

Department of Legislative Services  
 Maryland General Assembly  
 2020 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 1223 (Delegate Fraser-Hidalgo, *et al.*)  
 Environment and Transportation

Clean Cars Act of 2020

This bill extends through fiscal 2023 the termination dates of the qualified electric vehicle excise tax credit and the Electric Vehicle Recharging Equipment Rebate Program. The bill also (1) increases the amount of incentives available in each fiscal year and (2) alters the vehicle excise tax credit program; this includes specifying that zero-emission electric vehicles qualify for the credit. **The bill takes effect July 1, 2020.**

Fiscal Summary

**State Effect:** Strategic Energy Investment Fund (SEIF) revenues may decrease by \$24.0 million annually in FY 2021 through 2023 due to the extension of the electric vehicle excise tax credit and tax credit payments for previous fiscal years. SEIF expenditures increase by \$1.8 million annually in FY 2021 through 2023 due to extension of the rebate program. The Governor’s proposed FY 2021 budget includes \$1.8 million in funding for the rebate program and assumes a \$8.0 million reduction in SEIF revenues due to extension of the tax credit.

(\$ in millions)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
SF Revenue	(\$24.0)	(\$24.0)	(\$24.0)	\$0	\$0
SF Expenditure	\$1.8	\$1.8	\$1.8	\$0	\$0
Net Effect	(\$25.8)	(\$25.8)	(\$25.8)	\$0.0	\$0.0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** Minimal.

## Analysis

### Bill Summary:

#### *Qualified Electric Vehicle Excise Tax Credit*

The program's termination date is extended through fiscal 2023. A tax credit may be claimed for a fuel cell vehicle as specified under current law or a qualified zero-emission electric vehicle that meets the program's current requirements except that the vehicle must have a battery capacity of at least 30 kilowatt-hours.

A person may claim an excise tax credit equal to \$3,000 for each qualified zero-emission electric vehicle or fuel cell electric vehicle. A vehicle must be acquired for use or lease by the taxpayer and be purchased new and titled for the first time beginning on July 1, 2017, through June 30, 2023.

In fiscal 2021 through 2023 the lesser of \$24.0 million or the actual amount of zero-emission electric vehicle and fuel cell electric vehicle tax credits allowed in the fiscal year must be transferred from SEIF to the Transportation Trust Fund (TTF).

#### *Electric Vehicle Recharging Equipment Rebate Program*

The program's termination date is extended through fiscal 2023, and the maximum amount of rebates the Maryland Energy Administration (MEA) may award in each year is increased to \$1.8 million.

### Current Law:

#### *Qualified Electric Vehicle Tax Credits*

##### *State Credit*

Subject to available funding, a person who purchases a qualified plug-in electric vehicle or a qualified fuel cell electric vehicle may claim a credit against the vehicle excise tax. The credit is equal to 100% of the excise tax imposed, not to exceed \$3,000. A qualifying vehicle must have (1) a total purchase price of \$63,000 or less and (2) for plug-in electric vehicles, a battery capacity of at least 5.0 kilowatt-hours. The credit is limited to 1 vehicle per individual and 10 vehicles per business entity.

The credit is available for qualified vehicles that are newly acquired and titled for the first time through June 30, 2020.

The Motor Vehicle Administration (MVA) may award a maximum of \$6.0 million in credits in fiscal 2020. MEA must transfer from SEIF to TTF the lesser of \$6.0 million or the actual amount of tax credits allowed in the fiscal year.

### *Federal Credit*

Qualified electric vehicles may also qualify for a federal income tax credit of up to \$7,500. The tax credit begins to phase out for vehicles produced by a manufacturer that has sold a total of 200,000 qualified vehicles (cumulative U.S. sales since December 31, 2009). The credit is phased out or in the process of phasing out for vehicles that are manufactured by General Motors and Tesla Motors. The tax credit program terminates at the end of calendar 2020.

### *Electric Vehicle Recharging Equipment Rebate Program*

The Electric Vehicle Recharging Equipment Rebate Program, administered by MEA, provides rebates to individuals, businesses, and to State and local governments. The rebate is equal to 40% of the cost of property that is located in the State and used for recharging vehicles propelled by electricity, subject to specified maximum values. MEA may also reimburse a person for the reasonable costs of installing the qualifying equipment. An individual may not receive more than one rebate, but there are no limits on the number of rebates that can be issued to other entities.

MEA may award an annual maximum of \$1.2 million in rebates through fiscal 2020, with funding for these rebates provided by a transfer from SEIF.

### *Strategic Energy Investment Fund*

Chapters 127 and 128 of 2008 created the Maryland Strategic Energy Investment Program and the implementing SEIF to decrease energy demand and increase energy supply to promote affordable, reliable, and clean energy. SEIF is primarily funded through the proceeds from the auction of carbon allowances to power plants under the Regional Greenhouse Gas Initiative.

## **Background:**

### *Qualified Electric Vehicle Excise Tax Credit*

The plug-in electric vehicle and fuel cell electric vehicle excise tax credit, established by Chapter 490 of 2010, has provided tax credits for the purchase of qualified vehicles since fiscal 2011. The tax credit has been altered, expanded, and extended through legislation five times. The initial legislation did not limit the total credits allowed in each fiscal year.

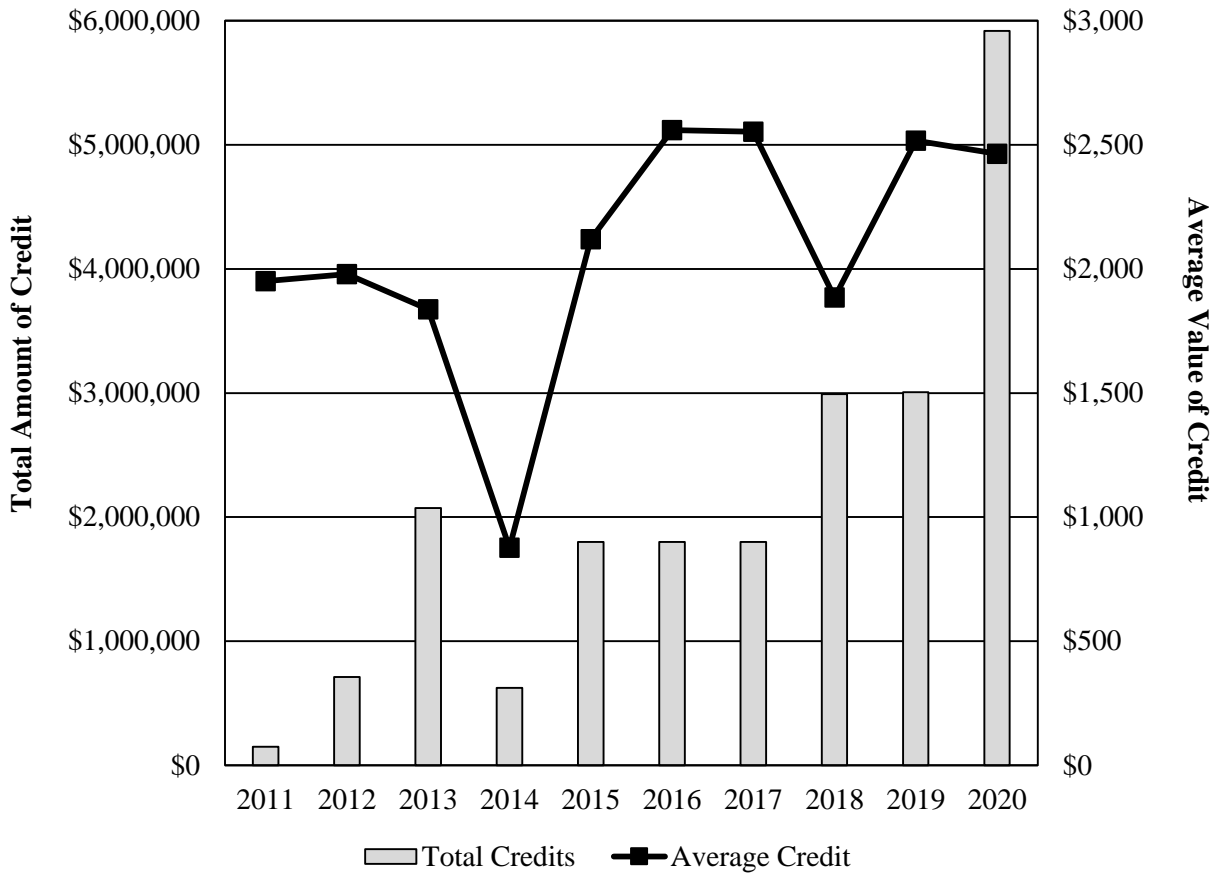
However, Chapters 359 and 360 of 2014 limited to \$1.8 million the maximum amount of credits allowed in each fiscal year. Chapters 362 and 363 of 2017 increased the limitation to \$3.0 million in fiscal 2018 through 2020. Chapter 213 of 2019 further increased the limit to \$6.0 million for fiscal 2020. Chapter 213 also extended eligibility for the purchase of qualified fuel cell vehicles.

Legislation has authorized transfers from the SEIF to offset part or all of the TTF revenue decreases due to the tax credit. These transfers are equal to:

- \$279,000 in fiscal 2011;
- \$939,600 in fiscal 2012;
- \$1,287,000 from fiscal 2013 through 2017;
- \$2,400,000 in fiscal 2018 and 2019; and
- \$6,000,000 in fiscal 2020.

As shown in **Exhibit 1**, MVA reports that it has awarded the maximum amount of tax credits in each year since fiscal 2015, the first year in which there was a maximum limit of credits that could be awarded. MVA indicates that fiscal 2019 program funding was fully expended on February 11, 2019, and fiscal 2020 funding was fully expended on September 13, 2019. MVA created a waitlist for individuals who qualified for the tax credit but did not receive a credit as the amount of total credits sought in the fiscal year exceeded the program's funding. In fiscal 2020, MVA has awarded a total of 2,401 tax credits with an average value of \$2,465. A significant portion of fiscal 2020 funding provided tax credits to individuals who qualified for the tax credit in fiscal 2019 but did not receive a credit due to this limitation. As of January 2020, MVA reports that 2,585 applications are on the waitlist, some of which are from fiscal 2019. This does not include subsequent applications received through the end of the current fiscal year.

**Exhibit 1**  
**Electric Vehicle Tax Credit**  
**Total and Average Tax Credits Claimed**  
**Fiscal 2011-2020**



Source: Motor Vehicle Administration

*Electric Vehicle Recharging Equipment Rebate Program*

Chapter 402 of 2011 established the electric vehicle recharging equipment tax credit program. In each year, the tax credits issued could not exceed (1) \$400,000 in tax year 2011; (2) \$500,000 in tax year 2012; and (3) \$600,000 in tax year 2013.

Chapter 389 of 2013 extended the tax credit program through tax year 2016, maintaining the maximum credit limitation at \$600,000. SEIF revenues were transferred to the general fund to offset the revenue loss from the tax credit in each of these years.

Chapters 359 and 360 of 2014 replaced the tax credit with a rebate program beginning in fiscal 2015. The total amount of rebates was limited to \$600,000. Chapters 362 and 363 of 2017 extended the rebate program through fiscal 2020, generally decreased the value of the rebates, and increased to \$1.2 million the maximum amount of rebates that could be awarded in each fiscal year.

MEA indicated that in fiscal 2019 the maximum \$1.2 million in rebates were awarded as of mid-February 2019. The agency used approximately \$475,000 or 40% of the program’s fiscal 2020 funding to issue rebates to applicants who were on a waitlist from fiscal 2019. MEA has awarded the maximum amount of authorized rebates in fiscal 2020 and is developing a waitlist for applicants who have not received rebates.

**State Fiscal Impact:** The bill extends through fiscal 2023 the termination dates of the Electric Vehicle Recharging Equipment Rebate Program and the qualified electric vehicle excise tax credit. As a result, the net effect on State finances will be a decrease of \$25.8 million in fiscal 2021. **Exhibit 2** details the fiscal impact of the bill.

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**Exhibit 2**  
**Fiscal Impact of Legislation**  
**Fiscal 2021-2025**  
**(\$ in Millions)**

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
<b>Revenues</b>					
Vehicle Excise Tax Credit	(\$24.0)	(\$24.0)	(\$24.0)	\$0.0	\$0.0
<b>Expenditures</b>					
Rebate Program	\$1.8	\$1.8	\$1.8	\$0.0	\$0.0
<b>Net Effect</b>	<b>(\$25.8)</b>	<b>(\$25.8)</b>	<b>(\$25.8)</b>	<b>\$0.0</b>	<b>\$0.0</b>

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MEA may award an annual maximum of \$1.8 million in rebates in fiscal 2021 through 2023. Though not mandated by the bill, the Governor’s proposed fiscal 2021 budget includes \$1.8 million in SEIF funds for the rebate program. It is assumed that the program receives the same funding in fiscal 2022 and 2023.

To the extent applicants seek more rebates than authorized in each fiscal year and (notwithstanding the limitations on the annual amount of refunds authorized by the bill)

MEA provides rebates to these applicants, expenditures will be greater than estimated in future years.

The bill increases to \$24.0 million the maximum amount of vehicle excise tax credits that MVA may award in fiscal 2021 through 2023. In order to offset the cost of the tax credit, MEA must transfer in each fiscal year from SEIF to TTF the lesser of the actual credits allowed in these fiscal years or \$24.0 million. Assuming the maximum amount of tax credits authorized in each year will be awarded, SEIF revenues will decrease by \$24.0 million annually in fiscal 2021 through 2023, as shown in Exhibit 2.

Notwithstanding the limitations established by legislation for prior fiscal years of the program, MVA created a waitlist for those applicants who did not receive funding due to the funding limitation. Based on information provided by the agency, it is estimated that fiscal 2019 and 2020 waitlist applicants will receive \$13.4 million in tax credits. It is assumed that the SEIF transfers mandated by the bill are sufficient to pay these credits in addition to credits earned in fiscal 2021 through 2023.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Transportation; Maryland Energy Administration; Morningstar, Incorporated; U.S. Internal Revenue Service; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2020  
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