

HOUSE AMENDMENTS TO HOUSE BILL 4151

By COMMITTEE ON ENERGY AND ENVIRONMENT

February 18

1 On page 1 of the printed bill, delete line 3 and insert “320.400, 320.435 and 757.357 and section
2 148, chapter 750, Oregon Laws 2017; prescribing an effective date;”.

3 In line 9, after “registered” insert a comma and after “residing” insert “within a county any part
4 of which is situated”.

5 In line 10, after “268” insert a comma.

6 In line 11, delete “district” and insert “county”.

7 In line 16, delete the blank and insert “0.5”.

8 In line 19, delete the blank and insert “0.5”.

9 In line 22, after “(4)(a)” insert “(A)”.

10 On page 2, after line 4, insert:

11 “(B) The additional rebate authorized under this section may be made only with respect to a
12 taxable motor vehicle that:

13 “(i) Qualifies or is eligible under either or both of the rebate programs described in subpara-
14 graph (A) of this paragraph; and

15 “(ii) Is described in subsection (1)(a) of this section.”.

16 Delete lines 17 through 45 and delete pages 3 through 15.

17 On page 16, delete lines 1 through 30 and insert:

18 “**SECTION 3a. The tax increases imposed under section 2 (2) of this 2020 Act become**
19 **operative on January 1, 2021.**

20 “**SECTION 3b.** Section 148, chapter 750, Oregon Laws 2017, as amended by section 154, chapter
21 750, Oregon Laws 2017, and section 34, chapter 491, Oregon Laws 2019, is amended to read:

22 “**Sec. 148.** As used in sections 148 to 152, chapter 750, Oregon Laws 2017:

23 “(1) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:

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

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

26 “(c) Is powered:

27 “(A) Primarily by an electric battery and may or may not use a flywheel energy storage device
28 or a capacitor that also stores energy to assist in vehicle operation.

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

31 “(C) Primarily by a zero-emission energy storage device that provides enough power for the ve-
32 hicle to travel 75 miles or more using only electricity and may or may not use a backup alternative
33 power unit that does not operate until the energy storage device is fully depleted.

34 “(2) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

35 “(3) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:

1 “(a) Is powered using an electric battery;
2 “(b) Has a gross vehicle weight not exceeding 3,000 pounds; and
3 “(c) Has at least four wheels.
4 “(4) ‘Person’ means a person as defined in ORS 174.100 or a public body as defined in ORS
5 174.109.
6 “(5) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor vehicle that:
7 “(a) Has zero evaporative emissions from its fuel system;
8 “(b) Has an onboard electrical energy storage device with useful capacity of 10 or more miles
9 of urban dynamometer driving schedule range, as described by the United States Environmental
10 Protection Agency, on electricity alone;
11 “(c) Is equipped with an onboard charger;
12 “(d) Is rechargeable from an external connection to an off-board electrical source;
13 “(e) Meets the super ultra-low emission vehicle standards for exhaust emissions, as defined by
14 the Environmental Quality Commission by rule;
15 “(f) Has a warranty of at least 15 years and 150,000 miles on emission control components; and
16 “(g) Is capable of attaining a speed of 55 miles per hour or more.
17 “(6) ‘Qualifying vehicle’ means a motor vehicle that:
18 “(a) Is a:
19 “(A) Light-duty zero-emission vehicle;
20 “(B) Neighborhood electric vehicle;
21 “(C) Plug-in hybrid electric vehicle; or
22 “(D) Zero-emission motorcycle;
23 “(b) Is new, or has been previously used only as a dealership floor model or test-drive vehicle;
24 “(c) Has not previously been registered;
25 “(d) Is constructed entirely from new parts that have never been the subject of a retail sale;
26 “(e) Has a base manufacturer’s suggested retail price of less than \$50,000;
27 “(f) Is covered by a manufacturer’s express warranty on the vehicle drive train, including the
28 applicable energy storage system or battery pack, for at least 24 months from the date of purchase;
29 and
30 “(g) Is certified by the manufacturer to comply with all applicable federal safety standards is-
31 sued by the National Highway Traffic Safety Administration for new motor vehicles and new motor
32 vehicle equipment.
33 “(7)[(a)] ‘Vehicle dealer’ [*means:*] **has the meaning given that term in ORS 320.400.**
34 “[*(A) A person engaged in business in this state that has been issued a vehicle dealer certificate*
35 *under ORS 822.020; and]*
36 “[*(B) A person engaged in business in another state that would be subject to ORS 822.005 if the*
37 *person engaged in business in this state.]*
38 “[*(b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer for pur-*
39 *poses of sections 148 to 152, chapter 750, Oregon Laws 2017, to the extent the person.]*
40 “[*(A) Conducts an event that lasts less than seven consecutive days, for which the public is charged*
41 *admission and at which otherwise qualifying vehicles are sold at auction; or]*
42 “[*(B) Sells an otherwise qualifying vehicle at auction at an event described in this paragraph.]*
43 “(8) ‘Zero-emission motorcycle’ means a motorcycle that:
44 “(a) Has zero evaporative emissions from its fuel system;
45 “(b) Is capable of attaining a speed of 55 miles per hour or more;

1 “(c) Is designed to travel on two wheels; and
2 “(d) Is powered by electricity.
3 “**SECTION 3c.** ORS 320.400 is amended to read:
4 “320.400. As used in ORS 320.400 to 320.490 and 803.203:
5 “(1)(a) ‘Bicycle’ means:
6 “(A) A vehicle that is designed to be operated on the ground on wheels and is propelled exclu-
7 sively by human power; or
8 “(B) An electric assisted bicycle as defined in ORS 801.258.
9 “(b) ‘Bicycle’ does not include:
10 “(A) Carts;
11 “(B) Durable medical equipment;
12 “(C) In-line skates;
13 “(D) Roller skates;
14 “(E) Skateboards;
15 “(F) Stand-up scooters;
16 “(G) Strollers designed for the transportation of children;
17 “(H) Trailer cycles or other bicycle attachments; or
18 “(I) Wagons.
19 “(2)(a) ‘Retail sales price’ means the total price paid at retail for a taxable vehicle, exclusive
20 of the amount of any excise, privilege or use tax, to a seller by a purchaser of the taxable vehicle.
21 “(b) ‘Retail sales price’ does not include the retail value of:
22 “(A) Modifications to a taxable vehicle that are necessary for a person with a disability to enter
23 or drive or to otherwise operate or use the vehicle.
24 “(B) Customized industrial modifications to the chassis of a truck that has a gross vehicle
25 weight rating of at least 10,000 pounds and not more than 26,000 pounds.
26 “(3) ‘Seller’ means:
27 “(a) With respect to the privilege tax imposed under ORS 320.405 and the use tax imposed under
28 ORS 320.410, a vehicle dealer.
29 “(b) With respect to the excise tax imposed under ORS 320.415, a person engaged in whole or
30 in part in the business of selling bicycles.
31 “(4) ‘Taxable bicycle’ means a new bicycle that has a retail sales price of \$200 or more.
32 “(5) ‘Taxable motor vehicle’ means a vehicle that:
33 “(a) Has a gross vehicle weight rating of 26,000 pounds or less;
34 “(b)(A) If equipped with an odometer, has 7,500 miles or less on the odometer; or
35 “(B) If not equipped with an odometer, has a manufacturer’s certificate of origin or a
36 manufacturer’s statement of origin; and
37 “(c) Is:
38 “(A) A vehicle as defined in ORS 744.850, other than an all-terrain vehicle or a trailer;
39 “(B) A camper as defined in ORS 801.180;
40 “(C) A commercial bus as defined in ORS 801.200;
41 “(D) A commercial motor vehicle as defined in ORS 801.208;
42 “(E) A commercial vehicle as defined in ORS 801.210;
43 “(F) A fixed load vehicle as defined in ORS 801.285;
44 “(G) A moped as defined in ORS 801.345;
45 “(H) A motor home as defined in ORS 801.350;

1 “(I) A motor truck as defined in ORS 801.355;
2 “(J) A tank vehicle as defined in ORS 801.522;
3 “(K) A trailer as defined in ORS 801.560 that is required to be registered in this state;
4 “(L) A truck tractor as defined in ORS 801.575; or
5 “(M) A worker transport bus as defined in ORS 801.610.
6 “(6) ‘Taxable vehicle’ means a taxable bicycle or a taxable motor vehicle.
7 “(7) ‘Transportation project taxes’ means the privilege tax imposed under ORS 320.405, the use
8 tax imposed under ORS 320.410 and the excise tax imposed under ORS 320.415.
9 “(8)(a) ‘Vehicle dealer’ means:
10 “(A) A person engaged in business in this state that is required to obtain a vehicle dealer cer-
11 tificate under ORS 822.005; and
12 “(B) A person engaged in business in another state that would be subject to ORS 822.005 if the
13 person engaged in business in this state.
14 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer [*for pur-*
15 *poses of ORS 320.400 to 320.490 and 803.203*] to the extent the person:
16 “(A) Conducts an event that lasts less than seven consecutive days, for which the public is
17 charged admission and at which otherwise taxable motor vehicles are sold at auction; or
18 “(B) Sells an otherwise taxable motor vehicle at auction at an event described in this paragraph.
19 “**SECTION 3d.** ORS 320.435 is amended to read:
20 “320.435. (1) The Department of Revenue shall deposit all revenue collected from the privilege
21 tax imposed under ORS 320.405 and the use tax imposed under ORS 320.410 in a suspense account
22 established under ORS 293.445 for the purpose of receiving the revenue. The department may pay
23 expenses for the administration and enforcement of the privilege and use taxes out of moneys re-
24 ceived from the privilege and use taxes. Amounts necessary to pay administrative and enforcement
25 expenses are continuously appropriated to the department from the suspense account.
26 “(2) After payment of administrative and enforcement expenses under subsection (1) of this sec-
27 tion and refunds or credits arising from erroneous overpayments, the department shall transfer the
28 balance of the moneys received from the privilege and use taxes as follows:
29 “(a) Moneys attributable to the privilege tax shall be transferred as follows:
30 “**(A) Privilege tax moneys computed on the basis of the rate imposed under section 2 of**
31 **this 2020 Act shall be transferred to the Zero-Emission Incentive Fund established under**
32 **section 152, chapter 750, Oregon Laws 2017.**
33 “[**(A)**] **(B) Of the privilege tax moneys computed on the basis of the rate imposed under**
34 **ORS 320.405:**
35 “**(i) The first \$12 million shall be transferred annually to the Zero-Emission Incentive Fund**
36 **established under section 152, chapter 750, Oregon Laws 2017[.]; and**
37 “[**(B)**] **(ii) [After the transfer required under subparagraph (A) of this paragraph,] The balance of**
38 **the moneys shall be transferred to the Connect Oregon Fund established under ORS 367.080.**
39 “(b) Moneys attributable to the use tax shall be transferred to the State Highway Fund.
40 “**SECTION 3e.** ORS 320.435, as amended by section 96a, chapter 750, Oregon Laws 2017, is
41 amended to read:
42 “320.435. (1) The Department of Revenue shall deposit all revenue collected from the privilege
43 tax imposed under ORS 320.405 and the use tax imposed under ORS 320.410 in a suspense account
44 established under ORS 293.445 for the purpose of receiving the revenue. The department may pay
45 expenses for the administration and enforcement of the privilege and use taxes out of moneys re-

1 ceived from the privilege and use taxes. Amounts necessary to pay administrative and enforcement
2 expenses are continuously appropriated to the department from the suspense account.

3 “(2) After payment of administrative and enforcement expenses under subsection (1) of this sec-
4 tion and refunds or credits arising from erroneous overpayments, the department shall transfer the
5 balance of the moneys received from the privilege and use taxes as follows:

6 “(a) **Privilege tax moneys computed on the basis of the rate imposed under section 2 of**
7 **this 2020 Act shall be transferred to the Zero-Emission Incentive Fund established under**
8 **section 152, chapter 750, Oregon Laws 2017.**

9 “[*(a)*] (b) [*Moneys attributable to the*] Privilege tax **moneys computed on the basis of the rate**
10 **imposed under ORS 320.405** shall be transferred to the Connect Oregon Fund established under
11 ORS 367.080.

12 “[*(b)*] (c) Moneys attributable to the use tax shall be transferred to the State Highway Fund.

13 “**SECTION 4. (1) An electric company, as defined in ORS 757.600, shall invest no less than**
14 **one-half of one percent of the total rates described in subsection (2) of this section in pro-**
15 **grams to support the acceleration of transportation electrification.**

16 “(2) **This section applies to the total rates collected annually by the electric company**
17 **from all retail electricity consumers located within that part of the electric company’s ser-**
18 **vice area that is within the boundaries of the metropolitan service district established under**
19 **ORS chapter 268.**

20 “(3) **An electric company shall file an application with the Public Utility Commission for**
21 **acceptance of a proposed program funded with revenues collected under this section. Appli-**
22 **cations filed under this section are subject to ORS 757.357.**

23 “(4) **The commission shall submit an annual report, in the manner provided in ORS**
24 **192.245, to the Legislative Assembly on the programs funded as required by this section.**

25 “**SECTION 5.** ORS 757.357 is amended to read:

26 “757.357. [*(1) As used in this section:*]

27 “[*(a)*] ‘Electric company’ has the meaning given that term in ORS 757.600.]

28 “[*(b)*] ‘Transportation electrification’ means:]

29 “[*(A)*] *The use of electricity from external sources to provide power to all or part of a vehicle;*]

30 “[*(B)*] *Programs related to developing the use of electricity for the purpose described in subpara-*
31 *graph (A) of this paragraph; and]*

32 “[*(C)*] *Infrastructure investments related to developing the use of electricity for the purpose de-*
33 *scribed in subparagraph (A) of this paragraph.]*

34 “[*(c)*] ‘Vehicle’ means a vehicle, vessel, train, boat or any other equipment that is mobile.]

35 “[*(2)*] (1) The Legislative Assembly finds and declares that:

36 “(a) Transportation electrification is necessary to reduce petroleum use, achieve optimum levels
37 of energy efficiency and carbon reduction, meet federal and state air quality standards, meet this
38 state’s greenhouse gas emissions reduction goals described in ORS 468A.205 and improve the public
39 health and safety;

40 “(b) Widespread transportation electrification requires that electric companies increase access
41 to the use of electricity as a transportation fuel;

42 “(c) Widespread transportation electrification requires that electric companies increase access
43 to the use of electricity as a transportation fuel in low and moderate income communities;

44 “(d) Widespread transportation electrification should stimulate innovation and competition, pro-
45 vide consumers with increased options in the use of charging equipment and in procuring services

1 from suppliers of electricity, attract private capital investments and create high quality jobs in this
2 state;

3 “(e) Transportation electrification and the purchase and use of electric vehicles should assist in
4 managing the electrical grid, integrating generation from renewable energy resources and improving
5 electric system efficiency and operational flexibility, including the ability of an electric company to
6 integrate variable generating resources;

7 “(f) Deploying transportation electrification and electric vehicles creates the opportunity for an
8 electric company to propose, to the Public Utility Commission, that a net benefit for the customers
9 of the electric company is attainable; and

10 “(g) Charging electric vehicles in a manner that provides benefits to electrical grid management
11 affords fuel cost savings for vehicle drivers.

12 “[3] (2) The Public Utility Commission shall direct each electric company to file applications,
13 in a form and manner prescribed by the commission, for programs to [*accelerate*] **support the ac-**
14 **celeration of** transportation electrification. A program proposed by an electric company may in-
15 clude prudent investments in or customer rebates for electric vehicle charging and related
16 infrastructure.

17 “[4] *When considering a transportation electrification program and determining cost recovery for*
18 *investments and other expenditures related to a program proposed by an electric company under sub-*
19 *section (3) of this section, the commission shall consider whether the investments and other expen-*
20 *ditures:]*

21 “[*(a) Are within the service territory of the electric company;*]

22 “[*(b) Are prudent as determined by the commission;*]

23 “[*(c) Are reasonably expected to be used and useful as determined by the commission;*]

24 “[*(d) Are reasonably expected to enable the electric company to support the electric company’s*
25 *electrical system;*]

26 “[*(e) Are reasonably expected to improve the electric company’s electrical system efficiency and*
27 *operational flexibility, including the ability of the electric company to integrate variable generating re-*
28 *sources; and]*

29 “[*(f) Are reasonably expected to stimulate innovation, competition and customer choice in electric*
30 *vehicle charging and related infrastructure and services.]*

31 “(3) **The commission may allow an electric company to recover costs from retail elec-**
32 **tricity consumers for prudent investments or expenditures in infrastructure measures, in-**
33 **cluding infrastructure measures behind the meter that support the acceleration of**
34 **transportation electrification in the electric company’s service territory, if the commission**
35 **finds the infrastructure measures can be reasonably anticipated to:**

36 “(a) **Support reductions of transportation sector greenhouse gas emissions over time; and**

37 “(b) **Benefit the electric company’s retail electricity consumers in ways that may include,**
38 **but need not be limited to:**

39 “(A) **Supporting the electric company’s electrical system and provide distribution and**
40 **transmission management benefits;**

41 “(B) **The use of revenues from electric vehicle charging to offset utilities’ fixed costs that**
42 **may otherwise be charged to retail electricity consumers;**

43 “(C) **Reasonably expected improvements to the electric company’s electrical system effi-**
44 **ciency and operational flexibility, including the ability of the electric company to integrate**
45 **variable generating resources, or provide other economic values inuring to the benefit of**

1 **retail electricity consumers over the long term; or**

2 **“(D) Reasonably expected increases in customer choice and access to greater transpor-**
3 **tation electrification infrastructure and services.**

4 “[5)(a)] (4)(a) Tariff schedules and rates allowed pursuant to subsection [(3)] (2) of this section:

5 “(A) May allow a return of and a return on an investment made by an electric company under
6 subsection [(3)] (2) of this section; and

7 “(B) Shall be recovered from all customers of an electric company in a manner that is similar
8 to the recovery of distribution system investments.

9 “(b) A return on investment allowed under this subsection may be earned for a period of time
10 that does not exceed the depreciation schedule of the investment approved by the commission. When
11 an electric company’s investment is fully depreciated, the commission may authorize the electric
12 company to donate the electric vehicle charging infrastructure to the owner of the property on
13 which the infrastructure is located.

14 “[6)] (5) For purposes of ORS 757.355, electric vehicle charging infrastructure provides utility
15 service to the customers of an electric company.

16 “[7)] (6) In authorizing programs described in subsection [(3)] (2) of this section, the commission
17 shall review data concerning current and future adoption of electric vehicles and utilization of
18 electric vehicle charging infrastructure. If market barriers unrelated to the investment made by an
19 electric company prevent electric vehicles from adequately utilizing available electric vehicle
20 charging infrastructure, the commission may not permit additional investments in transportation
21 electrification without a reasonable showing that the investments would not result in long-term
22 stranded costs recoverable from the customers of electric companies.

23 **“SECTION 6. Section 4 of this 2020 Act and the amendments to ORS 757.357 by section**
24 **5 of this 2020 Act become operative on January 1, 2021.”.**

25 In line 31, delete “16” and insert “7”.
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