

HB 2271 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Carrier: Rep. Sollman

Action Date: 03/14/19

Action: Do pass and rescind subsequent referral to Ways and Means.

Vote: 6-3-0-0

Yeas: 6 - Helm, Salinas, Schouten, Sollman, Wilde, Williams

Nays: 3 - Findley, Reschke, Zika

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Misty Freeman, LPRO Analyst

Meeting Dates: 2/21, 3/7, 3/14

WHAT THE MEASURE DOES:

Changes classification of unlawful air pollution from a specific fine violation to a Class A misdemeanor. Establishes that owner or lessee of a motor vehicle may not incur a civil penalty for a violation of motor vehicle pollution control system certificate of compliance requirements. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Process for establishing and enforcing unlawful air pollution
- House Bill 2712 (2011) reclassification of offenses as specific fine violations
- Enforcement of emissions standards related to motor vehicle pollution control systems

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Department of Environmental Quality (DEQ) oversees air quality within the state of Oregon, ensuring that federal air quality standards are achieved. DEQ typically becomes aware of an air quality violation through inspections, self-reporting by permit holders, or complaints from the public or other government agencies. When a violation is confirmed, DEQ may issue a warning letter, pre-enforcement notice, civil penalty, or compliance order. Environmental violations committed with criminal intent are subject to criminal prosecution, and DEQ partners with law enforcement agencies and the U.S. Environmental Protection Agency in such cases.

In 2011, House Bill 2712 reclassified dozens of offenses, including unlawful air pollution in ORS 468.936, as specific fine violations in an effort to establish a more uniform structure for the application of payments received from defendants in traffic and criminal cases. The classification requires that a law enforcement officer witness the violation in order to prosecute the offense.

Class action lawsuits against the Volkswagen Group of America for the sale of diesel passenger cars in the U.S. with emission control defeat devices that violated federal motor vehicle emissions standards have resulted in a settlement against the manufacturer, requiring Volkswagen to fund the mitigation of excess emissions resulting from their error.

House Bill 2271 would revert violations of unlawful air pollution to the pre-HB 2712 classification of Class A misdemeanor. The Act would establish that manufacturers, not individual vehicle owners or lessees, may incur a fine for violations related to motor vehicle pollution control systems.