

HB 1391 - Clean Cars Act of 2022

Testimony Before the Environment and Transportation Committee

March 11, 2022

Position: Favorable With Amendments

Mr. Chair, Mr. Vice Chair, and members of the committee,

My name is Joseph Simon, and I am a resident of Bowie, MD. I am reaching out to you to express concerns over the start date of HB 1391. With the way the bill is currently written, any previous qualifying applications that were made prior to July 1 2020 that are still awaiting payment will not be allowed. This is due the technical difference in “vehicle purchase date” and “application received date”, and there are applications (such as my own) that have been sitting with the MVA for almost 2 years now that have been unable to be paid out due to this technicality. **I am respectfully imploring the committee to introduce an amendment to fund excise tax credits for vehicles qualified under the 2020/2021 Clean Cars Act and purchased prior to July 1 2020. The goal of my testimony is to bring to the committee’s attention that there are people such as myself that have “fallen through the cracks” due to the language of the 2021 Clean Cars Act, and implore the committee to correct this before passage of this bill.**

To provide some background in my specific situation: I purchased a plug-in EV on June 16 2020. At this point in time, the fund for the maximum \$3,000 excise tax credit was depleted due to the popularity of the program. I had to specifically ask my dealership to provide me with the application for the credit in the hopes for future funding, and they finally provided it to me on August 4 2020. I promptly mailed my application in, and confirmed it was received and on file with the MVA on August 18, 2020. At this point in time, while the funds were depleted, the MVA informed me was still collecting applications for vehicles purchased prior to July 1 2020 in the hopes of future funding.

Come around to last year, with the passing of the 2021 Clean Cars Act (HB 44). I was ecstatic that additional funding was being added the program, as I believed I was

in the line for the credit since I followed the law by purchasing a qualifying vehicle during the qualifying time period. However, the language of the 2021 Clean Cars Act (HB 44) read that funding for the credit was extended for vehicles with applications **received** by the MVA by August 1, 2020.

This is where I'm claiming my application "fell through the cracks", and the important technicality between "vehicle purchase date" and "application received date". The ending condition of the program prior to HB 44 was a purchase date prior to July 1, but that was changed to an *application received by* date prior to August 1. I felt like the rug was pulled out from under me, as I had previously qualified, but all of the sudden I no longer did due to the change. There was no where in the law when I purchased my vehicle that specified my application had to be received by a certain date to qualify. I reached out to numerous Delegates, the MVA support and supervisory staff, as well as the lawyer who helped craft the bill, and they all confirmed I was out of luck due to the technicality. My only hope was that in a future year, an extension of the clean cars act would allow me to qualify again.

Now we come to HB 1391. Similarly to last year, I was excited to hear a new bill was being introduced to allow an extension of the funding. And similarly to last year, I was disappointed to hear that HB 1391 is not simply an extension of funding, but a completely new program - with a new starting date and new criteria. This means if the bill was enacted as it currently stands, myself and others who find myself in the same situation would yet again fall through the cracks.

I am imploring the committee members to introduce an amendment to correct this problem. As I am not a lawyer or familiar with the legislative process, I am not sure what the best way to go about this is. I would fully support an additional "subsection" that stipulates **applications received by the MVA by Jan 1 2021 for vehicles purchased prior to July 1 2020 that qualified under the original terms of previous law (max purchase price of \$63,000) is allowed for payment**, or something equivalent. As electric vehicle costs have decreased over the past two years, it makes sense to decrease the maximum purchase price for new purchases, however I ask the committee not to apply this reduction to applications already on file. I also believe extending the application received by date to Jan 1 2021 allows plenty of time for qualifying applications to have been received, and prevents people from retroactively submitting applications today.

An amendment to solve this issue would ensure people like me, who's only fault were delays beyond our control, will be accounted for. While I understand and frankly share the concerns I'm sure members have of funding tax credits such as this in today's complicated economic situation, I am hoping members understand where I'm coming from, and realize there are people who have been forgotten about. I ask you to allow the payout of people who took advantage of the program and transitioned to a cleaner vehicle years ago, before considering new applicants and changes to the law.

Thank you for your time and your help in this matter. Please don't hesitate to reach out to me if you have any questions on my testimony or experience - your consideration is sincerely appreciated.

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