

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
84-35 (COR)	Sabina Flores Perez Tina Rose Muña Barnes Régine Biscoe Lee	AN ACT TO AMEND ARTICLE 9 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM TO PRIVATE BUSINESSES AND NONPROFIT ORGANIZATIONS AND EXTENDING THE REBATE PHASE-OUT PERIOD, AND TO ADD A NEW CHAPTER 2 TO TITLE 7, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING THE SAME.	4/12/19 9:37 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. *84-35 (COP)*

Introduced by:

Sabina Flores Perez *SFP*
Tina Rose Muña Barnes *TRB*
Régine Biscoe Lee *RBL*

AN ACT TO *AMEND* ARTICLE 9 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM TO PRIVATE BUSINESSES AND NONPROFIT ORGANIZATIONS AND EXTENDING THE REBATE PHASE-OUT PERIOD, AND TO *ADD* A NEW CHAPTER 2 TO TITLE 7, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING THE SAME.

2019 APR 12 AM 9:37 *RL*

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** Article 9 of Chapter 3, Title 16, Guam Code Annotated, is
3 *amended* to read:

4 **“PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM ACT**

5 § 3901. Establishment and Title.

6 § 3902. Definitions.

7 § 3903. Rebate Incentive Offered.

8 § 3904. Eligible Vehicle, Determined.

9 § 3905. Rebates, Funded.

10 § 3906. Program, Phase-out.

11 § 3907. Rules and Regulations.

12 § 3908. Effective Date.

1 § 3909. Severability.

2
3 **§ 3901. Establishment and Title.**

4 This Chapter shall be known as the Plug-In Vehicle Rebate Program
5 Act (Act). The Guam Energy Office (GEO) shall develop, implement, and
6 administer the Plug-In Vehicle Rebate Program (Program) to provide
7 financial assistance toward the purchase of a plug-in electric vehicle.

8 **§ 3902. Definitions.**

9 For the purposes of this Chapter, except as otherwise specifically
10 provided, the following words and phrases, together with all of the common
11 derivatives thereof (i.e. verbs, plurals, gender, etc.), shall have the meaning
12 ascribed to them in this Chapter.

13 (a) Business shall mean a locally registered business in good
14 standing.

15 (b) Nonprofit shall mean a locally registered non-profit entity in
16 good standing.

17 (ac) Natural person shall mean a human being.

18 (bd) Purchaser shall mean the natural person, business, or
19 nonprofit who purchased a new qualified plug-in vehicle for which an
20 application for the Program is made.

21 (ee) Qualified plug-in electric drive motor vehicle shall mean a
22 new vehicle with at least four wheels, that draws propulsion using a
23 traction battery that has at least four kilowatt hours (kwh) of capacity,
24 uses an external source of energy to recharge the battery, has a gross
25 vehicle weight rating of not more than 14,000 pounds, and meets
26 specified emission standards.

27 **§ 3903. Rebate Incentive Offered.**

1 (a) Each natural person, business, or nonprofit that purchases a
2 qualified plug-in electric drive motor vehicle shall be eligible for one (1)
3 rebate that shall be calculated to consist of not more than ten percent (10%)
4 of the total base price of the qualified plug-in electric drive motor vehicle
5 not to exceed a total base price of Thirty Thousand Dollars (\$30,000).

6 (b) Each natural person shall only be eligible for one rebate for said
7 natural person's lifetime. Each business or nonprofit shall only be eligible
8 for up to three (3) rebates, cumulatively, for said business' or nonprofit's
9 lifetime.

10 (c) The terms the purchaser must meet include, but are not limited to,
11 proof of purchase of the new qualified plug-in electric drive motor vehicle
12 and proof of insurance for said vehicle.

13 (d) The purchaser shall agree to maintain ownership of the qualified
14 plug-in electric drive motor vehicle for a period of not less than thirty-six
15 (36) months, and shall complete and submit the necessary forms as
16 prescribed by the GEO to claim a rebate pursuant to the Program.

17 (e) If the purchaser transfers ownership of the qualified plug-in
18 electric drive motor vehicle for which a rebate was granted within the thirty-
19 six (36) month period, the purchaser shall repay a prorated amount of the
20 rebate granted to be determined by the GEO in the formulation of its
21 promulgated rules and regulations.

22 (f) The rebate offered in this Section shall be in addition to any federal
23 tax credit applicable to the purchase of a qualified plug-in electric drive
24 motor vehicle.

25 **§ 3904. Eligible Vehicle, Determined.**

1 A rebate is available for the purchase of a new qualified plug-in
2 electric drive motor vehicle pursuant to the definition in § 3902(c) of this
3 Chapter.

4 **§ 3905. Rebates, Funded.**

5 Beginning with Fiscal Year 2015, the rebates shall be paid from sums
6 set aside in the annual budget of the government of Guam enacted for each
7 fiscal year. Beginning in Fiscal Year 2015, Three Hundred Thousand
8 Dollars (\$300,000) shall be appropriated from the General Fund to the Guam
9 Energy Office for the payment of rebates to eligible claimants. This
10 appropriation shall continue to be available until fully expended.

11 **§ 3906. Program, Phase-out.**

12 The rebate authorized in this Chapter is subject to a phaseout
13 (reduction) once one hundred (100) qualified plug-in electric drive motor
14 vehicle rebates have been provided beginning after October 1, 2014. The
15 phase-out shall begin in the second calendar quarter after the quarter in
16 which the hundredth (100th) rebate has been granted. During this quarter,
17 the GEO shall be authorized to only provide fifty percent (50%) of the full
18 rebate for the following two (2) quarters, then twenty-five percent (25%) of
19 the full rebate for an additional ~~two (2)~~ four (4) quarters, and no rebate
20 thereafter.

21 **§ 3907. Rules and Regulations.**

22 ~~Within one hundred eighty (180) days after the enactment of this Act,~~
23 ~~€~~The GEO shall adopt and amend such rules and regulations as may be
24 necessary to implement the provisions of this Chapter in accordance with the
25 Administrative Adjudication Act.

26 ~~**§ 3908. Effective Date.**~~

1 ~~With the exception of § 3906 and § 3907 of this Chapter being~~
2 ~~effective upon enactment of this Act, all other provisions of this Chapter~~
3 ~~shall be effective on October 1, 2014.~~

4 **§ 3909. Severability.**

5 ~~If any of the provisions of this Chapter or the application thereof to~~
6 ~~any person or circumstance is held invalid, such invalidity shall not affect~~
7 ~~any other provision or application of this Chapter which can be given effect~~
8 ~~without the invalid provision or application, and to this end the provisions of~~
9 ~~this Chapter are severable.”~~

10 **Section 2. Rules and Regulations Adopted.** The Rules and Regulations,
11 entitled “GUAM ENERGY OFFICE – PLUG-IN ELECTRIC VEHICLE
12 REBATE PROGRAM ACT”, and attached hereto as “EXHIBIT A”, are hereby
13 adopted by *I Liheslaturan Guåhan*, and the Guam Compiler of Laws *shall*
14 forthwith codify the same as Chapter 2 of Title 7, Guam Administrative Rules and
15 Regulations.

16 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.

17 **Section 4. Severability.** If any provisions of this Act or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity *shall not* affect other provisions or applications of this Act that can be
20 given effect without the invalid provision or application, and to this end the
21 provisions of this Act are severable.

CHAPTER 2

GUAM ENERGY OFFICE

PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM ACT

- §7201. Authority.
- §7202. Propose.
- §7203. Same: Definitions.
- §7204. Same: Rebate Incentive Offered.
- §7205. Same: Program, Phase-out.
- §7206. Procedure: Application.
- §7207. Procedure: Requirement.
- §7208. Procedure: Prorate Formula.
- §7209. Procedure: Exceptions.
- §7210. Severability.

§7201. Authority. The Guam Energy Office (GEO) is the authority to implement and administer the Plug-In Vehicle Rebate Program in accordance with Article 9 of Chapter 3, Title 16, Guam Code Annotated.

§7202. Purpose. The purpose of these Rules and Regulations is to establish procedural requirements for plug-in electric vehicle rebates funded under the General Fund.

§7203. Same: Definitions. Terms used in these rules and regulations which are defined in Title 16 Guam Code Annotated shall have the same definition for the purpose of these rules and regulations.

- (a) Business shall mean a locally registered business in good standing.
- (b) Nonprofit shall mean a locally registered non-profit entity in good standing.
- (c) Natural person shall mean a human being.
- (b) Purchaser shall mean the natural person, business, or nonprofit who purchased a new qualified plug-in vehicle for which an application for the Program is made.
- (c) Qualified plug-in electric drive motor vehicle shall mean a new vehicle with at least four wheels, that draws propulsion using a traction battery that has at least four kilowatt hours (kwh) of capacity, uses an external source of energy to recharge the battery, has a gross vehicle weight rating of not more than 14,000 pounds, and meets specified emission standards.

§7204. Same: Rebate Incentive Offered.

- (a) Each natural person, business, or nonprofit that purchases a qualified plug-in electric drive motor vehicle shall be eligible for one (1) rebate that shall be calculated to consist of not more than ten percent (10%) of the total base price of the qualified plug-in electric drive motor vehicle not to exceed a total base price of Thirty Thousand Dollars (\$30,000).
- (b) Each natural person shall only be eligible for one rebate for said natural person's lifetime. Each business or nonprofit shall only be eligible for up to three (3) rebates, cumulatively, for said business' or nonprofit's lifetime.
- (c) The terms the purchaser must meet include, but are not limited to, proof of purchase of the new qualified plug-in electric drive motor vehicle and proof of insurance for said vehicle.
- (d) The purchaser shall agree to maintain ownership of the qualified plug-in electric drive motor vehicle for a period of not less than thirty-six (36) months, and shall complete and submit the necessary forms as prescribed by the GEO to claim a rebate pursuant to the Program.
- (e) If the purchaser transfers ownership of the qualified plug-in electric drive motor vehicle for which a rebate was granted within the thirty-six (36) month period, the purchaser shall repay a prorated amount of the rebate granted to be determined by the GEO in the formulation of its promulgated rules and regulations.
- (f) The rebate offered in this Section shall be in addition to any federal tax credit applicable to the purchase of a qualified plug-in electric drive motor vehicle.

§7205. Same: Program, Phase-out. The rebate authorized in this Chapter is subject to a phase-out (reduction) once one hundred (100) qualified plug-in electric drive motor vehicle rebates have been provided beginning after October 1, 2014. The phase-out shall begin in the second calendar quarter after the quarter in which the hundredth (100th) rebate has been granted. During this quarter, the GEO shall be authorized to only provide fifty percent (50%) of the full rebate for the following two (2) quarters, then twenty-five percent (25%) of the full rebate for an additional four (4) quarters, and no rebate thereafter.

§7206. Procedure: Application. A standard rebate application form shall be provided by GEO to the Purchaser. The Director of the GEO shall approve all applications submitted to the GEO for rebate.

§7207. Procedure: Requirement. As a condition for receiving Guam rebate funds, the applicant must comply with the requirements below. The Purchaser is responsible for reviewing program requirements prior to applying for a rebate. Eligible Purchaser(s) must meet the following requirements:

- (a) A natural person must be a bona fide resident of Guam and provide proof of Guam residency. A business or non-profit must be registered with the government of Guam and in good standing.
- (b) A new qualified plug-in electric drive motor vehicle shall be purchased from a registered dealership participating in the Plug-In Vehicle Rebate Program as in agreement with the GEO.
- (c) Active duty military members with permanent residency in Guam are eligible to apply.
- (d) The Purchaser shall submit a rebate application at the GEO.
- (e) A new qualified plug-in electric drive motor vehicle purchase date must be on or after the effective date of a funded rebate program.
- (f) The Purchaser shall not make or allow any modifications to the qualified plug-in electric drive motor vehicle's system for other than its intended purpose.
- (g) Retain ownership, registration and vehicle insurance of the qualified plug-in electric drive motor vehicle for a minimum of 36 consecutive months immediately after the purchase date.
- (h) The Purchaser shall provide proof of insurance coverage to the GEO for the 36 months or as required by law.
- (i) If the qualified plug-in electric drive motor vehicle has been sold and/or ownership of vehicle has been transferred within the 36 month period, the Purchaser shall repay a prorated amount of the rebate granted as determined by the GEO.

§7208. Procedure: Prorate Formula.

Rebate Amount Issued/36 months = Rebate Amount per month.

Remaining Term x Rebate Amount per month = Prorated Amount Owed.

§7209. Procedure: Exceptions. There shall be no exceptions except as provided for by law.

§7210. Severability. If any section or part of these rules and regulations is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of these rules and regulations.