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SENATE BILL NO. 457

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 30, 2024)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735, 45.2-1736, and 45.2-1737, relating to Electric Vehicle Rural Infrastructure Program and Fund created.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 45.2 an article numbered 10, consisting of sections numbered 45.2-1735, 45.2-1736, and 45.2-1737, as follows:

Article 10.

Electric Vehicle Rural Infrastructure Program.

§ 45.2-1735. Definitions.

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

"Distressed locality" means a city with a population density of less than 1,470 people per square mile or a county with a population density of less than 160 people per square mile that:

1. From July 1, 2024, until July 1, 2026, had (i) an annual unemployment rate that was greater than the final statewide average unemployment rate for that calendar year and (ii) an annual poverty rate that exceeded the statewide average poverty rate for that calendar year; and

2. From and after July 1, 2026, has (i) an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that calendar year.

"Fund" means the Electric Vehicle Rural Infrastructure Program Fund established pursuant to § 45.2-1737.

"Non-utility costs" means all costs related to electrical service equipment not owned and operated by a utility, including distribution sections of the main electrical switchgear, electrical feeders, breakers, conduits, secondary cables, electric vehicle service equipment, equipment foundations, and any associated civil construction such as driveways, sidewalks, surface markings, ramps, and vehicular barriers.

"Program" means the Electric Vehicle Rural Infrastructure Program established pursuant to § 45.2-1736.

"Utility costs" means all costs related to utility-owned and utility-operated electrical equipment between the main overhead or underground power lines and the customer electrical revenue meter.

§ 45.2-1736. Electric Vehicle Rural Infrastructure Program established.

A. There is hereby established the Electric Vehicle Rural Infrastructure Program to assist private developers with non-utility costs associated with the installation of public electric vehicle charging stations in any distressed locality in the Commonwealth. The Program shall be administered by the Department, and the Department shall establish guidelines for the administration of the Program, including guidelines related to the application for and award of grants pursuant to this article.

B. Subject to availability of funds in the Fund, a private developer shall be eligible to apply for grants equal to 70 percent of the private developer's non-utility costs for the installation of such public electric vehicle charging stations.

C. The total aggregate amount of grants awarded pursuant to subsection B shall not exceed \$25 million in any fiscal year.

§ 45.2-1737. Electric Vehicle Rural Infrastructure Program Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Electric Vehicle Rural Infrastructure 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 of providing grants through the Program established pursuant to § 45.2-1736. 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.