user fee rate. The mileage-based user fee rate shall be
4 \$0.014 per mile traveled by a BEV during its mileage reporting period.

5 (d) Exemptions. The mileage-based user fee assessed pursuant to this
6 section shall not apply to:

7 (1) BEVs owned or operated by the government of the United States;

8 (2) BEVs that are owned or operated by the State; and

9 (3) BEVs that are used in short-term rentals.

10 (e) Fee in addition to other fees and taxes. A mileage-based user fee
11 assessed pursuant to this section shall be in addition to any other fees and taxes
12 imposed by this title.

13 (f) Review of amount assessed. A person may, within 45 days after an
14 assessment is mailed pursuant to subsection (a) of this section, appeal the
15 amount of the assessment to the Commissioner. The Commissioner shall
16 establish procedures for filing and hearing appeals pursuant to this subsection
17 that are consistent with the provisions of sections 105–107 of this title. The
18 procedures shall include a process by which an appellant can resolve the
19 dispute prior to the issuance of a final administrative decision on the appeal.

20 (g) Refunds. Upon occurrence of a terminating event, the Commissioner
21 shall issue a refund to the owner or lessee of a BEV for any amounts paid by

1 the owner or lessee that are in excess of the amount due pursuant to this
2 chapter.

3 § 4304. REPORTS

4 (a) Upon completion of an inspection of a BEV pursuant to section 1222 of
5 this title, an inspection mechanic shall report the mileage shown on the BEV's
6 odometer to the Department in the manner required by the Commissioner.

7 (b) Upon the occurrence of a terminating event, the owner or lessee of a
8 BEV shall report the mileage shown on the BEV's odometer at the time of the
9 terminating event to the Department in the time and manner required by the
10 Commissioner.

11 § 4305. FAILURE TO PAY FEE WHEN DUE; INTEREST

12 (a) Any person who fails to pay the mileage-based user fee when due shall
13 owe, in addition to the mileage-based user fee, interest calculated at one and
14 one-half percent per month on the amount of the mileage-based user fee that
15 remains unpaid. The maximum amount of interest that may accrue pursuant to
16 this subsection shall not exceed 18 percent of the amount of the unpaid fee.

17 (b)(1) An individual may request at any time that the Commissioner waive
18 some or all of the amount of the overdue fee or interest due, or both, pursuant
19 to subsection (a) of this section.

20 (2) The Commissioner may, upon receiving a request pursuant to
21 subdivision (1) of this subsection or on the Commissioner's own motion,

1 waive some or all of the amount of the overdue fee and interest required
2 pursuant to subsection (a) of this section if the Commissioner determines that
3 good cause existed for the delay in payment or that requiring repayment would
4 constitute an economic hardship.

5 § 4306. FAILURE TO FILE REPORT; PENALTY RATE

6 If the Commissioner is unable to determine the annual vehicle miles
7 traveled for a BEV because a person failed to file a report required by section
8 4304 of this chapter or failed to have the BEV inspected as required pursuant
9 to section 1222 of this title within a reasonable period of time after the report
10 or inspection is due, the Commissioner shall calculate the mileage-based user
11 fee for the BEV based on the 98th percentile of the miles traveled by BEVs
12 registered in Vermont during mileage reporting periods ending in the
13 preceding calendar year.

14 § 4307. REGISTRATION; SUSPENSION OR REFUSAL

15 (a) Suspension of registration. The Commissioner may suspend or refuse
16 to renew the registration of a BEV if the Commissioner determines, following
17 notice and an opportunity for a hearing as provided pursuant to subsection (b)
18 of this section, that the owner or lessee of the BEV:

19 (1) failed to file a report required pursuant to section 4304 of this
20 chapter;

1 (2) filed a report containing an intentional misrepresentation,
2 misstatement, or omission of material information required by this chapter; or

3 (3) is delinquent at the time of renewal in the payment amount due
4 pursuant to the provisions of this chapter.

5 (b) Notice and opportunity for hearing. The Commissioner shall provide
6 the owner or lessee of a BEV with not less than 15 days' notice of the intent to
7 suspend or not to renew the registration of the BEV pursuant to the provisions
8 of this section. The owner or lessee shall be provided with the opportunity for
9 a hearing and shall be permitted to be represented by counsel at the hearing.

10 § 4308. POWERS OF THE COMMISSIONER

11 (a) General authority. The Commissioner shall have the authority to
12 administer and enforce the provisions of this chapter.

13 (b) Additional powers. In addition to any powers or authority specifically
14 granted to the Commissioner pursuant to the provisions of this chapter, the
15 Commissioner may do the following:

16 (1) Adopt rules pursuant to 3 V.S.A. chapter 25 as the Commissioner
17 determines necessary to administer and enforce the provisions of this chapter.

18 (2) Prescribe forms appropriate to the purposes of this chapter.

19 (3) Contract with an account manager to administer and manage the
20 mileage-based user fee.

1 § 4309. APPEALS; JUDICIAL REVIEW

2 (a) Administrative appeal. An aggrieved person may appeal any final
3 decision, order, or finding of the Commissioner under this chapter within not
4 more than 45 days after the decision is issued or the order or finding is made.
5 The Commissioner shall establish procedures for filing and hearing appeals
6 pursuant to this subsection that are consistent with the provisions of sections
7 105–107 of this title.

8 (b) Appeal to superior court. Following a final decision on an appeal
9 pursuant to subsection (a) of this section or subsection 4303(f) of this chapter,
10 the appellant may appeal the decision pursuant to Rule 74 of the Vermont
11 Rules of Civil Procedure. The appeal shall be to the Washington Superior
12 Court or, in the discretion of the appellant, to the Superior Court in the county
13 where the appellant resides or has a principal place of business.

14 (c) Exclusivity of remedies. The appeals provided by this section and
15 subsection 4303(f) of this chapter shall be the exclusive remedies available to
16 any person for review of an assessment, decision, or order or finding of the
17 Commissioner under this chapter.

18 Subchapter 2. BEV Rental Vehicle Road Usage Charge

19 § 4321. BEV RENTAL VEHICLE ROAD USAGE CHARGE

20 (a) For any BEV pleasure car subject to use tax imposed pursuant to 32
21 V.S.A. § 8903(d), there is imposed on each rental transaction for a BEV a road

1 usage charge equal to one percent of the rental charge, which shall be collected
2 by the rental company from the renter and remitted to the Commissioner.
3 Amounts collected pursuant to this section shall be deposited in the
4 Transportation Fund.

5 (b) As used in this section, rental charge has the same meaning as in 32
6 V.S.A. § 8903(d).

7 Sec. 20. 23 V.S.A. § 361 is amended to read:

8 § 361. PLEASURE CARS

9 * * *

10 (c) In addition to the registration fee set forth in subsection (a) of this
11 section, there shall be an annual ~~EV~~ infrastructure fee for a pleasure car that is
12 a plug-in hybrid electric vehicle, as defined in subdivision 4(85)(B) of this
13 title, equal to one-half the amount of the annual fee collected in subsection (a)
14 of this section, or a biennial ~~EV~~ infrastructure fee equal to the annual fee
15 collected in subsection (a) of this section.

16 (d) The annual and biennial ~~EV~~ infrastructure fees collected in subsection
17 (c) of this section shall be ~~allocated to~~ deposited in the Transportation Fund ~~for~~
18 ~~programs administered by the Agency of Commerce and Community~~
19 ~~Development to increase Vermonters' access to level 1 and 2 electric vehicle~~
20 ~~supply equipment (EVSE) charging ports at workplaces or multiunit dwellings,~~
21 ~~or both.~~

1 Sec. 21. MILEAGE BASED USER FEE; TRANSITION

2 BEV pleasure cars that are registered in Vermont on December 31, 2026,
3 shall transition to the mileage-based user fee established pursuant to 23 V.S.A.
4 chapter 43, subchapter 1 as follows:

5 (1) The initial mileage reporting period for each BEV shall commence
6 on its first annual inspection occurring on or after January 1, 2027.

7 (2) If the initial mileage reporting period for a BEV begins before the
8 BEV is required to renew its registration, the BEV shall receive a credit equal
9 to \$89.00 towards the amount of the mileage-based user fee due pursuant to 23
10 V.S.A. § 4303 for the initial mileage reporting period.

11 Sec. 22. MILEAGE-BASED USER FEE; PAY-AS-YOU-GO OPTION;
12 IMPLEMENTATION PLAN; REPORT

13 On or before February 15, 2027, the Secretary of Transportation shall
14 submit a written report to the House Committees on Transportation and on
15 Ways and Means and the Senate Committees on Transportation and on Finance
16 regarding the potential for offering a pay-as-you-go option for the mileage-
17 based user fee established pursuant to 23 V.S.A. chapter 43, subchapter 1. The
18 report shall provide a plan for implementation of a pay-as-you-go program as
19 well as detailed information regarding:

20 (1) anticipated staffing, administration, and information technology
21 necessary to implement and operate a pay-as-you-go program;

- 1 (b) The remaining sections shall take effect on July 1, 2026.

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