

HB1246/700418/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1246

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilkins” and substitute “Wilkins, Attar, Boyce, Harrison, Healey, Holmes, Jalisi, Lafferty, Lehman, Love, Stein, Stewart, and Wells”; in line 2, strike “Plug-In Electric Drive Vehicle Excise Tax Credit” and substitute “Clean Cars Act of 2019”; strike beginning with “making” in line 3 down through “drive” in line 13 and substitute “expanding the vehicle excise tax credit for the purchase of certain plug-in electric drive vehicles to include the purchase of certain fuel cell electric vehicles; providing for the credit for a plug-in electric drive vehicle and a fuel cell electric vehicle; altering the name, membership, and required activities of the Maryland Electric Vehicle Infrastructure Council; requiring the Council to issue an interim report on or before a certain date; increasing, for a certain fiscal year, the amount that a certain fund must reimburse the Transportation Trust Fund; increasing the total amount of credits that may be allowed during a certain fiscal year; defining a certain term; correcting an obsolete reference; repealing certain obsolete provisions; making stylistic changes; and generally relating to electric”; and strike in their entirety lines 14 through 27, inclusive.

AMENDMENT NO. 2

On page 2, strike line 1 in its entirety and substitute:

“BY adding to

Article - Business Regulation

Section 10-321.1

Annotated Code of Maryland

(2015 Replacement Volume and 2018 Supplement)

(Over)

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BY adding to

Article – Transportation
Section 11–125.1
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article - Transportation
Section 11-145.1
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters
64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 of
the Acts of the General Assembly of 2015
Section 1

BY repealing and reenacting, with amendments,

Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters
64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 of
the Acts of the General Assembly of 2015
Section 1”;

and in lines 7 and 11, in each instance, after “repealing” insert “and reenacting, with amendments,”.

AMENDMENT NO. 3

On pages 2 through 4, strike in their entirety the lines beginning with line 17 on page 2 through line 29 on page 4, inclusive, and substitute:

“Article – Business Regulation

10-321.1.

A PERSON MAY NOT SELL HYDROGEN AS MOTOR FUEL IN THE STATE IF THE HYDROGEN WAS PRODUCED BY NATURAL GAS REFORMING.

Article – Transportation

11-125.1.

“FUEL CELL ELECTRIC VEHICLE” MEANS A MOTOR VEHICLE THAT:

- (1) IS MADE BY A MANUFACTURER;
- (2) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC STREETS, ROADS, AND HIGHWAYS;
- (3) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED GROSS WEIGHT;
- (4) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR;
- (5) IS POWERED ENTIRELY BY ELECTRICITY, PRODUCED BY COMBINING HYDROGEN AND OXYGEN, THAT RUNS THE MOTOR;
- (6) HAS AN OPERATING RANGE OF AT LEAST 100 MILES; AND
- (7) PRODUCES ONLY WATER VAPOR AND HEAT AS BY-PRODUCTS.

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11-145.1.

(a) “Plug-in electric drive vehicle” means a motor vehicle that:

(1) Is made by a manufacturer;

(2) Is manufactured primarily for use on public streets, roads, and highways;

(3) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;

(4) Has a maximum speed capability of at least 55 miles per hour; and

(5) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:

(i) Has a capacity of not less than 4 kilowatt-hours for 4-wheeled motor vehicles and not less than 2.5 kilowatt-hours for 2-wheeled or 3-wheeled motor vehicles; and

(ii) Is capable of being recharged from an external source of electricity.

(b) “Plug-in electric drive vehicle” includes a qualifying vehicle that has been modified from original manufacturer specifications.

13-815.

(a) In this section, “excise tax” means the tax imposed under § 13-809 of this subtitle.

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(b) This section applies only to [a]:

(1) A plug-in electric drive vehicle that:

[(1) (I) Has not been modified from original manufacturer specifications;

[(2) (II) Is acquired for use or lease by the taxpayer and not for resale;

[(3) (III) Has a total purchase price not exceeding [~~\$60,000~~] **\$63,000**;

[(4) (IV) Has a battery capacity of at least 5.0 kilowatt-hours; and

[(5) (V) Is purchased new and titled for the first time on or after July 1, 2017, but before July 1, 2020; AND

(2) A FUEL CELL ELECTRIC VEHICLE THAT:

(I) HAS NOT BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS;

(II) IS ACQUIRED FOR USE OR LEASE BY THE TAXPAYER AND NOT FOR RESALE;

(III) HAS A TOTAL PURCHASE PRICE NOT EXCEEDING **\$63,000**; AND

(IV) IS PURCHASED NEW AND TITLED FOR THE FIRST TIME ON OR AFTER JULY 1, 2017, BUT BEFORE JULY 1, 2020.

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(c) Subject to available funding, a credit is allowed against the excise tax imposed for a plug-in electric drive vehicle **OR FUEL CELL ELECTRIC VEHICLE.**

(d) The credit allowed under this section [may not exceed the lesser of:

(1) The product of \$100 times the number of kilowatt-hours of battery capacity of the vehicle; or

(2)] IS \$3,000.

(e) The credit allowed under this section is limited to the acquisition of:

(1) One vehicle per individual; and

(2) 10 vehicles per business entity.

(f) A credit may not be claimed under this section:

(1) For a vehicle unless the vehicle is registered in the State; or

(2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean-fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled.

(g) The Motor Vehicle Administration shall administer the credit under this section.

Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015

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SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In this section, [“electric vehicle” or “EV” means any mode of electric drive transportation that is not operated on rails.] “ZERO EMISSION ELECTRIC VEHICLE” INCLUDES:

(1) A PLUG-IN ELECTRIC DRIVE VEHICLE AS DEFINED IN § 11-145.1 OF THE TRANSPORTATION ARTICLE; AND

(2) A FUEL CELL ELECTRIC VEHICLE AS DEFINED IN § 11-125.1 OF THE TRANSPORTATION ARTICLE.

(b) There is a Maryland ZERO EMISSION Electric Vehicle Infrastructure Council.

(c) The Council consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) Two members of the House of Delegates, appointed by the Speaker of the House;

(3) The Secretary of Transportation or the Secretary’s designee;

(4) The Secretary of Planning or the Secretary’s designee;

(5) The Secretary of the Environment or the Secretary’s designee;

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(6) The Secretary of [Business and Economic Development] COMMERCE or the Secretary's designee;

(7) The Executive Director of the Technical Staff of the Maryland Public Service Commission or the Executive Director's designee;

(8) The Director of the Maryland Energy Administration or the Director's designee; and

(9) The following members appointed by the Governor:

(i) One representative of an institution of higher education in the State with expertise in energy, transportation, or the environment;

(ii) Two representatives of the Maryland Association of Counties, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

(iii) Two representatives of the Maryland Municipal League, including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State;

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(iv) One representative of the Baltimore Electric Vehicle Initiative;

(v) Two representatives of electric companies in the State;

(vi) One representative of [an] A PLUG-IN electric DRIVE vehicle manufacturer;

(vii) One representative of a manufacturer of PLUG-IN electric DRIVE vehicle charging stations;

(viii) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLES;

(IX) ONE REPRESENTATIVE OF MANUFACTURERS OF FUEL CELL ELECTRIC VEHICLE INFRASTRUCTURE EQUIPMENT;

(X) One representative of fleet vehicle operators;

[(ix)] (XI) One representative of electrical workers;

[(x)] (XII) One representative of the environmental community;

[(xi)] (XIII) One public member with expertise in energy or transportation policy;

[(xii)] (XIV) One representative of the Maryland Automobile Dealers Association; and

[(xiii)] (XV) One representative of the retail electric supplier community.

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(d) The Governor shall designate the chair or cochairs of the Council.

(e) The Department of Transportation shall provide staff support to the Council with the assistance of the Maryland Energy Administration and Maryland Public Service Commission.

(f) A member of the Council:

(1) May not receive compensation as a member of the Council; but

(2) Is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Council shall:

(1) Develop an action plan to facilitate the successful integration of **ZERO EMISSION** electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial **[EV] ELECTRIC VEHICLE** charging **AND HYDROGEN REFUELING** stations and supply equipment;

(3) Develop a recommendation for a statewide **ELECTRIC VEHICLE** charging **AND HYDROGEN REFUELING** infrastructure plan, including placement opportunities for public charging **AND HYDROGEN REFUELING** stations;

(4) Increase consumer awareness and demand for **ZERO EMISSION** electric vehicles through public outreach;

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(5) Make recommendations regarding monetary and nonmonetary incentives to support ZERO EMISSION electric vehicle ownership and maximize private sector investment in ZERO EMISSION electric vehicles;

(6) Develop targeted policies to support fleet purchases of ZERO EMISSION electric vehicles;

(7) Develop charging solutions for existing and future multidwelling units;

(8) DEVELOP MODEL PROCUREMENT PRACTICES FOR LIGHT-DUTY VEHICLES THAT INCLUDE AN EVALUATION OF THE VEHICLE LIFECYCLE COSTS INCLUSIVE OF ESTIMATED FUEL COST OVER THE ANTICIPATED LIFE OF THE VEHICLE;

[(8)] (9) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local [EV] ZERO EMISSION ELECTRIC VEHICLE programs;

[(9)] (10) Recommend policies that support [EV] ZERO EMISSION ELECTRIC VEHICLE charging AND HYDROGEN REFUELING from clean energy sources;

[(10)] (11) Recommend a method of displaying pricing information at public charging AND HYDROGEN REFUELING stations;

[(11)] (12) Establish performance measures for meeting [EV-related] ZERO EMISSION ELECTRIC VEHICLE-RELATED employment, infrastructure, and regulatory goals; and

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[(12)] (13) Pursue other goals and objectives that promote the utilization of ZERO EMISSION electric vehicles in the State.

(h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015, December 1, 2016, December 1, 2017, [and] December 1, 2018, AND DECEMBER 1, 2019, the Council shall submit interim reports of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

(2) On or before June 30, 2020, the Council shall submit a final report of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

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(c) The Council consists of the following members:

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(3) The Secretary of Transportation or the Secretary's designee;

(4) The Secretary of Planning or the Secretary's designee;

(5) The Secretary of the Environment or the Secretary's designee;

(6) The Secretary of [Business and Economic Development] COMMERCE or the Secretary's designee;

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State; and

1. A representative who resides in a rural region of the

2. A representative who resides in an urban or suburban region of the State;

including:

- (iii) Two representatives of the Maryland Municipal League,

1. A representative who resides in a rural region of the State; and

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- (iv) One representative of the Baltimore Electric Vehicle

- (v) Two representatives of electric companies in the State;

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(X) One representative of fleet vehicle operators;

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(g) The Council shall:

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(1) Develop an action plan to facilitate the successful integration of ZERO EMISSION electric vehicles into the State's transportation network;

(2) Assist in developing and coordinating statewide standards for streamlined permitting and installation of residential and commercial [EV] ELECTRIC VEHICLE charging AND HYDROGEN REFUELING stations and supply equipment;

(3) Develop a recommendation for a statewide ELECTRIC VEHICLE charging AND HYDROGEN REFUELING infrastructure plan, including placement opportunities for public charging AND HYDROGEN REFUELING stations;

(4) Increase consumer awareness and demand for ZERO EMISSION electric vehicles through public outreach;

(5) Make recommendations regarding monetary and nonmonetary incentives to support ZERO EMISSION electric vehicle ownership and maximize private sector investment in ZERO EMISSION electric vehicles;

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(8) DEVELOP MODEL PROCUREMENT PRACTICES FOR LIGHT-DUTY VEHICLES THAT INCLUDE AN EVALUATION OF THE VEHICLE LIFECYCLE COSTS INCLUSIVE OF ESTIMATED FUEL COST OVER THE ANTICIPATED LIFE OF THE VEHICLE;

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[(8)] (9) Encourage local and regional efforts to promote the use of electric vehicles and attract federal funding for State and local [EV] ZERO EMISSION ELECTRIC VEHICLE programs;

[(9)] (10) Recommend policies that support [EV] ZERO EMISSION ELECTRIC VEHICLE charging AND HYDROGEN REFUELING from clean energy sources;

[(10)] (11) Recommend a method of displaying pricing information at public charging AND HYDROGEN REFUELING stations;

[(11)] (12) Establish performance measures for meeting [EV-related] ZERO EMISSION ELECTRIC VEHICLE-RELATED employment, infrastructure, and regulatory goals; and

[(12)] (13) Pursue other goals and objectives that promote the utilization of ZERO EMISSION electric vehicles in the State.

(h) (1) On or before December 1, 2013, December 1, 2014, December 1, 2015, December 1, 2016, December 1, 2017, [and] December 1, 2018, AND DECEMBER 1, 2019, the Council shall submit interim reports of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

(2) On or before June 30, 2020, the Council shall submit a final report of its work and recommendations to the Governor and, [subject to] IN ACCORDANCE WITH § 2-1246 of the State Government Article, the General Assembly.

Chapter 359 of the Acts of 2014, as amended by Chapters 362 and 363 of the Acts of 2017

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SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal [years 2018, 2019, and] YEAR 2020[, respectively,] the lesser of [\$2,400,000] **\$6,000,000** or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug–in electric drive vehicles AND FUEL CELL ELECTRIC VEHICLES under § 13–815 of the Transportation Article, as enacted by this Act. [The] **FOR FISCAL YEAR 2020, THE** total amount of credits allowed against the excise tax may not exceed [\$3,000,000 during the course of any fiscal year] **\$6,000,000.**

Chapter 360 of the Acts of 2014, as amended by Chapters 362 and 363 of the Acts of 2017

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal [years 2018, 2019, and] YEAR 2020[, respectively,] the lesser of [\$2,400,000] **\$6,000,000** or the actual total amount of credits allowed against the excise tax shall be transferred from the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Transportation Trust Fund to offset a reduction in revenues from the vehicle excise tax credit for qualified plug–in electric drive vehicles AND FUEL CELL ELECTRIC VEHICLES under § 13–815 of the Transportation Article, as enacted by this Act. [The] **FOR FISCAL YEAR 2020, THE** total amount of credits allowed against the excise tax may not exceed [\$3,000,000 during the course of any fiscal year] **\$6,000,000.”.**