

SB 186-FN - AS INTRODUCED

2023 SESSION

23-0817

09/04

SENATE BILL ***186-FN***

AN ACT relative to an electric bicycle low-income transportation incentive program and making an appropriation therefor.

SPONSORS: Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Sen. Perkins Kwoka, Dist 21; Sen. Soucy, Dist 18; Sen. Fenton, Dist 10; Rep. Sykes, Graf. 14; Rep. Tellez, Hills. 40

COMMITTEE: Transportation

ANALYSIS

This bill creates an electric bicycle incentive and rebate program and fund for low income workers and makes an appropriation to the fund.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to an electric bicycle low-income transportation incentive program and making an appropriation therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; E-Bikes For Low Income Worker Transportation Incentive Program. Amend
2 RSA 21-O by inserting after section 21-O:24 the following new subdivision:

3 E-Bikes For Low Income Worker Transportation Incentive Program

4 21-O:25 Definitions. In this subdivision:

5 I. "Coordinator" means the transportation specialist in the department of environmental
6 services who coordinates the Granite State Clean Cities Coalition.

7 II. "E-bike accessories" means items commonly used in association with a bicycle, including
8 but not limited to:

9 (1) Helmets.

10 (2) Locks.

11 (3) Panniers.

12 (4) Baskets.

13 III. "Eligible e-bike" means an electric bicycle, as defined in RSA 259:27-a, which is new.

14 IV. "Participating retailer" means an electric bicycle retailer who has entered into a
15 participating retailer agreement with the Granite State Clean Cities Coalition.

16 V. "Qualified applicant" means a person who:

17 (a) Is a resident of New Hampshire at the time of purchase.

18 (b) Has an income equal to or less than 200 percent of the federal poverty guidelines, as
19 established by the United States Department of Labor, Bureau of Labor Statistics lower level
20 budget.

21 (c) Is 16 years of age or older.

22 (d) Has been recommended for participation in the program by the New Hampshire
23 Community Action Program.

24 21-O:26 E-Bikes For Low Income Worker Transportation Incentive Program and Fund.

25 I. There is hereby established a program to incentivize the use of e-bikes by low income
26 workers for transportation in the department of environmental services. The coordinator shall work
27 with the Drive Electric New Hampshire organization to administer the program.

28 II. There is established an e-bikes low-income worker transportation inventive program
29 fund in the department of environmental services. The fund shall be nonlapsing, and may receive
30 funding from state appropriations, grants, federal funds and grants, donations, and other sources.

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1 III. The coordinator and Drive Electric New Hampshire shall adopt rules pursuant to RSA
2 541-A, relative to developing procedures and forms for selection of qualified applicants for selection
3 of qualified applicants for the distribution of funds available.

4 IV. The coordinator and Drive Electric New Hampshire shall develop a participating retailer
5 agreement to define the terms of a retailer's participation in the program.

6 V. Upon receiving his or her recommendation from the New Hampshire Community Action
7 Program, a qualified applicant may submit an online application to Granite State Clean Cities
8 Coalition for approval by the commissioner.

9 VI. Upon acceptance into the program by the commissioner, the qualified applicant may
10 receive a rebate for their purchase of an eligible e-bike from and accessories from a participating
11 retailer with the following terms:

12 (a) For eligible e-bikes under \$1,000 in price, the rebate shall be no more than 50
13 percent of the purchase price.

14 (b) For eligible e-bikes with a cost over \$1,000 the rebate amount shall be \$500.

15 (c) If accessories are purchased with the eligible e-bike, the qualified applicant shall
16 receive an additional rebate of up to \$100.

17 VII. Rebates may be applied by qualified applicants in either of the following ways:

18 (a) A consumer post-sale rebate in which the qualified applicant is refunded their rebate
19 after paying the entire purchase price up front to a participating retailer; or

20 (b) A retailer point of sale rebate in which the retailer discounts the price up front, and
21 the retailer is refunded the difference between the purchase price and the rebated price.

22 VIII. To receive either kind of rebate under RSA 21-O:25, VII(a) or (b) the qualified
23 applicant shall:

24 (a) Provide to the coordinator a complete and signed consumer e-bike attestation form,
25 developed and provided Granite State Clean Cities Coalition.

26 (b) Provide to the coordinator proof of domicile or residency in New Hampshire.

27 (c) Provide to the coordinator a sales receipt that has the following information on it:

28 (1) A name which matches the name on the rest of the provided documents;

29 (2) The date of the sale;

30 (3) The price of the eligible e-bike;

31 (4) The eligible e-bike model;

32 (5) The eligible e-bike unique ID number, if it has one;

33 (6) The price of any accessories purchased with the eligible e-bike

34 (7) The discounted price of the eligible e-bike

35 IX. To receive the consumer post-sale rebate, the qualified applicant shall:

36 (a) Submit an online rebate application, with all of the supporting documents listed in
37 paragraph VIII to the Granite State Clean Cities Coalition.

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1 X. To receive the point of sale rebate, the participating retailer shall submit an online rebate
2 application, with all of the supporting documents listed in paragraph VIII to the Granite State Clean
3 Cities Coalition.

4 XI. Once a completed rebate application has been received by the Granite State Clean Cities
5 Coalition, the coordinator shall process said application in no more than 7 days.

6 (a) If the Granite State Clean Cities coalition receives an incomplete application, they
7 may request additional necessary information from either a qualified applicant or a participating
8 retailer.

9 (b) After the Granite State Clean Cities coalition receives all the information necessary
10 to process an incomplete application, the coordinator shall process said application in no more than 7
11 days.

12 XII. After the coordinator has processed an application, the qualified applicant or the
13 participating retailer shall be paid the total rebate sum via a check from the department of
14 environmental services.

15 XIII. Qualified applicants shall self-certify their adjusted gross income eligibility and that
16 they have not already received an incentive under the statewide incentive program within the last
17 12 months.

18 XIV. The department of revenue administration shall audit a subset of applications for
19 accuracy, and may choose to audit suspicious applications or a random subset or both.

20 XV. Qualified applicants shall be required on the application form to comply with requests
21 for information in the process of an audit to confirm income certification, as well as other program
22 requirements, including that the applicant was domiciled or a resident at the time of purchase.

23 XVI. Failure to provide requested documents and to provide reasonable cooperation in the
24 event of an audit shall result in revocation of the incentive and an obligation to repay the state the
25 full amount of the incentive plus interest at the statutory rate from the date the incentive was
26 awarded.

27 XVII. The coordinator shall submit an annual report on the status of the program to the
28 commissioner of the department of environmental services.

29 XVIII. Municipalities may set and enforce speed limits for Class 1 and Class 2 e-bikes on
30 bicycle or multi-use paths where bicycles are permitted.

31 2 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby
32 appropriated to the department of health and human services to implement the provisions of the e-
33 bikes for low income worker transportation incentive program established in RSA 21-O:26. The
34 governor is authorized to draw a warrant for said sum out of any money in the treasury not
35 otherwise appropriated.

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1 3 New Subparagraph; Application of Receipts; E-Bikes for Low Income Workers Transportation
2 Incentive Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following
3 new subparagraph:

4 (388) Moneys deposited in the e-bikes low income worker transportation incentive
5 program fund established in RSA 21-O:26.

6 4 Effective Date. This act shall take effect January 1, 2024.

SB 186-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to an electric bicycle low-income transportation incentive program and making an appropriation therefor.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$100,000	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$618,000	\$526,000	\$573,000
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - E-Bikes for Low Income Worker Transportation Incentive Program Fund.			

METHODOLOGY:

This bill creates an electric bicycle incentive and rebate program and fund for low income workers and makes an appropriation to the fund.

The Department of Environmental Services states this bill tasks a position within the Department 's Air Resource Division to serve as "coordinator or transportation specialist". This person would implement the program in conjunction with Drive Electric New Hampshire, a working group hosted by Clean Energy NH. The rebate program would allow rebates up to \$500 for eligible e-bikes and up to a \$100 rebate for eligible accessories for qualifying applicants. Rebates could be issued by a point-of-sale rebate or via a post-sale rebate. The Department assumed it would need to establish a new, full-time, position to manage this program. The Department estimates this position would be filled for 6 months in FY24 and 12 months in subsequent years. Since no funding for the position is provided by the bill, the Department assumes this would be a general fund cost. The Department assumed it would incur the following costs to establish and administer the program:

- Information technology costs of \$200,000 in the first year to establish the program including a database and tracking and verification system and annual information technology maintenance costs of \$20,000 each year thereafter.
- Full time Program Specialist IV position. Salary and benefit costs estimated to be \$43,000 in FY 2024 (1/2 year) , \$88,000 in FY 2025 and \$91,000 in FY 2026.

- Annual contracts with each of the five New Hampshire Community Action Programs which would be tasked with qualifying applicants as low income to ensure their eligibility for rebates under this program. \$375,000 (\$75,000 x 5)

Based on these assumptions the cost to the Department of Environmental Services would be \$618,000 in FY 2024, \$483,000 in FY 2025 and \$486,000 in FY 2026.

The Department of Revenue Administration indicates the bill would require the Department to audit a subset of applications for accuracy and the Department may choose to audit suspicious applications or a random subset or both. The audit shall include income certification and adherence to other program requirements. The Department assumes audits would be conducted over the life of the program. The Department would incur additional costs to develop an audit program, update its information management system and acquire additional staff to administer the audit program. The Department states it is difficult to determine how many audits the Department will conduct annually as it is unclear how many applications the Department of Environmental Services will receive. The Department assumes a new position would be required at an estimated cost of \$43,000 in FY 2025 (1/2 year) and \$87,000 in FY 2026.

This bill does not authorize or establish new positions. The bill makes an appropriation to the Department of Health and Human Services. Since the Department of Environmental Services is charged with administering the program, and the program is established in RSA 21-O, it assumed the appropriation is meant to be to the Department of Environmental Services not the Department of Health and Human Services.

AGENCIES CONTACTED:

Departments of Environmental Services and Revenue Administration