

[First Reprint]

ASSEMBLY, No. 4899

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 29, 2020

Sponsored by:

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District 14 (Mercer and Middlesex)

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District 15 (Hunterdon and Mercer)

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Extends existing plug-in electric vehicle incentives to plug-in electric motorcycles.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on February 22, 2021, with amendments.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT concerning incentives for the purchase or lease of plug-in
2 electric motorcycles ¹**[and]** ¹,¹ amending P.L.2019, c.362 and
3 P.L.2007, c.340 ¹, and supplementing P.L.1966, c.30 (C.54:32B-1
4 et seq.)¹ .

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 2 of P.L.2019, c.362 (C.48:25-2) is amended to read
10 as follows:

11 2. As used in sections 1 through 11 of P.L.2019, c.362
12 (C.48:25-1 et seq.):

13 "Board" means the Board of Public Utilities.

14 "Charger ready" means the pre-wiring of electrical infrastructure
15 at a parking space, or set of parking spaces, to facilitate easy and
16 cost-efficient future installation of electric vehicle service
17 equipment, including, but not limited to, Level Two EVSE and DC
18 Fast Chargers.

19 "Charging location" means a publicly accessible parking space or
20 set of parking spaces, with visible signage designating that the
21 parking space or parking spaces are available for use by the public
22 for charging plug-in electric vehicles.

23 "Community location" means a charging location that is not a
24 corridor location, and that is established in a town center,
25 commercial area, retail center, or near concentrations of multi-
26 family dwellings, to provide vehicle charging services to local plug-
27 in electric vehicle drivers near where they live and work.

28 "Corridor location" means a charging location located along a
29 travel corridor roadway, or within one mile of that roadway, which
30 is intended to provide access to vehicle charging services for long
31 distance drivers and en route vehicle charging services for local
32 drivers.

33 "DC Fast Charger" means EVSE that provides at least 50
34 kilowatts of direct current electrical power for charging a plug-in
35 electric vehicle through a connector based on fast charging
36 equipment standards, and which is approved for installation for that
37 purpose under the National Electric Code through an Underwriters
38 Laboratories Certification or an equivalent certifying organization.

39 "Department" means the Department of Environmental
40 Protection.

41 "Electric vehicle service equipment" or "EVSE" means the
42 equipment, including the cables, cords, conductors, connectors,
43 couplers, enclosures, attachment plugs, power outlets, switches and
44 controls, network interfaces, and point of sale equipment and
45 associated apparatus designed and used for the purpose of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 22, 2021.

1 transferring energy from the electric supply system to a plug-in
2 electric vehicle. "EVSE" may deliver either alternating current or
3 direct current electricity consistent with fast charging equipment
4 standards.

5 "Fast charging equipment standards" means standards for high
6 power direct current charging, based on the CHAdeMO standard
7 and the Society of Automotive Engineers Combined Charging
8 Standard (CCS), or other non-proprietary standards as may be
9 approved by the board in the future.

10 "Eligible vehicle" means a new light duty plug-in electric vehicle
11 or a new plug-in electric motorcycle, with an MSRP of below
12 \$55,000, purchased or leased after the effective date of P.L.2019,
13 c.362 (C.48:25-1 et al.) and registered in New Jersey.

14 "In-home electric vehicle service equipment" means electric
15 vehicle service equipment used in a person's home to charge a plug-
16 in electric vehicle.

17 "Level One EVSE" means EVSE that provides single phase
18 120V AC electricity, presented as either a standard wall plug into
19 which the charging cord provided with a plug-in electric vehicle can
20 be connected, or an EVSE with a standard vehicle plug connector
21 that complies with SAE J1772, or an equivalent standard for 120V
22 AC charging as may be adopted in the future and accepted by the
23 board, and which is approved for installation for this purpose under
24 the National Electric Code through an Underwriters Laboratories
25 Certification or an equivalent certifying organization.

26 "Level Two EVSE" means EVSE that provides a plug-in electric
27 vehicle with single phase alternating current electrical power at
28 208-240V AC, through a standardized plug connector that complies
29 with SAE J1772 standards, or an equivalent wireless power transfer
30 interface, or equivalent standards for 208-240V AC charging as
31 may be adopted in the future and accepted by the board, and which
32 is approved for installation for this purpose under the National
33 Electric Code through Underwriters Laboratories Certification or an
34 equivalent certifying organization.

35 "Light duty vehicle" means any two-axle, four-wheel vehicle,
36 designed primarily for passenger travel or light duty commercial
37 use, and approved for travel on public roads. "Light duty vehicle"
38 includes, but is not limited to, any vehicle commonly referred to as
39 a car, minivan, sport utility vehicle, cross-over, or pick-up truck.

40 "Low-income, urban, or environmental justice community"
41 means a community: (1) in which at least one half of the households
42 are at or below twice the poverty threshold as determined annually
43 by the United States Census Bureau; (2) that is urban, as determined
44 by the Department of Community Affairs, due to the population and
45 development density in the community; or (3) that has been
46 burdened with environmental justice issues, as determined by the
47 department, including, but not limited to, exposure to high levels of

1 air pollution, close proximity to major industrial facilities or
2 hazardous waste sites, or other environmental hazards.

3 "MSRP" means the published manufacturer's suggested retail
4 price, as set by a vehicle's manufacturer, at the time of sale or lease.

5 "Plug-in electric vehicle" means a vehicle that has a battery or
6 equivalent energy storage device that can be charged from an
7 electricity supply external to the vehicle with an electric plug.

8 "Plug-in electric vehicle" includes a plug-in hybrid vehicle.

9 "Plug-in electric motorcycle" means a motorcycle that has a
10 battery or equivalent energy storage device that can be charged
11 from an electricity supply external to the motorcycle with an
12 electric plug.

13 "Plug-in hybrid vehicle" means a vehicle that can be charged
14 from a source of electricity external to the vehicle through an
15 electric plug, but is not exclusively powered by electricity.

16 "Routine charging" means vehicle charging that takes place
17 where a vehicle is parked for a long period of time, such as at the
18 owner's residence overnight, a hotel, or a workplace during work
19 hours, and which provides the primary and most common form of
20 vehicle charging.

21 "Seller or lessor of an eligible vehicle" means an entity that is
22 licensed to sell or lease an eligible vehicle to a consumer or fleet
23 owner in the State.

24 "Travel corridor" means heavily used public roads in the State,
25 as designated by the department, which shall include, but need not
26 be limited to, the Garden State Parkway, the New Jersey Turnpike,
27 the Atlantic City Expressway, federal interstate highways, and the
28 subset of federal or State roads which collectively support the
29 majority of long distance travel through and within the State as well
30 as the majority of daily travel by local drivers.

31 (cf: P.L.2019, c.362, s.2)

32

33 2. Section 4 of P.L.2019, c.362 (C.48:25-4) is amended to read
34 as follows:

35 4. a. No later than 180 days after the effective date of
36 P.L.2019, c.362 (C.48:25-1 et al.), the Board of Public Utilities
37 shall establish and implement a **light duty** plug-in electric vehicle
38 incentive program for the purpose of encouraging the purchase or
39 lease of new light duty plug-in electric vehicles and new plug-in
40 electric motorcycles in the State.

41 b. The board shall implement the **light duty** plug-in electric
42 vehicle incentive program until June 30th of the 10th year after
43 establishment of the incentive program.

44 c. (1) Any incentive offered pursuant to this section shall take
45 the form of a one-time payment to the purchaser or lessee of an
46 eligible vehicle.

47 (2) For the first year an incentive is offered, the amount of the
48 incentive shall be equal to \$25 per mile of EPA-rated electric-only

1 range up to a maximum of \$5,000 per eligible vehicle. For each
2 subsequent year an incentive is offered, the board may, after
3 consideration of stakeholder input, change the amount of the
4 incentive and the manner in which an incentive is calculated,
5 provided that no incentive shall exceed \$5,000 per eligible vehicle.
6 The board shall publish the amount of any incentives on its Internet
7 website.

8 (3) The board may limit the number of plug-in electric vehicle
9 incentives that it issues to a single person.

10 (4) The board may establish other requirements and parameters
11 for the incentive program as it deems necessary and reasonable to
12 further the goals of P.L.2019, c.362 (C.48:25-1 et al.).

13 d. The board shall monitor the disbursement of incentives
14 under the incentive program, and annually reassess the design and
15 implementation of the incentive program. Provided the board's
16 action is consistent with the provisions of subsection c. of this
17 section, the board may:

18 (1) revise the incentive program, any aspect of the incentives, or
19 the related implementation procedures or processes; and

20 (2) develop additional incentives consistent with the goals of
21 P.L.2019, c.362 (C.48:25-1 et al.) in order to ensure efficient and
22 equitable electrification of transportation in the State.

23 e. Notwithstanding any other provision of law to the contrary,
24 a light duty plug-in hybrid vehicle and a plug-in electric motorcycle
25 shall not qualify for an incentive under the **light duty** plug-in
26 electric vehicle incentive program after December 31, 2022.

27 f. No later than 90 days after the effective date of
28 P.L. , c. (C.) (pending before the Legislature as this bill),
29 the board shall expand the plug-in electric vehicle incentive
30 program established pursuant to subsection a. of this section to
31 include incentives for plug-in electric motorcycles. The plug-in
32 electric motorcycle incentive shall be subject to the same conditions
33 and requirements established pursuant to this section and any rules
34 and regulations adopted pursuant thereto. The board shall
35 implement the plug-in electric motorcycle incentive until June 30th
36 of the 10th year after the establishment of the light-duty plug-in
37 electric vehicle incentive.

38 (cf: P.L.2019, c.362, s.4)

39
40 3. Section 5 of P.L.2019, c.362 (C.48:25-5) is amended to read
41 as follows:

42 5. a. The seller or lessor of an eligible vehicle shall offer the
43 light duty plug-in electric vehicle incentive or plug-in electric
44 motorcycle incentive, as applicable, established pursuant to section
45 4 of P.L.2019, c.362 (C.48:25-4) in conjunction with, and in
46 addition to, any other incentive offered by the seller or lessor of an
47 eligible vehicle.

1 b. A seller or lessor of an eligible vehicle shall provide a
2 purchaser or lessee the option to have the amount of the light duty
3 plug-in electric vehicle incentive or the plug-in electric motorcycle
4 incentive, as applicable, deducted from the final negotiated and
5 agreed upon sale or lease price of the eligible vehicle, in which case
6 the full amount of the incentive shall be passed through to the
7 purchaser or lessee in full and payment thereof shall be effective
8 immediately at the time of the final sale or lease and transfer of the
9 eligible vehicle to the purchaser or lessee. The board shall establish
10 a process for reimbursing a seller or lessor of an eligible vehicle the
11 cost of an incentive provided by the seller or lessor pursuant to this
12 subsection.

13 c. The board shall require each seller or lessor of an eligible
14 vehicle to provide to the board, upon the final sale or lease and
15 transfer of an eligible vehicle to a purchaser or lessee, the eligible
16 vehicle's make, model, and battery size, and any other information
17 as the board determines relevant.

18 (cf: P.L.2019, c.362, s.5)

19

20 4. Section 6 of P.L.2019, c.362 (C.48:25-6) is amended to read
21 as follows:

22 6. a. The Board of Public Utilities may establish and
23 implement a program to provide incentives for the purchase and
24 installation of in-home electric vehicle service equipment.

25 b. Any incentive program established pursuant to this section
26 may be implemented only until June 30th of the 10th year after
27 establishment of the program.

28 c. (1) Any incentive offered pursuant to this section shall take
29 the form of a one-time payment to the person purchasing the in-
30 home electric vehicle service equipment.

31 (2) The amount of the incentive offered pursuant to this section
32 shall be determined by the board, but shall not exceed \$500 per
33 person. Any incentive a person receives pursuant to this section
34 shall be in addition to any incentive the person receives for the
35 purchase or lease of a new light duty plug-in electric vehicle or a
36 new plug-in electric motorcycle pursuant to sections 4 and 5 of
37 P.L.2019, c.362 (C.48:25-4 and C.48:25-5).

38 (3) The board may establish other requirements and parameters
39 for the program as it deems necessary and reasonable to further the
40 goals of P.L.2019, c.362 (C.48:25-1 et al.).

41 d. The board shall monitor the disbursement of incentives
42 under the incentive program, and annually reassess the design and
43 implementation of the incentive program. Provided the board's
44 action is consistent with the provisions of subsection c. of this
45 section, the board may:

46 (1) revise the incentive program, any aspect of the incentives, or
47 the related implementation procedures or processes; and

1 (2) in consultation with the department, develop additional
2 incentives for electric vehicle service equipment consistent with the
3 goals of **【P.L.】** P.L.2019, c.362 (C.48:25-1 et al.) in order to ensure
4 efficient and equitable electrification of transportation in the State.

5 e. The board shall determine the form and manner of the
6 application for, and the disbursement of, incentives pursuant to this
7 section.

8 (cf: P.L.2019, c.362, s.6)

9
10 5. Section 7 of P.L.2019, c.362 (C.48:25-7) is amended to read
11 as follows:

12 7. a. There is established in the Board of Public Utilities a
13 special, nonlapsing fund to be known as the Plug-in Electric
14 Vehicle Incentive Fund. The fund shall be administered by the
15 board and shall be credited with:

16 (1) moneys deposited into the fund by the board pursuant to
17 subsection b. of this section;

18 (2) moneys that are appropriated by the Legislature; and

19 (3) any return on investment of moneys deposited in the fund.

20 b. (1) The board shall deposit into the fund, each year, \$30
21 million of moneys received from the societal benefits charge
22 established pursuant to section 12 of P.L.1999, c.23 (C.48:3-60),
23 moneys made available to the board pursuant to the implementation
24 of the Regional Greenhouse Gas Initiative and P.L.2007, c.340
25 (C.26:2C-45 et seq.), and moneys available from other funding
26 sources, as determined by the board, to make disbursements for
27 light-duty plug-in electric vehicle incentives and plug-in electric
28 motorcycle incentives under the **【light duty】** plug-in electric
29 vehicle incentive program established pursuant to section 4 of
30 P.L.2019, c.362 (C.48:25-4).

31 (2) The board may deposit into the fund, each year, such
32 additional amounts from the societal benefits charge, as the board
33 deems necessary, to make disbursement under an incentive program
34 for in-home electric vehicle service equipment established pursuant
35 to section 6 of P.L.2019, c.362 (C.48:25-6).

36 c. Moneys in the fund shall be used by the board solely for the
37 purpose of disbursing the incentives established pursuant to sections
38 4 and 6 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6). The board
39 shall recover any administrative costs incurred in connection with
40 P.L.2019, c.362 (C.48:25-1 et al.) separately from moneys received
41 from the societal benefits charge.

42 d. The board shall provide no less than \$30 million in
43 disbursements under the **【light duty】** plug-in electric vehicle
44 incentive program established pursuant to section 4 of P.L.2019,
45 c.362 (C.48:25-4) each year for 10 years.

46 (cf: P.L.2019, c.362, s.7)

1 6. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to
2 read as follows:

3 7. a. The agencies administering programs established
4 pursuant to this section shall maximize coordination in the
5 administration of the programs to avoid overlap between the uses of
6 the fund prescribed in this section.

7 b. Moneys in the fund, after appropriation annually for
8 payment of administrative costs authorized pursuant to subsection c.
9 of this section, shall be annually appropriated and used for the
10 following purposes:

11 (1) Sixty percent shall be allocated to the New Jersey Economic
12 Development Authority to provide grants and other forms of
13 financial assistance to commercial, institutional, and industrial
14 entities to support end-use energy efficiency projects and new,
15 efficient electric generation facilities that are state of the art, as
16 determined by the department, including but not limited to energy
17 efficiency and renewable energy applications, to develop combined
18 heat and power production and other high efficiency electric
19 generation facilities, to stimulate or reward investment in the
20 development of innovative carbon emissions abatement
21 technologies with significant carbon emissions reduction or
22 avoidance potential, to develop qualified offshore wind projects
23 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), and to
24 provide financial assistance to manufacturers of equipment
25 associated with qualified offshore wind projects. The authority, in
26 consultation with the board and the department, shall determine:
27 (a) the appropriate level of grants or other forms of financial
28 assistance to be awarded to individual commercial, institutional,
29 and industrial sectors and to individual projects within each of these
30 sectors; (b) the evaluation criteria for selecting projects to be
31 awarded grants or other forms of financial assistance, which criteria
32 shall include the ability of the project to result in a measurable
33 reduction of the emission of greenhouse gases or a measurable
34 reduction in energy demand, provided, however, that neither the
35 development of a new combined heat and power production facility,
36 nor an increase in the electrical and thermal output of an existing
37 combined heat and power production facility, shall be subject to the
38 requirement to demonstrate such a measurable reduction; and (c)
39 the process by which grants or other forms of financial assistance
40 can be applied for and awarded including, if applicable, the
41 payment terms and conditions for authority investments in certain
42 projects with commercial viability;

43 (2) Twenty percent shall be allocated to the board to support
44 programs that are designed to reduce electricity demand or costs to
45 electricity customers in the low-income and moderate-income
46 residential sector with a focus on urban areas, including efforts to
47 address heat island effect and reduce impacts on ratepayers
48 attributable to the implementation of P.L.2007, c.340 (C.26:2C-

1 45 et al.) or to support the **light duty** plug-in electric vehicle
2 incentive program and the incentive program for in-home electric
3 vehicle service equipment established pursuant to sections 4 and 6
4 of P.L.2019, c.362 (C.48:25-4 and C.48:25-6). For the purposes of
5 this paragraph, the board, in consultation with the authority and the
6 department, shall determine the types of programs to be supported
7 and the mechanism by which to quantify benefits to ensure that the
8 supported programs result in a measurable reduction in energy
9 demand or accomplishment of the plug-in electric vehicle goals
10 established pursuant to section 3 of P.L.2019, c.362 (C.48:25-3);

11 (3) Ten percent shall be allocated to the department to support
12 programs designed to promote local government efforts to plan,
13 develop and implement measures to reduce greenhouse gas
14 emissions, including but not limited to technical assistance to local
15 governments, and the awarding of grants and other forms of
16 assistance to local governments to conduct and implement energy
17 efficiency, renewable energy, and distributed energy programs and
18 land use planning where the grant or assistance results in a
19 measurable reduction of the emission of greenhouse gases or a
20 measurable reduction in energy demand. For the purpose of
21 conducting any program pursuant to this paragraph, the department,
22 in consultation with the authority and the board, shall determine:
23 (a) the appropriate level of grants or other forms of financial
24 assistance to be awarded to local governments; (b) the evaluation
25 criteria for selecting projects to be awarded grants or other forms of
26 financial assistance; (c) the process by which grants or other forms
27 of financial assistance can be applied for and awarded; and (d) a
28 mechanism by which to quantify benefits; and

29 (4) Ten percent shall be allocated to the department to support
30 programs that enhance the stewardship and restoration of the State's
31 forests and tidal marshes that provide important opportunities to
32 sequester or reduce greenhouse gases.

33 c. (1) The department may use up to four percent of the total
34 amount in the fund each year to pay for administrative costs
35 justifiable and approved in the annual budget process, incurred by
36 the department in administering the provisions of P.L.2007, c.340
37 (C.26:2C-45 et al.) and in administering programs to reduce the
38 emissions of greenhouse gases including any obligations that may
39 arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-
40 55).

41 (2) The board may use up to two percent of the total amount in
42 the fund each year to pay for administrative costs justifiable and
43 approved in the annual budget process, incurred by the board in
44 administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.)
45 and in administering programs to reduce the emissions of
46 greenhouse gases including any obligations that may arise under
47 subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).

1 (3) The New Jersey Economic Development Authority may use
2 up to two percent of the total amount in the fund each year to pay
3 for administrative costs justifiable and approved in the annual
4 budget process, incurred by the authority in administering the
5 provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in
6 administering programs to reduce the emissions of greenhouse
7 gases.

8 d. The State Comptroller shall conduct or supervise
9 independent audit and fiscal oversight functions of the fund and its
10 uses.

11 (cf: P.L.2019, c.362, s.12)

12

13 7. (New section) a. Receipts from sales of plug-in electric
14 motorcycles sold on or after the first day of the fourth month following
15 the effective date of ¹【P.L.2003, c.266 (C.26:2C-8.15 et al.)】 P.L. , c.
16 (C.) (pending before the Legislature as this bill)¹ are exempt from
17 the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30
18 (C.54:32B-1 et seq.).

19 b. ¹The Commissioner of Environmental Protection shall certify
20 to the State Treasurer the make and model of plug-in electric
21 motorcycles that are eligible for the exemption provided pursuant to
22 subsection a. of this section.

23 c.¹ As used in this section, "plug-in electric motorcycle" means a
24 motorcycle that has a battery or equivalent energy storage device that
25 can be charged from an electricity supply external to the motorcycle
26 with an electric plug.

27

28 8. This act shall take effect immediately.