

HB 2592-4
(LC 2947)
4/22/19 (HE/am/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Oregon Environmental Council)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2592**

1 In line 2 of the printed bill, before the period insert “; amending sections
2 148 and 149, chapter 750, Oregon Laws 2017”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** Section 148, chapter 750, Oregon Laws 2017, as amended
5 by section 154, chapter 750, Oregon Laws 2017, is amended to read:

6 **“Sec. 148.** As used in sections 148 to 152, **chapter 750, Oregon Laws**
7 **2017** [*of this 2017 Act*]:

8 **“(1) ‘Electric cargo tricycle’ means a motor vehicle that:**

9 **“(a) Is equipped with an electric motor;**

10 **“(b) Has an unloaded weight of 1,000 pounds or less;**

11 **“(c) Has a gross vehicle weight rating of 2,500 pounds or less;**

12 **“(d) Is not capable of attaining a speed of more than 25 miles per**
13 **hour; and**

14 **“(e) Is designed to travel on three wheels.**

15 **“[(1)] (2) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:**

16 **“(a) Has a gross vehicle weight rating of 8,500 pounds or less;**

17 **“(b) Is capable of attaining a speed of 55 miles per hour or more; and**

18 **“(c) Is powered:**

19 **“(A) Primarily by an electric battery and may or may not use a flywheel**
20 **energy storage device or a capacitor that also stores energy to assist in ve-**
21 **hicle operation.**

1 “(B) By polymer electrolyte membrane fuel cells or proton exchange
2 membrane fuel cells that use hydrogen fuel and oxygen from the air to
3 produce electricity.

4 “(C) Primarily by a zero-emission energy storage device that provides
5 enough power for the vehicle to travel 75 miles or more using only electricity
6 and may or may not use a backup alternative power unit that does not op-
7 erate until the energy storage device is fully depleted.

8 “[2] (3) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

9 “[3] (4) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:

10 “(a) Is powered using an electric battery;

11 “(b) Has a gross vehicle weight not exceeding 3,000 pounds; and

12 “(c) Has at least four wheels.

13 “[4] (5) ‘Person’ means a person as defined in ORS 174.100 or a public
14 body as defined in ORS 174.109.

15 “[5] (6) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor
16 vehicle that:

17 “(a) Has zero evaporative emissions from its fuel system;

18 “(b) Has an onboard electrical energy storage device with useful capacity
19 of 10 or more miles of urban dynamometer driving schedule range, as de-
20 scribed by the United States Environmental Protection Agency, on electricity
21 alone;

22 “(c) Is equipped with an onboard charger;

23 “(d) Is rechargeable from an external connection to an off-board electrical
24 source;

25 “(e) Meets the super ultra-low emission vehicle standards for exhaust
26 emissions, as defined by the Environmental Quality Commission by rule;

27 “(f) Has a warranty of at least 15 years and 150,000 miles on emission
28 control components; and

29 “(g) Is capable of attaining a speed of 55 miles per hour or more.

30 “[6] (7) ‘Qualifying vehicle’ means a motor vehicle that:

1 “(a) Is [a]:
2 **“(A) An electric cargo tricycle;**
3 “[(A)] **(B) A** light-duty zero-emission vehicle; [or]
4 **“(C) A neighborhood electric vehicle;**
5 “[(B)] **(D) A** plug-in hybrid electric vehicle; **or**
6 **“(E) A zero-emission motorcycle;**
7 “(b) Is new, or has been previously used only as a dealership floor model
8 or test-drive vehicle;
9 “(c) Has not previously been registered;
10 “(d) Is constructed entirely from new parts that have never been the
11 subject of a retail sale;
12 “(e) Has a base manufacturer’s suggested retail price of less than \$50,000;
13 “(f) Is covered by a manufacturer’s express warranty on the vehicle drive
14 train, including the applicable energy storage system or battery pack, for at
15 least 24 months from the date of purchase; and
16 “(g) Is certified by the manufacturer to comply with all applicable federal
17 safety standards issued by the National Highway Traffic Safety Adminis-
18 tration for new motor vehicles and new motor vehicle equipment.
19 “[(7)(a)] **(8)(a)** ‘Vehicle dealer’ means:
20 “(A) A person engaged in business in this state that has been issued a
21 vehicle dealer certificate under ORS 822.020; and
22 “(B) A person engaged in business in another state that would be subject
23 to ORS 822.005 if the person engaged in business in this state.
24 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a
25 vehicle dealer for purposes of sections 148 to 152, **chapter 750, Oregon**
26 **Laws 2017**, [of this 2017 Act] to the extent the person:
27 “(A) Conducts an event that lasts less than seven consecutive days, for
28 which the public is charged admission and at which otherwise qualifying
29 vehicles are sold at auction; or
30 “(B) Sells an otherwise qualifying vehicle at auction at an event described

1 in this paragraph.

2 “[8] (9) ‘Zero-emission motorcycle’ means a motorcycle that:

3 “(a) Has zero evaporative emissions from its fuel system;

4 “(b) Is capable of attaining a speed of 55 miles per hour or more;

5 “(c) Is designed to travel on two wheels; and

6 “(d) Is powered by electricity.

7 **“SECTION 2.** Section 149, chapter 750, Oregon Laws 2017, as amended
8 by section 155, chapter 750, Oregon Laws 2017, and section 20, chapter 93,
9 Oregon Laws 2018, is amended to read:

10 **“Sec. 149.** (1) The Department of Environmental Quality shall establish
11 a program for providing rebates to persons that purchase or lease qualifying
12 vehicles for use in this state. The Director of the Department of Environ-
13 mental Quality may hire or contract with a third-party organization to im-
14 plement and serve as the administrator of the program required by this
15 section.

16 “(2) The department may:

17 “(a) Specify design features for the program; and

18 “(b) Establish procedures to:

19 “(A) Prioritize available moneys for specific qualifying vehicles; and

20 “(B) Limit the number of rebates available for each type of qualifying
21 vehicle.

22 “(3) The purchaser or lessee of a qualifying vehicle may apply for a rebate
23 for a portion of the purchase price or may choose to assign the rebate to a
24 vehicle dealer or lessor.

25 “(4) Rebates under the program shall be made from moneys credited to
26 or deposited in the Zero-Emission Incentive Fund established under section
27 152, chapter 750, Oregon Laws 2017. A rebate may not be made until there
28 are sufficient moneys available in the fund to make the rebate.

29 “(5) The department shall prescribe the rebate application procedure for
30 purchasers and lessees. All rebate applications must include a declaration

1 under penalty of perjury in the form required by ORCP 1 E.

2 “(6) Rebates for qualifying vehicles shall be set annually by the depart-
3 ment as follows:

4 “(a) For light-duty zero-emission vehicles and plug-in hybrid electric ve-
5 hicles with an electrochemical energy storage capacity of 10 kilowatt hours
6 or more, up to \$2,500 but no less than \$1,500.

7 “(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehi-
8 cles with an electrochemical energy storage capacity of less than 10 kilowatt
9 hours, up to \$1,500 but no less than \$750.

10 **“(c) For electric cargo tricycles, up to \$1,500 but not less than \$750.**

11 “[*(c)*] (d) For neighborhood electric vehicles, up to \$750 but not less than
12 \$375.

13 “[*(d)*] (e) For zero-emission motorcycles, up to \$750 but not less than \$375.

14 “(7) To be eligible for a rebate, a person requesting a rebate under the
15 program shall:

16 “(a) Purchase or lease a qualifying vehicle. A lease must have a minimum
17 term of 24 months.

18 “(b) Provide proof of an intent to use the qualifying vehicle primarily on
19 the public highways of this state, which may be satisfied by providing proof
20 of registration of the qualifying vehicle in Oregon.

21 “(c) Submit an application for a rebate to the administrator of the pro-
22 gram within six months after the date of purchase of the qualifying vehicle
23 or six months after the date the lease of the qualifying vehicle begins.

24 “(d) Retain registration of the qualifying vehicle for a minimum of 24
25 consecutive months after the date of purchase or the date the lease begins.

26 “(8) A rebate recipient may not make or allow any modifications to the
27 qualifying vehicle’s emissions control systems, hardware, software cali-
28 brations or hybrid system.

29 “(9) If a rebate recipient sells the qualifying vehicle, or terminates the
30 qualifying vehicle lease before the end of 24 months, the rebate recipient

1 shall notify the administrator of the program of the sale or termination and
2 shall reimburse the administrator for the entire rebate amount.

3 “(10) Rebate recipients may be requested to participate in ongoing re-
4 search efforts.

5 “(11) The administrator of the program shall work to ensure timely pay-
6 ment of rebates with a goal of paying rebates within 60 days after receiving
7 an application for a rebate.

8 “(12) A vehicle dealer may advertise the program on the premises owned
9 or operated by the vehicle dealer. If no moneys are available from the pro-
10 gram or the program otherwise changes, a vehicle dealer who advertises the
11 program may not be held liable for advertising false or misleading informa-
12 tion.

13 “(13) The Environmental Quality Commission may adopt any rules neces-
14 sary to carry out the provisions of this section.”

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