

# D R A F T

## SUMMARY

Requires transportation delivery companies and third-party food delivery platforms to meet or exceed specified targets for percentage of service miles provided by zero-emission vehicles. Permits Environmental Quality Commission to modify or delay enforcement of targets. Requires transportation delivery companies and third-party food delivery platforms to report information regarding service miles to Department of Environmental Quality.

Prohibits department and commission from adopting or enforcing per-person limit on rebates available under zero-emission and electric vehicle rebate program.

Preempts local governments from imposing per-trip tax, fee or similar charge for rideshare services or food delivery services unless proceeds of tax, fee or similar charge are used only for regulation of rideshare services or food delivery services or funding expansion of electric vehicle infrastructure.

Provides that enhanced penalty for failure to use vehicle traction tires or chains applies to motor vehicles registered as commercial vehicles or registered as proportionally registered vehicles at time of offense.

Repeals citation moratorium for traffic offenses related to documents and credentials that expired during period beginning on March 1, 2020, and ending on December 31, 2020.

## A BILL FOR AN ACT

1  
2 Relating to transportation; creating new provisions; amending ORS 468.444  
3 and 815.140; and repealing ORS 802.093.

4 **Be It Enacted by the People of the State of Oregon:**

### 5 6 **NETWORK COMPANY ZERO-EMISSION VEHICLE TARGETS**

7  
8 **SECTION 1. Sections 2 to 4 of this 2022 Act are added to and made**  
9 **a part of ORS chapter 468A.**

1        **SECTION 2. As used in sections 2 to 4 of this 2022 Act:**

2        (1) **“Food delivery services” means the same-day delivery of pre-**  
3 **pared food or beverages by a network company driver, from a food**  
4 **preparation and service establishment, that is arranged by or facili-**  
5 **tated through a third-party food delivery platform, beginning when the**  
6 **prepared food or beverage is picked up by the driver and ending when**  
7 **the prepared food or beverage is delivered.**

8        (2) **“Network company” means:**

9        (a) **A transportation network company; or**

10       (b) **A third-party food delivery platform.**

11       (3) **“Network company driver” means a person who uses a vehicle**  
12 **to provide food delivery services or rideshare services that are facili-**  
13 **tated through a network company’s digital network or software appli-**  
14 **cation.**

15       (4) **“Percentage of ZEV service miles” means the percentage of**  
16 **service miles driven by network company drivers in zero-emission ve-**  
17 **hicles divided by the total number of service miles driven by network**  
18 **company drivers in all vehicles.**

19       (5) **“Rideshare services” means the transportation of one or more**  
20 **passengers in a vehicle by a network company driver that was ar-**  
21 **ranged through a transportation network company’s digital network**  
22 **or software application, beginning when the passenger first enters the**  
23 **vehicle and ending when the passenger exits the vehicle at the**  
24 **passenger’s destination.**

25       (6) **“Service miles” means all miles driven in a vehicle by a network**  
26 **company driver while providing rideshare services or food delivery**  
27 **services in this state.**

28       (7) **“Third-party food delivery platform” means a corporation, lim-**  
29 **ited liability company, partnership or other association that provides**  
30 **a digital network or software application, the express purpose of which**  
31 **is to connect to the Internet and facilitate the sale and same-day de-**

1 livery of prepared food or beverages from at least 20 separately owned  
2 and operated food preparation and service establishments.

3 (8)(a) "Transportation network company" means a corporation,  
4 limited liability company, partnership or other association that pro-  
5 vides a digital network or software application, the express purpose  
6 of which is to connect to the Internet and enable a prospective pas-  
7 senger to seek and obtain rideshare services from a driver who oper-  
8 ates a personal motor vehicle for the purpose of providing rideshare  
9 services for compensation in affiliation with the corporation, limited  
10 liability company, partnership or other association.

11 (b) "Transportation network company" does not include:

12 (A) A taxi company, as defined in ORS 742.518.

13 (B) A charter party or excursion service carrier;

14 (C) A private, nonprofit transportation provider;

15 (D) A limousine service; or

16 (E) An association described in paragraph (a) of this subsection that  
17 utilizes only zero-emission vehicles.

18 (9) "Zero-emission vehicle" means a motor vehicle that emits no  
19 exhaust gas other than water vapor from the onboard source of power.

20 SECTION 3. (1) A network company shall report to the Department  
21 of Environmental Quality information sufficient for the department  
22 to determine:

23 (a) The total number of service miles driven in this state by net-  
24 work company drivers; and

25 (b) The total number of service miles driven in this state by net-  
26 work company drivers in zero-emission vehicles.

27 (2) The Environmental Quality Commission may establish by rule  
28 a schedule or other requirements for reports submitted to the depart-  
29 ment under this section.

30 (3) Confidential business information submitted to the department  
31 by a network company under this section is confidential and not sub-

1 **ject to public disclosure under ORS 192.311 to 192.478, except that the**  
2 **department may disclose summarized information or aggregated data**  
3 **if the information or data does not directly or indirectly identify the**  
4 **confidential business information.**

5 **SECTION 4. (1) Subject to subsection (2) of this section, a network**  
6 **company shall meet or exceed the following targets for the network**  
7 **company’s percentage of ZEV service miles:**

- 8 (a) For calendar year 2024, 2.5 percent;
- 9 (b) For calendar year 2025, 5 percent;
- 10 (c) For calendar year 2026, 10 percent;
- 11 (d) For calendar year 2027, 20 percent;
- 12 (e) For calendar year 2028, 35 percent;
- 13 (f) For calendar year 2029, 50 percent;
- 14 (g) For calendar year 2030, 70 percent;
- 15 (h) For calendar year 2031, 85 percent; and
- 16 (i) For calendar year 2032 and thereafter, 100 percent.

17 **(2) If the Environmental Quality Commission determines that it is**  
18 **not technically or economically feasible for network companies to**  
19 **meet the targets described in subsection (1) of this section, the com-**  
20 **mission may, by rule, modify the targets or delay implementation of**  
21 **the targets. Rules adopted by the commission under this section must**  
22 **be informed by data reported to the Department of Environmental**  
23 **Quality under section 3 of this 2022 Act.**

24 **SECTION 5. Section 4 of this 2022 Act is amended to read:**

25 **Sec. 4.** (1) Subject to subsection (2) of this section, a network company  
26 shall meet [*or exceed the following targets*] **a target of 100 percent** for the  
27 network company’s percentage of ZEV service miles.[:]

- 28 [*(a) For calendar year 2024, 2.5 percent;*]
- 29 [*(b) For calendar year 2025, 5 percent;*]
- 30 [*(c) For calendar year 2026, 10 percent;*]
- 31 [*(d) For calendar year 2027, 20 percent;*]

1 [(e) For calendar year 2028, 35 percent;]

2 [(f) For calendar year 2029, 50 percent;]

3 [(g) For calendar year 2030, 70 percent;]

4 [(h) For calendar year 2031, 85 percent; and ]

5 [(i) For calendar year 2032 and thereafter, 100 percent.]

6 (2) If the Environmental Quality Commission determines that it is not  
7 technically or economically feasible for network companies to meet the  
8 [targets] **target** described in subsection (1) of this section, the commission  
9 may, by rule, modify the [targets] **target** or delay implementation of the  
10 [targets] **target**. Rules adopted by the commission under this section must  
11 be informed by data reported to the Department of Environmental Quality  
12 under section 3 of this 2022 Act.

13 **SECTION 6. The amendments to section 4 of this 2022 Act by section**  
14 **5 of this 2022 Act become operative on January 1, 2032.**

15 **SECTION 7. ORS 468.444 is amended to read:**

16 468.444. (1) The Department of Environmental Quality shall establish a  
17 program for providing rebates to persons that purchase or lease qualifying  
18 vehicles for use in this state. The Director of the Department of Environ-  
19 mental Quality may hire or contract with a third-party organization to im-  
20 plement and serve as the administrator of the program required by this  
21 section.

22 (2)(a) The department may:

23 [(a)] (A) Specify design features for the program; and

24 [(b)] (B) Establish procedures to:

25 [(A)] (i) Prioritize available moneys for specific qualifying vehicles; and

26 [(B)] (ii) Limit the number of rebates available for each type of qualifying  
27 vehicle.

28 (b) **The department may not impose or enforce a limit on the**  
29 **number of rebates that a person may receive.**

30 (3) The purchaser or lessee of a qualifying vehicle may apply for a rebate  
31 for a portion of the purchase price or may choose to assign the rebate to a

1 vehicle dealer or lessor.

2 (4) Rebates under the program shall be made from moneys credited to or  
3 deposited in the Zero-Emission Incentive Fund established under ORS  
4 468.449. A rebate may not be made until there are sufficient moneys available  
5 in the fund to make the rebate.

6 (5) The department shall prescribe the rebate application procedure for  
7 purchasers and lessees. All rebate applications must include a declaration  
8 under penalty of perjury in the form required by ORCP 1 E.

9 (6) Rebates for qualifying vehicles shall be set annually by the department  
10 as follows:

11 (a) For light-duty zero-emission vehicles and plug-in hybrid electric vehi-  
12 cles with an electrochemical energy storage capacity of 10 kilowatt hours  
13 or more, up to \$2,500 but no less than \$1,500.

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

17 (c) For neighborhood electric vehicles, up to \$750 but not less than \$375.

18 (d) For zero-emission motorcycles, up to \$750 but not less than \$375.

19 (7) To be eligible for a rebate, a person requesting a rebate under the  
20 program shall:

21 (a) Purchase or lease a qualifying vehicle. A lease must have a minimum  
22 term of 24 months.

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

26 (c) Submit an application for a rebate to the administrator of the program  
27 within six months after the date of purchase of the qualifying vehicle or six  
28 months after the date the lease of the qualifying vehicle begins.

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

31 (8) A rebate recipient may not make or allow any modifications to the

1 qualifying vehicle's emissions control systems, hardware, software cali-  
2 brations or hybrid system.

3 (9)(a) If a rebate recipient sells the qualifying vehicle or terminates the  
4 qualifying vehicle lease before the end of 24 months, the rebate recipient  
5 shall:

6 (A) Notify the administrator of the program of the sale or termination;  
7 and

8 (B) Reimburse the administrator for the rebate in a prorated amount  
9 based on the number of months that the rebate recipient owned or leased the  
10 qualifying vehicle.

11 (b) The administrator may waive the reimbursement requirement under  
12 paragraph (a) of this subsection if the administrator determines that a  
13 waiver is appropriate given unforeseeable or unavoidable circumstances that  
14 gave rise to a need for the rebate recipient to sell the qualifying vehicle or  
15 terminate the qualifying vehicle lease before the end of 24 months.

16 (10) Rebate recipients may be requested to participate in ongoing research  
17 efforts.

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

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

26 (13) The Environmental Quality Commission may adopt any rules neces-  
27 sary to carry out the provisions of this section. **Rules adopted by the**  
28 **commission may not limit the number of rebates that a person may**  
29 **receive.**

30 **SECTION 8. (1) As used in this section, "food delivery services,"**  
31 **"network company" and "rideshare services" have the meanings given**

1 **those terms in section 2 of this 2022 Act.**

2 **(2) Except as provided in subsection (3) of this section, a local gov-**  
3 **ernment, as defined in ORS 174.116, may not impose on a network**  
4 **company a per-trip tax, fee or similar charge for providing rideshare**  
5 **services or food delivery services.**

6 **(3) A local government may impose on a network company a per-**  
7 **trip tax, fee or similar charge for the privilege of engaging in the**  
8 **business of providing rideshare services or food delivery services if the**  
9 **net proceeds of the tax, fee or similar charge are used only as follows:**

10 **(a) First, for regulation of rideshare services or food delivery ser-**  
11 **vices; and**

12 **(b) Second, if the net proceeds exceed the amount necessary for**  
13 **regulation under paragraph (a) of this subsection, for funding the ex-**  
14 **pansion of electric vehicle charging infrastructure.**

15

16 **AMENDMENTS RELATED TO THE RULES OF THE ROAD**

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18 **SECTION 9.** ORS 815.140 is amended to read:

19 815.140. (1) A person commits the offense of failure to use vehicle traction  
20 tires or chains if the person drives or moves or owns and causes or know-  
21 ingly permits to be driven or moved any motor vehicle or trailer on any  
22 highway if the highway is posted showing conditions that require vehicle  
23 traction tires or chains and the vehicle is not equipped with vehicle traction  
24 tires or chains that are required for the posted conditions.

25 (2) Traction tires or chains that are referred to in this section are those  
26 established by rule under the authority granted under ORS 815.045.

27 (3) This section does not apply to vehicles exempted from this section  
28 under ORS 815.145.

29 (4) This section only applies to sections of highway on which a road au-  
30 thority requires the use of traction tires or chains and on which signs re-  
31 quiring the use of traction tires or chains have been posted as provided in



1 ORS 815.045.

2 (5) A court may not find a person to be in violation of the offense de-  
3 scribed under this section if the court determines that the conditions of the  
4 highway at the time the person was cited did not require posting under rules  
5 adopted under ORS 815.045. The defense under this subsection may be  
6 affirmatively asserted by any person cited for violation of the offense de-  
7 scribed in this section.

8 *[(6) The offense described in this section, failure to use vehicle traction tires*  
9 *or chains, is a specific fine traffic violation. The presumptive fine for failure*  
10 *to use vehicle traction tires or chains is \$880.]*

11 **(6) Except as provided in subsection (7) of this section, the offense**  
12 **described in this section, failure to use vehicle traction tires or chains,**  
13 **is a Class C traffic violation.**

14 **(7) Failure to use vehicle traction tires or chains is a specific fine**  
15 **traffic violation if the person was operating a motor vehicle registered**  
16 **under ORS chapter 826 at the time of the offense. The presumptive fine**  
17 **for failure to use vehicle traction tires or chains is \$880.**

18 **SECTION 10. The amendments to ORS 815.140 by section 9 of this**  
19 **2022 Act apply to offenses committed on or after the effective date of**  
20 **this 2022 Act.**

21 **SECTION 11. ORS 802.093 is repealed.**

22 **SECTION 12. The repeal of ORS 802.093 by section 11 of this 2022**  
23 **Act applies to citations issued on or after the effective date of this 2022**  
24 **Act.**

25

26

## CAPTIONS

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28 **SECTION 13. The unit captions used in this 2022 Act are provided**  
29 **only for the convenience of the reader and do not become part of the**  
30 **statutory law of this state or express any legislative intent in the**  
31 **enactment of this 2022 Act.**

