

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 493

An Act to amend the Code of Virginia by adding in Title 67 a chapter numbered 18, consisting of sections numbered 67-1800 through 67-1806, relating to electric vehicle rebate program; creation and funding; report.

[H 1979]

Approved March 31, 2021

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 67 a chapter numbered 18, consisting of sections numbered 67-1800 through 67-1806, as follows:

CHAPTER 18.

ELECTRIC VEHICLE REBATE PROGRAM.

§ 67-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory Council" means the Electric Vehicle Rebate Program Advisory Council.

"Base price" means the manufacturer's base price for the lowest price trim level of the model and shall not include charges for optional equipment, taxes, title, or registration fees.

"Dealer" means a motor vehicle dealer licensed pursuant to Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2.

"Department" means the Department of Mines, Minerals and Energy.

"Electric motor vehicle" means a two-axle motor vehicle with a base price of not more than \$55,000 that uses electricity as its only source of motive power. "Electric motor vehicle" includes fuel cell electric vehicles.

"EPA" means the federal Environmental Protection Agency.

"Fund" means the Electric Vehicle Rebate Program Fund.

"Participating dealer" means a dealer who is participating in the Program.

"Program" means the Electric Vehicle Rebate Program established pursuant to this chapter.

"Purchase" means the purchase or lease of a new or used electric motor vehicle.

"Qualified resident of the Commonwealth" means a resident of the Commonwealth whose annual household income does not exceed 300 percent of the current poverty guidelines.

"Used electric motor vehicle" means a previously owned or leased electric motor vehicle that is more than two years old and not more than seven years old.

§ 67-1801. Electric Vehicle Rebate Program.

There is hereby established an Electric Vehicle Rebate Program for the purchase of new and used electric motor vehicles to provide an incentive to increase electric vehicle awareness and adoption in the Commonwealth. The Program shall be administered by the Department. The Department shall determine the best method to administer the Program, which may include contracting with a third-party administrator. As provided in § 58.1-2420, the Commissioner of the Department of Motor Vehicles may examine all records, books, papers, or other documents of any dealer in motor vehicles to verify the truth and accuracy of any statement or any other information relating to rebates claimed by the dealer.

§ 67-1802. Eligibility for rebate; amount of rebate.

A. Beginning January 1, 2022, a resident of the Commonwealth who purchases a new electric motor vehicle from a participating dealer shall be eligible for a rebate of \$2,500. A qualified resident of the Commonwealth who purchases such vehicle shall also be eligible for an additional \$2,000 enhanced rebate.

B. Beginning January 1, 2022, a resident of the Commonwealth who purchases a used electric motor vehicle from a participating dealer with a sale price as provided by § 58.1-2401 of not more than \$25,000 shall be eligible for a rebate of \$2,500. A qualified resident of the Commonwealth who purchases such vehicle shall also be eligible for an additional \$2,000 enhanced rebate.

C. Any rebate provided under this chapter shall be applied toward payment for the purchase. The participating dealer shall be reimbursed by the Department from the Fund for each eligible rebate.

D. Rebates available pursuant to this chapter are subject to availability of funds in the Fund.

E. The amount of the rebates provided under this chapter may be increased or decreased annually by the Department in an amount not to exceed the recommendation of the Advisory Council pursuant to subsection A of § 67-1804.

§ 67-1803. Program website.

The Department shall establish a website for the administration of the Program. The website shall include general information for the public, including details about the Program and performance metrics

regarding the Program. The website shall also provide (i) data updated weekly regarding the availability of funds in the Fund at the time of the purchase and (ii) instructions for the dealer as to how to process a reimbursement for the rebate provided pursuant to this chapter.

§ 67-1804. Electric Vehicle Rebate Program Advisory Council.

A. The Electric Vehicle Rebate Program Advisory Council is established to monitor the implementation and operation of the Program and to make recommendations to the Department regarding suggested changes to the Program, including regular assessment to determine the effect of the rebate on increasing electric vehicle sales, whether the Fund allocations pursuant to subsection B of § 67-1805 should be adjusted, and whether an income cap should be established to determine the eligibility of purchasers for a rebate pursuant to this chapter. The Advisory Council shall consider the goal of increasing electric vehicle awareness and adoption in developing and making its recommendations. The Advisory Council shall annually evaluate and recommend an increase or decrease in the amount of the rebates provided under this chapter to reflect the rate of inflation, as defined by the Federal Bureau of Labor Statistics, and the relative price of electric motor vehicles compared with the price of traditional motor vehicles.

B. The Advisory Council shall consist of three legislative members and 13 nonlegislative members as follows: (i) two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; (ii) one member of the Senate, to be appointed by the Senate Committee on Rules; (iii) three nonlegislative citizen members to be appointed by the Secretary of Transportation, two of whom shall be licensed new motor vehicle dealers and one of whom shall represent a new vehicle dealer association to which a majority of new motor vehicle dealers in the Commonwealth belong; (iv) seven nonlegislative citizen members to be appointed by the Secretary of Natural Resources, two of whom shall represent environmental justice organizations, two of whom shall represent environmental advocacy organizations, one of whom shall represent a vehicle manufacturer association to which a majority of vehicle manufacturers belong, and two of whom shall represent vehicle original equipment manufacturers; (v) the Director of the Department, or his designee, who shall serve *ex officio* with voting privileges; (vi) the Director of the Department of Environmental Quality, or his designee, who shall serve *ex officio* with voting privileges; and (vii) the Executive Director of the Motor Vehicle Dealer Board, who shall serve *ex officio* with voting privileges.

After an initial staggering of terms, legislative and nonlegislative members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. Vacancies shall be filled in the same manner as the original appointments.

C. The Advisory Council shall elect a chairman and vice-chairman annually from among the members. The meetings of the Advisory Council shall be at the call of the chairman, the Director of the Department, or whenever a majority of the members so request.

D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties, as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.

E. The Department shall serve as staff to the Advisory Council.

§ 67-1805. Electric Vehicle Rebate Program Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Electric Vehicle Rebate Program Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this chapter, including expenses related to the administration of the Program by the Department. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

B. All funds shall be allocated for the payment of rebates and enhanced rebates in this chapter. Beginning July 1, 2024, 25 percent of any unused funds remaining in the Fund at the end of the fiscal year shall be reallocated to fund electric vehicle charging infrastructure as approved by the General Assembly.

§ 67-1806. Report.

The Director of the Department shall report annually on or before December 1 to the Governor and the General Assembly regarding the implementation and administration of the Program and any recommendations of the Department or the Advisory Council. Each report shall include an assessment of the rebate and enhanced rebate, a recommendation on whether the Fund allocation set forth in subsection B of § 67-1805 should be adjusted, and a recommendation on whether an income cap should be established to determine the eligibility of purchasers for a rebate pursuant to this chapter.

2. That the initial terms of the Electric Vehicle Rebate Program Advisory Council shall be

staggered as follows: (i) of the members of the House of Delegates appointed by the Speaker, one shall be appointed for a term of two years and one shall be appointed for a term of four years; (ii) the member of the Senate appointed by the Senate Committee on Rules shall be appointed for a term of four years; (iii) of the nonlegislative citizen members appointed by the Secretary of Transportation, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years; and (iv) of the nonlegislative citizen members appointed by the Secretary of Natural Resources, one shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and two shall be appointed for a term of four years.

3. That the Department of Mines, Minerals and Energy, in consultation with the Electric Vehicle Rebate Program Advisory Council, as created by this act, shall develop and implement a process for verifying eligible purchasers and shall ensure that such process (i) is capable of being administered at the point of sale or lease of a vehicle, (ii) allows for the immediate determination of purchaser eligibility and the total amount of the rebate to which the purchaser is entitled, and (iii) confirms the rebate to the participating dealer.

4. That the provisions of this act shall expire on January 1, 2027.