



Charge NY Drive Clean Rebate Program

IMPLEMENTATION MANUAL

Last Updated: June 30, 2021

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1.0 BACKGROUND

The **Charge NY Drive Clean Rebate Program** (Program) is an incentive program designed to accelerate the deployment of Plug-In Hybrid Electric, Battery Electric and Fuel Cell vehicles in New York State. By increasing the use of zero and low emission vehicles, this program benefits New York State by reducing harmful emissions and the transportation sector's dependence on petroleum. The New York State Energy Research and Development Authority (NYSERDA) developed the Program to provide rebates that reduce the cost of purchasing or leasing an eligible vehicle for use in New York State.

Note to Applicants: At the time a Dealer submits an application for a rebate, the most current version of the Implementation Manual and the Terms and Conditions signed by the Dealer and Vehicle Purchaser will apply.

This document, including Appendix A, Additional COVID-19 Terms and Conditions for all NYSERDA Agreement, constitutes the Implementation Manual for the Program. Definitions of key program parameters are located in the next section of the Manual.

1.1 PROGRAM OVERVIEW

The Program is a point-of-sale rebate program that reduces the cost of purchasing or leasing an eligible zero or low emission vehicle for New York State residents, businesses, and government entities (Vehicle Purchaser). Vehicle eligibility rules are defined in Section 3.3 of this Manual. The program requires that Dealers reduce the vehicle price by the full amount of the rebate at the point-of-sale, which immediately passes the full savings of the rebate on to the Vehicle Purchaser. Dealers must then apply for the rebate on behalf of the Vehicle Purchaser. NYSERDA issues the rebate directly to the participating Dealer in the form of a live check or electronic payment. Dealers that do not reduce the vehicle price by the full amount of the rebate at the point-of-sale may be suspended or barred from participating in the Program per NYSERDA's discretion.

Dealers are encouraged to promote the program through distribution of marketing materials and printed collateral for customers. NYSERDA will make materials available to Dealers that describe and promote the program, but Dealers shall not use NYSERDA's corporate name, logo, identity, any affiliation, or any related logo, without NYSERDA's prior written consent.

Important: Program requirements are determined by NYSERDA which, in its sole discretion reserves the right to make changes to Program elements such as, but not limited to, eligible vehicles, rebate amounts, vehicle price caps, Dealer requirements, and Vehicle Purchaser requirements.

1.2 PROGRAM CONTACTS

All Program questions should be directed to the Center for Sustainable Energy (CSE), the Program administrator:

**Center for Sustainable Energy
109 S. 5th Street**

Brooklyn, NY 11249
Phone: 866-595-7917
Email: NYDriveClean@energycenter.org

If CSE program staff are unable to resolve your issue and you need to speak with someone at NYSERDA, please contact the NYSERDA Project Manager:

David McCabe
Project Manager
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203
(518) 862-1090 ext. 3281
(518) 862-1091 FAX
David.mccabe@nyserda.ny.gov
www.nyserda.ny.gov

2.0 DEFINITIONS

Battery Electric Vehicle (BEV) is any vehicle that operates solely by use of a battery, or that is powered primarily through the use of an electric battery but uses a flywheel or capacitor that also stores energy to assist in vehicle operation. BEVs are not powered by gasoline at all. A BEV with a gasoline powered range extender is considered a PHEV.

Buyer's Order is the typical name for the official price contract that is agreed to and signed by the Dealer and the Vehicle Purchaser. This document details all of the discounts, trade-in value, and rebates that go into the final price of a vehicle. It is also commonly referred to as a purchase agreement or lease agreement.

Charge NY Drive Clean Rebate Program (Program) is a point-of-sale rebate program that provides rebates for the purchase or lease of zero emission vehicles in New York State. It is run by NYSERDA and administered by CSE.

Dealer is a new car dealership registered with the New York State Department of Motor Vehicles that operates in New York State.

Fuel Cell Electric Vehicle (FCEV) is a vehicle that is powered by a group of individual fuel cells, known as a fuel-cell stack. The stack is designed to contain enough cells to provide the necessary power for the automotive application. A fuel-cell stack produces power as long as fuel is available, similar to a conventional engine, but does so electrochemically rather than with combustion. The electricity generated by the fuel-cell stack powers the electric motor that propels the vehicle.

New York State Energy Research and Development Authority (NYSERDA) promotes energy efficiency and the use of renewable energy sources. NYSERDA advances innovative

energy solutions in ways that improve New York's economy and environment. NYSERDA is the state Authority in charge of the Program.

Plug-in Hybrid Electric Vehicle (PHEV) is a hybrid electric vehicle which:

- has zero-emission vehicle range capability,
- has an on-board electrical energy storage device with useful capacity greater than or equal to ten miles of Urban Dynamometer Driving Schedule (UDDS) range on electricity alone,
- is equipped with an on-board charger, and
- is rechargeable from an external connection to an off-board electrical source.

Point-of-Sale refers to the time at which the Vehicle Purchaser receives the benefit of the rebate; for the Program, it will be shown as a line item deduction on the official purchase or lease contract for an eligible vehicle.

Program Effective Date is March 21, 2017. This is the date the Drive Clean Rebate program launched.

Vehicle Purchaser is an individual, business, fleet, or government entity that purchases or leases a vehicle that is eligible for a rebate from the Program. A Vehicle Purchaser must be a resident of New York State (if an individual), be a New York State government entity or municipality, or be registered/licensed to do business in New York State and must affirm that they intend to domicile the vehicle in New York State.

Vehicle Transaction Date is the date that the vehicle is delivered and the sale is completed, as memorialized by the date on the New York State Department of Motor Vehicles (DMV) MV-50 form. The Vehicle Transaction Date must be on or after the program effective date.

3.0 PROGRAM ELIGIBILITY

3.1 DEALER ELIGIBILITY

To participate in the Program, Dealers must meet the following criteria:

1. Be a new car dealership registered with the New York State DMV,
2. Operate in New York State,
3. Offer for purchase or lease one or more of the eligible vehicles as defined in Section 3.3,
4. Become an authorized participant in the Program by submitting an application to NYSERDA and having it approved.

Applications for participation can be found at this URL: <https://nyserda.ny.gov/EV-Dealer-Sign-Up>

As part of the program application process, Dealers will provide contact information, enter their DMV facility number, and agree to the terms and conditions required for participating in the program. Dealers will be required to attend an annual training on how the Program works. The

trainings will be offered annually and one dealer personnel dedicated to submitting applications must attend at least one training session annually to maintain Program eligibility.

3.2 VEHICLE PURCHASER ELIGIBILITY

To be eligible for a Program rebate, a Vehicle Purchaser must meet and agree to the following conditions in a signed copy of the Vehicle Purchaser Terms and Conditions available for download within the dealer portal:

1. Be a New York State resident, be a New York State government entity or municipality, or be registered/licensed to do business in New York State.
2. Purchase or lease a new eligible vehicle from a participating Dealer in New York State.
3. If purchasing the vehicle, retain ownership of the vehicle for at least 36 months from the date of purchase, unless given explicit prior written approval from NYSERDA to sell the vehicle; if leasing, have an original lease term of at least 36 months.
4. Register the vehicle with the New York State DMV with an address located within New York State for a minimum of 36 months from the date of purchase.
5. Allow NYSERDA or its designee to verify the vehicle identification number (VIN) and registration with the DMV.
6. Agree to maintain vehicle insurance as required by law.
7. Allow NYSERDA to share the vehicle model and the address where the vehicle will be domiciled with the electric distribution utility serving that location, for the purpose of informing the utilities' system planning efforts.
8. Agree to never modify the vehicle's emission control system, engine, engine hardware, software calibrations, or electric drive system.
9. Agree to participate in online surveys and other research efforts that support Program goals.
10. Agree to reimburse the dealer the full value of the rebate if it is discovered that the Vehicle Purchaser provided false or inaccurate information that results in the rebate being denied.

The Vehicle Purchaser Terms and Conditions must be signed by the Vehicle Purchaser for each application. If a Dealer copies or forges a Vehicle Purchaser signature, the Dealer will be immediately barred from participating in the Program.

3.3 VEHICLE ELIGIBILITY RULES

Plug-in Hybrid Electric Vehicles (PHEVs), Battery Electric Vehicles (BEVs), and Fuel Cell Electric Vehicles (FCEVs) must at a minimum meet the following criteria to be eligible under the Program:

1. Have four wheels. No two or three wheel vehicles are allowed.
2. Are manufactured for use primarily on public streets, roads, and highways.
3. Have a powertrain that has not been modified from the original manufacturer's specifications.
4. Are rated at not more than eight thousand five hundred pounds gross vehicle weight.
5. Have a maximum speed capability of at least fifty-five miles per hour
6. Are propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operations, and that draws electricity from a hydrogen fuel cell or from a battery that

- a. Has a capacity of not less than four kilowatt hours
- b. Is capable of being recharged from an external source of electricity

A list of vehicle models that are eligible for a rebate will be available on the Charge NY website after the program effective date. This list will be updated regularly as new vehicles come to market.

In addition, the following programmatic rules apply to all vehicle purchases under the program. The vehicle must:

7. Be a new vehicle. See the following section for specific exceptions to this requirement.
8. Have never been the subject of a retail sale, or registered with the New York State Department of Motor Vehicles, or registered with the appropriate agency or authority of any other state, District of Columbia, territory or possession of the United States, or foreign State, province, or country
9. Have a battery and electric drive train that are fully covered by the Original Equipment Manufacturer's (OEM) warranty
10. Be purchased or leased on or after the Program's effective date

3.3.1 Floor Model, Test Drive, Rollback and Unwind Vehicles

Vehicles used as dealership floor models and test drive vehicles are eligible for the rebate if the vehicles have not been registered previously with the DMV or in any other state. Rebate applications for floor model, test drive, unwind and rollback vehicles will be assessed on a case-by-case basis. A "rollback" occurs when a buyer purchases or leases a vehicle then returns it shortly after purchase, or when a buyer's financing is disapproved. An "unwind" occurs when registration is completed, but the sale was not consummated and the buyer never took delivery. Vehicles determined by the Program Administrator to be unrebated rollback or unwind vehicles will be eligible to receive a rebate. Additional documentation from the dealership may be required.

Registered dealer loaner vehicles may be eligible for the program under the floor model, test drive, rollback and unwind provision if the vehicle is coming out of loaner car service and offered to an eligible consumer for purchase or lease. The original vehicle registration must be in the dealership's name. The vehicle must still be considered new by the vehicle manufacturer with regards to warranty provisions or for the purposes of manufacturer rebates, etc. In addition to the documentation required for all applications, the following documentation is required: copy of the original MV-50 from when the dealer purchased the vehicle; copy of the original dealer registration; copy of the original purchase agreement from the OEM to the dealer, and written confirmation from the dealership certifying that a) the vehicle is a registered dealer loaner that is being sold or leased to a consumer and b) the vehicle is still considered new by the vehicle manufacturer for warranty provisions and for purposes of any existing manufacturer rebates.

4. REBATE AMOUNTS

Rebate amounts for eligible vehicles are based on electric range. Electric range will be defined using the [US EPA standard](#) for electric vehicle miles range for the vehicle. All rebate reservations that meet the terms of the Program and are submitted while the Program is open and accepting rebate reservations will be honored by NYSERDA.

Rebates for Eligible Vehicles Purchased On or Before June 30, 2021	
EPA Combined All- Electric Range	Incentive
Less than 20	\$500
20 to 39	\$1,100
40 to 119	\$1,700
120 and greater	\$2,000
MSRP¹ over \$60,000	\$500

Rebates for Eligible Vehicles Purchased After June 30, 2021	
EPA Combined All- Electric Range	Incentive
Less than 40	\$500
40 to 199	\$1,000
200 and greater	\$2,000
MSRP² over \$42,000	\$500

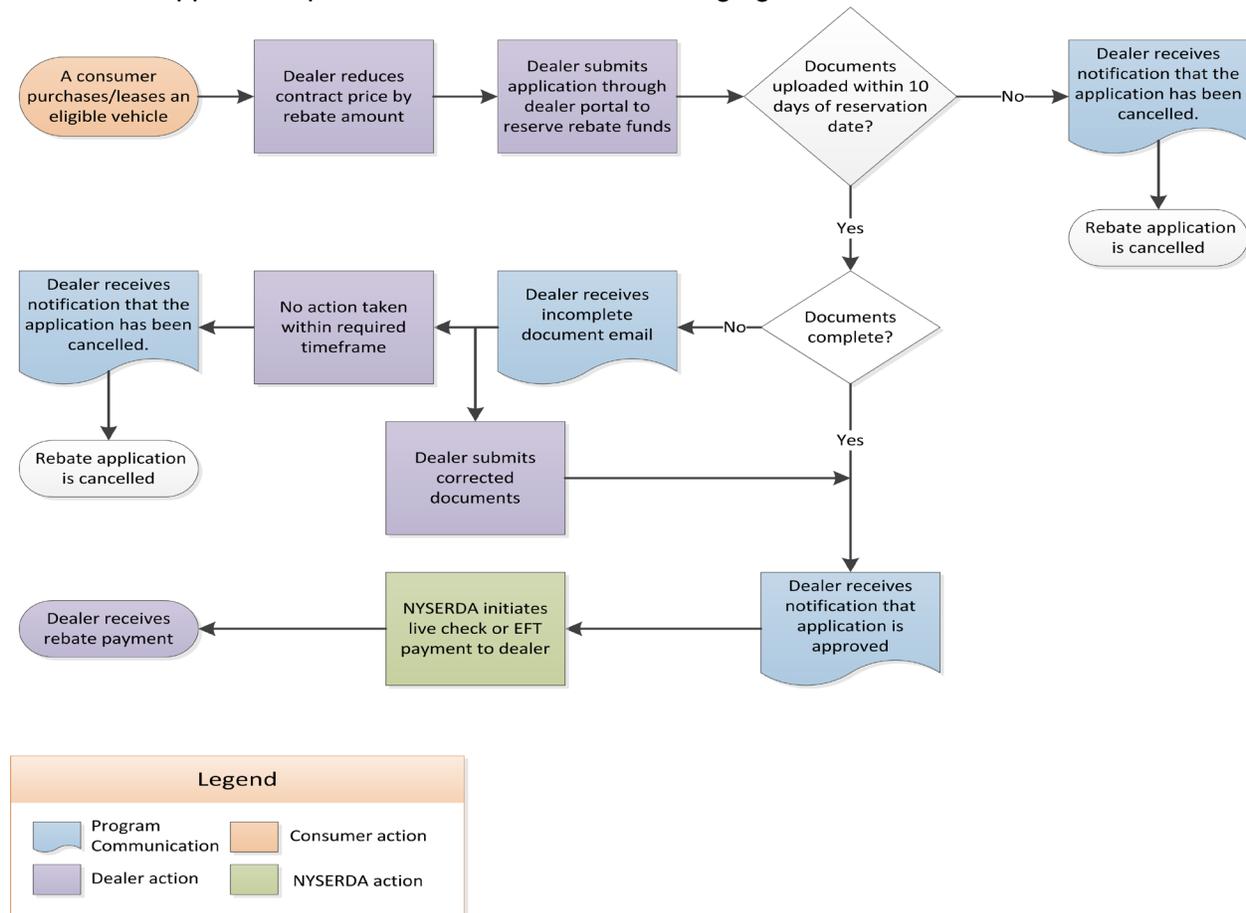
Note: Rebate amounts and the criteria used to determine them are subject to change at NYSERDA's sole discretion. NYSERDA will provide at least 30 days' notice to all program participants before new rebate amounts take effect. Visit the Charge NY website after the program effective date to see the current complete list of eligible vehicles.

¹ Electric vehicles purchased on or **before** June 30, 2021 with a base MSRP over \$60,000 will receive a \$500 rebate regardless of electric range. Base MSRP is confirmed by <http://www.fueleconomy.gov/> where applicable. If the MSRP is not reported, the Original Equipment Manufacturer's website is utilized to confirm the base MSRP.

² Electric vehicles purchased **after** June 30, 2021 with a base MSRP over \$42,000 will receive a \$500 rebate regardless of electric range. Base MSRP is confirmed by <http://www.fueleconomy.gov/> where applicable. If the MSRP is not reported, the Original Equipment Manufacturer's website is utilized to confirm the base MSRP.

5. REBATE APPLICATION PROCESS

The rebate application process is shown in the following figure:



Dealers shall have sixty (60) calendar days from the date of the vehicle transaction to submit a rebate application. Applications received more than sixty (60) calendar days after the vehicle transaction is completed will be rejected. Vehicles purchased or leased prior to the Program's effective date are not eligible for a rebate. For the purposes of the Program, the vehicle transaction date is the date that the vehicle is delivered and the sale is completed, as memorialized by the date on the New York State Department of Motor Vehicles (DMV) MV-50 form. The Vehicle Transaction Date must be on or after the program effective date. Dealers shall submit rebate applications through NYSERDA's Dealer web portal (nyserda-portal.force.com). Once an application has been started and the Dealer has indicated which qualifying vehicle has been purchased, NYSERDA will reserve program funds for the Dealer. Dealers shall have ten (10) calendar days to submit the required documents outlined in this Manual. Any applications for which documents are not submitted within ten (10) calendar days will be cancelled and the reserved funds will be released. The Dealer will be notified of the cancellation via email.

The Program administrator shall have ten (10) calendar days to review submitted rebate applications. Submitted applications that have no issues with regard to the accuracy or completeness of the application and/or required documents will be approved, and the dealer will receive notification of approval via email.

If an application or its required documents are determined to be incomplete, illegible, or missing required information, the Dealer will be notified of the error via email and shall have ten (10) calendar days from the date of notification to correct any errors. If the errors are not corrected within ten (10) calendar days, the application will be cancelled and the reserved funds will be released. If an application is submitted but determined to be ineligible, it will be cancelled, the reserved funds will be released, and the Dealer will be notified via email.

If a rebate application is cancelled, Dealers can reapply for a rebate for that vehicle within sixty (60) calendar days of the vehicle transaction.

6. REQUIRED DOCUMENTS

Dealers must submit required documents for each rebate application. Required documents include, at a minimum, the following:

- Completed rebate application form (completed online)
- Scan of original first page of signed DMV Form MV-50 (Retail Certificate of Sale)
- Scan of signed DMV Form MV-82 (Vehicle Registration/Title Application)
- Scan of signed Vehicle Purchaser Terms & Conditions form with copy of New York State Driver License³ for individuals (available for download within the dealer portal)
- Scan of final signed Buyer's Order
 - Buyer's Order must clearly show that the value of the rebate has been passed to the consumer at the point of sale.
 - Drive Clean Rebate must be shown separately and not combined with any other rebates or discounts.

Dealers shall submit scanned versions of the documents through the Dealer web portal, which can be found at this URL: nyserda-portal.force.com. NYSERDA reserves the right to require additional documentation if needed for verification of any element of rebate eligibility.

7. REBATE DISTRIBUTION PROCESS

Rebates will be issued to Dealers via a live check or by electronic payment. Dealers may select the payment option they prefer in the Dealer web portal. Per New York State's prompt payment policy, payments to Dealers can be expected within 30 days of application approval.

³ Individuals who do not have a New York State Driver License with a New York address will be required to provide a legible copy of an alternate form of proof of residency: a NYS Non-Driver ID card, NYS Interim License or Permit, a utility or cable bill from within the last 3 months, a copy of the current NYS DMV registration of another vehicle in the name of the purchaser or lessee, a signed, dated, and notarized residential rental agreement, property deed, proof of current mortgage, military orders that are still in effect, voter registration notification card issued within one year, or other valid form of NYS residency as approved by NYSERDA. All documentation must be current (non-expired), must be in the name of the individual purchasing or leasing the vehicle, and must list a New York State address.

A rebate will not be issued if the buyer or lessee of any eligible vehicle returns the vehicle prior to the rebate being issued. Dealers must notify the Program administrator if an eligible vehicle is returned and request that the rebate application be cancelled.

Furthermore, NYSERDA reserves the right to seek reimbursement from the Dealer if the buyer or lessee of any eligible vehicle returns such vehicle to the Dealer within 30 days.

8. APPEALS PROCESS

NYSERDA will consider appeals to the denial of a rebate application on a case-by-case basis. To submit an appeal, contact the Program Administrator.

9. RESEARCH PARTICIPATION

NYSERDA will require Vehicle Purchasers to participate in surveys and may request participation from Dealers and Vehicle Purchasers in other research efforts that support Program goals.

Appendix A (5/26/20)

ADDITIONAL COVID-19 TERMS AND CONDITIONS FOR ALL NYSERDA AGREEMENTS

In response to the ongoing COVID-19 pandemic, beginning in March 2020, Governor Cuomo issued a series of Executive Orders addressing various categories of business activities, including, but not limited to, construction, manufacturing, administrative, and professional services. In addition, Empire State Development (ESD) was authorized to develop *Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders*. Although much of NYSERDA's clean energy efforts involve construction activity, NYSERDA engages in many other activities that are affected by State COVID-19 directives and requirements.

The State has also established a series of metrics required to begin a phased reopening plan. The phase-in plan prioritizes businesses considered to have a greater economic impact and inherently low risks of infection for the workers and customers, followed by other businesses considered to have less economic impact, and those that present a higher risk of infection spread.⁴ Pursuant to Executive Order 202.31 and "NY Forward," New York will reopen on a regional basis as each region meets the criteria necessary to protect public health.

For New York State regions and approved activities that have been deemed reopened pursuant to the State's Regional Monitoring Dashboard, and in light of the paramount importance placed on health and safety at this time, NYSERDA hereby directs and requires that NYSERDA contractors performing clean energy activity pursuant to a NYSERDA contract or program to comply with all Executive Orders addressing the COVID-19 pandemic, and in all events, NYSERDA contractors are expected to continue to comply with all relevant State, federal and local rules. All contractors are also accountable for staying current with any updates to these requirements. COVID-19 related guidance and references can be found on NYSERDA's website at: <https://www.nyserda.ny.gov/ny/COVID-19-Response, and is hereby deemed incorporated herein, as may be updated from time to time>.

⁴ In accordance with ESD's current Essential Business Guidance and subject to all relevant health and safety requirements, NYSERDA is hereby allowing its contractors performing program work pursuant to a NYSERDA contract or program to undertake the following activities on a Statewide basis:

- electric power generation and storage-related development, construction, operation or maintenance, except with respect to new solar projects on residential sites (which residential projects must continue to follow the regional reopening);
- electric vehicle (EV) charging station installation, operation and maintenance at commercial and government sites; and
- activity by a single worker who is the sole worker on a project site.

Phase I of reopening does include all construction activity. All NYSERDA contractors specifically engaging in construction activity are required to, without limitation, adhere to and attest to the New York State Department of Health (NYS DOH) *Interim Guidance for Construction Activities During the COVID-19 Public Health Emergency* prior to commencing work on NYSERDA clean energy construction projects. The attestation is embedded within the Guidance Document and NYSERDA advises that contractors maintain a copy of such attestation for their records. Also, as included in the NYS DOH Construction Guidance, for all contractors performing construction activities, completed safety plans must be conspicuously posted on a project site. The State has provided a template to assist in developing Business Safety Plans, which is available through the NY Forward website as well as NYSERDA's COVID-19 webpage. While these plans are not required to be submitted to NYSERDA or a State agency for approval, they must be retained on the premises of the business or construction site and must be made available to the NYS DOH or local health or safety authorities in the event of an inspection.

In accordance with Executive Order 202.31, business activities may only commence for New York State regions that have been deemed reopened and is limited to only those activities approved for reopening. For state regions and activities that remain on PAUSE, or for reopened areas that revert back to PAUSE, NYSERDA continues to direct a pause in work until that region is re-opened for all NYSERDA contractors performing program activity pursuant to a NYSERDA contract or program, requiring in-person presence at a project site, that is not explicitly permitted under State directives or guidance.

During this time of uncertainty, NYSERDA is committed to working collaboratively with its Contractors to address contractual obligations when performance under the contract may be suspended or delayed due to COVID-19-related limitations in business activity that are beyond the reasonable control of either NYSERDA or the Contractor.

NYSERDA takes health and safety issues of its contractors and program participants very seriously and will strictly enforce compliance with Executive Order 202.31, and any relevant subsequent Executive Orders, and this guidance, as well as existing contractual obligations that require NYSERDA's contractors to comply with all general and special Federal, State, municipal and local laws, ordinances and regulations that may in any way affect the performance of agreements executed with NYSERDA. Accordingly, non-compliance may give rise to disciplinary action, which may include, without limitation:

- orders to stop work;
- immediate termination of the Agreement;
- a determination of ineligibility to participate in one or more NYSERDA program efforts, on either a temporary or permanent basis;
- reporting of non-compliant activity to enforcement authorities, including but not limited to the NY Forward online complaint submission form, which will result in investigation and, if credible, enforcement.

This guidance supersedes all previously issued guidance and shall be deemed to modify any applicable provisions in any NYSERDA contract, program rule, guideline, manual, solicitation or other applicable document or agreement.