House Bill 2182

Sponsored by Representative WILDE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs administrator of electric and zero-emission vehicle rebate program to conduct outreach efforts. Defines “administrative expenses” for rebate program to exclude outreach efforts.

A BILL FOR AN ACT

Relating to electric-powered vehicles; amending sections 149, 150 and 152, chapter 750, Oregon Laws 2017.

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

SECTION 1. Section 149, chapter 750, Oregon Laws 2017, as amended by section 155, chapter 750, Oregon Laws 2017, sections 19 and 20, chapter 93, Oregon Laws 2018, and section 35, chapter 491, Oregon Laws 2019, is amended to read:

Sec. 149. (1) The Department of Environmental Quality shall establish a program for providing rebates to persons that purchase or lease qualifying vehicles for use in this state. The Director of the Department of Environmental Quality may hire or contract with a third-party organization to implement and serve as the administrator of the program required by this section.

(2) The department may:

(a) Specify design features for the program; and

(b) Establish procedures to:

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

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

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

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

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

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

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

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

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

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(c) For neighborhood electric vehicles, up to $750 but not less than $375.
(d) For zero-emission motorcycles, up to $750 but not less than $375.
(7) To be eligible for a rebate, a person requesting a rebate under the program shall:
(a) Purchase or lease a qualifying vehicle. A lease must have a minimum term of 24 months.
(b) Provide proof of an intent to use the qualifying vehicle primarily on the public highways of
this state, which may be satisfied by providing proof of registration of the qualifying vehicle in
Oregon.
(c) Submit an application for a rebate to the administrator of the program within six months
after the date of purchase of the qualifying vehicle or six months after the date the lease of the
qualifying vehicle begins.
(d) Retain registration of the qualifying vehicle for a minimum of 24 consecutive months after
the date of purchase or the date the lease begins.
(8) A rebate recipient may not make or allow any modifications to the qualifying vehicle's
emissions control systems, hardware, software calibrations or hybrid system.
(9)(a) If a rebate recipient sells the qualifying vehicle or terminates the qualifying vehicle lease
before the end of 24 months, the rebate recipient shall:
(A) Notify the administrator of the program of the sale or termination; and
(B) Reimburse the administrator for the rebate in a prorated amount based on the number of
months that the rebate recipient owned or leased the qualifying vehicle.
(b) The administrator may waive the reimbursement requirement under paragraph (a) of this
subsection if the administrator determines that a waiver is appropriate given unforeseeable or una-
voidable circumstances that gave rise to a need for the rebate recipient to sell the qualifying vehicle
or terminate the qualifying vehicle lease before the end of 24 months.
(10) Rebate recipients may be requested to participate in ongoing research efforts.
(11) The administrator of the program shall work to ensure timely payment of rebates with a
goal of paying rebates within 60 days after receiving an application for a rebate.
(12) The administrator of the program shall conduct outreach efforts to promote partic-
ipation in the program, including:
(a) Providing education or coaching services to help persons identify and access rebates
or other incentives that may be combined with the rebate available under the program;
(b) Providing education or coaching services to persons on the engineering and design
requirements needed to develop charging infrastructure; and
(c) Providing education or coaching services to vehicle dealers to help dealers promote
the rebate available under the program to their customers and inform their customers of
other rebates and incentives that may be combined with the rebate available under the pro-
gram.
[(12)](13) A vehicle dealer may advertise the program on the premises owned or operated by
the vehicle dealer. If no moneys are available from the program or the program otherwise changes,
a vehicle dealer who advertises the program may not be held liable for advertising false or mis-
leading information.
[(13)](14) The Environmental Quality Commission may adopt any rules necessary to carry out
the provisions of this section.
SECTION 2. Section 150, chapter 750, Oregon Laws 2017, as amended by section 21, chapter
93, Oregon Laws 2018, and section 36, chapter 491, Oregon Laws 2019, is amended to read:
Sec. 150. (1) As used in this section:
(a) “Area median income” means the median income for the metropolitan statistical area in which a household is located or, if the household is not located within a metropolitan statistical area, for the metropolitan statistical area in closest proximity to the location of the household, as determined by the Housing and Community Services Department, adjusted for household size.

(b) “Charge ahead rebate” means a rebate for the purchase or lease of a new or used light-duty zero-emission vehicle or plug-in hybrid electric vehicle issued through the Charge Ahead Oregon Program established under this section.

c) “Low income household” means a household with income less than or equal to 80 percent of the area median income.

d) “Moderate income household” means a household with income less than or equal to 120 percent and greater than 80 percent of the area median income.

(2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program to provide for charge ahead rebates to low income households and moderate income households. The Director of the Department of Environmental Quality may hire or contract with a third-party organization to implement and serve as the administrator of the program required by this section.

(3) The department may:

(a) Specify design features for the program; and

(b) Establish procedures to:

(A) Prioritize available moneys to specific income levels or geographic areas; and

(B) Limit the number of charge ahead rebates available.

(4) An eligible purchaser or lessee of a new or used light-duty zero-emission vehicle or plug-in hybrid electric vehicle may apply for a charge ahead rebate for a portion of the purchase price or may choose to assign the charge ahead rebate to a vehicle dealer or lessee.

(5) Rebates under the Charge Ahead Oregon Program shall be made from moneys credited to or deposited in the Zero-Emission Incentive Fund established under section 152, chapter 750, Oregon Laws 2017. A rebate may not be made until there are sufficient moneys available in the fund to make the rebate.

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

(7) Charge ahead rebates shall be in an amount up to $2,500, but not less than $1,250.

(8) To be eligible for a charge ahead rebate, a person requesting a rebate under the program must:

(a) Be a member of a low income household or a moderate income household.

(b) Purchase or lease a new or used light-duty zero-emission vehicle or plug-in hybrid electric vehicle. A lease must have a minimum term of 24 months.

(c) Provide proof of an intent to use the light-duty zero-emission vehicle or plug-in hybrid electric vehicle primarily on the public highways of this state, which may be satisfied by providing proof of registration of the vehicle in Oregon.

(d) Submit an application for a charge ahead rebate to the administrator of the program within six months of the date of purchase or six months from the date the lease begins.

(e) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consecutive months following the date of purchase or following the date the lease begins.

(9) A person that receives a charge ahead rebate may not make or allow any modifications to the vehicle’s emissions control systems, hardware, software calibrations or hybrid system.
(10)(a) If a charge ahead rebate recipient sells the vehicle or terminates the vehicle lease before the end of 24 months, the charge ahead rebate recipient shall:

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

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

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

(11) Charge ahead rebate recipients may be requested to participate in ongoing research efforts.

(12) The administrator of the program shall work to ensure timely payment of charge ahead rebates with a goal of paying rebates within 60 days of receiving an application for a charge ahead rebate.

(13) In establishing the Charge Ahead Oregon Program, the department shall provide opportunities for public comment by low income households, moderate income households and community-based organizations that are located in areas of this state that have elevated concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas of the state. The department shall use the comments received pursuant to this subsection to inform, evaluate and strengthen the design of the program in order to increase the usage of light-duty zero-emission vehicles and plug-in hybrid electric vehicles.

(14)(a) The administrator of the program shall, throughout the course of implementing the program, conduct community outreach to low income households, moderate income households and community-based organizations that are located in areas of this state that have elevated concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas of the state, in order to:

(a) Solicit feedback on program implementation; and

(b) Take steps to ensure that the program is promoted effectively, including education or coaching services for low income households and moderate income households on the availability of the charge ahead rebate as well as other rebates or incentives that may be combined with the charge ahead rebate.

(15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned or operated by the vehicle dealer. If no moneys are available from the program or the program otherwise changes, a vehicle dealer who advertises the program may not be held liable for advertising false or misleading information.

(16) A charge ahead rebate may be combined with a rebate described in section 149, chapter 750, Oregon Laws 2017.

(17) An organization that the department has hired or contracted with to implement and serve as the administrator of the program may offer expanded financing mechanisms for program participants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to increase consumer access to new or used light-duty zero-emission vehicles and plug-in hybrid electric vehicles.

(18) The Environmental Quality Commission may adopt any rules necessary to carry out the provisions of this section.

SECTION 3. Section 152, chapter 750, Oregon Laws 2017, is amended to read:

Sec. 152. (1) The Zero-Emission Incentive Fund is established in the State Treasury, separate
and distinct from the General Fund. Interest earned by the Zero-Emission Incentive Fund shall be credited to the fund.

(2) Moneys in the Zero-Emission Incentive Fund shall consist of:
   (a) Amounts donated to the fund;
   (b) Amounts transferred to the fund by the Department of Revenue under [section 96 of this 2017 Act] ORS 320.435;
   (c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;
   (d) Other amounts deposited in the fund from any public or private source; and
   (e) Interest earned by the fund.

(3) The Department of Environmental Quality shall encourage gifts, grants, donations or other contributions to the fund.

(4) Moneys in the fund are continuously appropriated to the department to be used to carry out the provisions of sections 148 to 152 [of this 2017 Act], chapter 750, Oregon Laws 2017.

(5)(a) No more than 10 percent of the moneys deposited in the fund per biennium may be expended to pay [the] administrative expenses incurred in the administration of sections 148 to 152 [of this 2017 Act], chapter 750, Oregon Laws 2017, by:
   [(a)] (A) The department; and
   [(b)] (B) Any third-party organization that the department hires or contracts with under sections 149 and 150 [of this 2017 Act], chapter 750, Oregon Laws 2017.

   (b) As used in this subsection, “administrative expenses” does not include expenses incurred by the department or third-party organizations in conducting outreach under section 149 (12) or 150 (14), chapter 750, Oregon Laws 2017.

(6) The Environmental Quality Commission may adopt by rule provisions for the allocation of moneys deposited in the fund between the programs established under sections 149 and 150 [of this 2017 Act], chapter 750, Oregon Laws 2017. Rules adopted under this subsection must require that at least 10 percent of the moneys deposited in the fund per biennium are allocated to fund the provision of rebates through the Charge Ahead Oregon Program established under section 150 [of this 2017 Act], chapter 750, Oregon Laws 2017.