

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2714**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 Delete pages 2 and 3 and insert:

3 **“SECTION 1. Sections 2 and 3 of this 2023 Act are added to and**
4 **made a part of ORS chapter 468.**

5 **“SECTION 2. (1) As used in this section, ‘qualifying vehicle’ means**
6 **a motor vehicle, as defined in ORS 801.360, or a combination of vehi-**
7 **cles operated as a unit, that:**

8 **“(a) Has a gross vehicle weight rating of 8,501 pounds or greater;**

9 **“(b) Has a drivetrain that produces zero exhaust emissions of any**
10 **criteria pollutant or greenhouse gas; and**

11 **“(c) Meets other criteria established by the Environmental Quality**
12 **Commission by rule.**

13 **“(2) The Department of Environmental Quality shall establish a**
14 **program for providing rebates to persons that purchase or lease qual-**
15 **ifying vehicles for use in this state. The Director of the Department**
16 **of Environmental Quality may hire or contract with a third-party**
17 **nonprofit organization to implement and serve as the administrator**
18 **of the program required by this section.**

19 **“(3) The department may:**

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

21 **“(b) Establish procedures to:**

1 **“(A) Prioritize available moneys for specific qualifying vehicles;**
2 **“(B) Limit the number of rebates available for each type of quali-**
3 **fyng vehicle; and**
4 **“(C) Limit the number of rebates available per applicant.**
5 **“(4) The purchaser or lessee of a qualifying vehicle may apply for**
6 **a rebate or may choose to assign the rebate to a vehicle dealer.**
7 **“(5) Rebates under the program shall be made from moneys credited**
8 **to or deposited in the Zero-Emission Medium and Heavy Duty Vehicle**
9 **Incentive Fund established under section 3 of this 2023 Act.**
10 **“(6)(a) The department shall prescribe the rebate application pro-**
11 **cedure for purchasers and lessees.**
12 **“(b) The department may establish a dealer application or individ-**
13 **ual application procedure.**
14 **“(c) All rebate applications must include a declaration under pen-**
15 **alty of perjury in the form required by ORCP 1 E.**
16 **“(7)(a) Rebates for qualifying vehicles shall be set annually at**
17 **amounts determined by the Environmental Quality Commission by**
18 **rule.**
19 **“(b) The commission may establish separate rebate amounts for**
20 **different classes of vehicles.**
21 **“(c) The commission may establish an additional rebate for the**
22 **purchase or lease of qualifying vehicles that will be registered to an**
23 **address, or frequently operated, in an area of this state that is dis-**
24 **proportionately burdened by air pollution as determined by the com-**
25 **mission.**
26 **“(8) To be eligible for a rebate, a person requesting a rebate under**
27 **the program shall:**
28 **“(a) Purchase or lease a qualifying vehicle. A lease must have a**
29 **minimum term of 36 months.**
30 **“(b) Provide proof of an intent to operate the qualifying vehicle**

1 primarily in this state, which must be satisfied by providing proof of
2 registration of the qualifying vehicle in Oregon, which may include
3 proof of proportional registration under ORS 826.009 or 826.011 issued
4 by the Department of Transportation.

5 “(c) Submit an application for a rebate to the administrator of the
6 program within three months after the date of purchase of the quali-
7 fying vehicle or three months after the date the lease of the qualifying
8 vehicle begins.

9 “(d) Retain registration of the qualifying vehicle for a minimum of
10 36 consecutive months after the date of purchase or the date the lease
11 begins.

12 “(9)(a) More than 50 percent of the operation of the qualifying ve-
13 hicle must occur in Oregon.

14 “(b) In each of the three years following receipt of a rebate, a rebate
15 recipient shall:

16 “(A) Maintain records of the miles driven or hours of use for the
17 qualifying vehicle and whether the miles driven or hours used oc-
18 curred in Oregon; and

19 “(B) Provide an annual report to the department to demonstrate
20 that more than 50 percent of the miles driven or hours of use of the
21 qualifying vehicle occurred in Oregon.

22 “(10) A rebate recipient may not make or allow any modifications
23 to the qualifying vehicle’s emissions control systems, hardware or
24 software calibrations.

25 “(11)(a) If a rebate recipient sells the qualifying vehicle or termi-
26 nates the qualifying vehicle lease before the end of 36 months, the re-
27 bate recipient shall:

28 “(A) Notify the administrator of the program of the sale; and

29 “(B) Reimburse the administrator for the rebate in a prorated
30 amount based on the number of months that the rebate recipient

1 owned or leased the qualifying vehicle.

2 “(b) The administrator may waive the reimbursement requirement
3 under paragraph (a) of this subsection if the administrator determines
4 that a waiver is appropriate given unforeseeable or unavoidable cir-
5 cumstances that gave rise to a need for the rebate recipient to sell the
6 qualifying vehicle or terminate the qualifying vehicle lease before the
7 end of 36 months.

8 “(12) Rebate recipients are required to participate in ongoing re-
9 search efforts, if requested to do so by the administrator.

10 “(13) The administrator of the program shall work to ensure timely
11 payment of rebates with a goal of paying rebates within 90 days after
12 receiving an application for a rebate.

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

18 “(15) The department may perform activities necessary to ensure
19 that recipients of rebates under this section comply with applicable
20 requirements. If the department determines that a recipient has not
21 complied with applicable requirements, the department may order the
22 recipient to refund all rebate moneys and may impose penalties pur-
23 suant to ORS 468.140.

24 “(16) The commission may adopt any rules necessary to carry out
25 the provisions of this section.

26 **“SECTION 3. (1) The Zero-Emission Medium and Heavy Duty Ve-**
27 **hicle Incentive Fund is established in the State Treasury, separate and**
28 **distinct from the General Fund. Interest earned by the Zero-Emission**
29 **Medium and Heavy Duty Vehicle Incentive Fund shall be credited to**
30 **the fund.**

1 **“(2) Moneys in the Zero-Emission Medium and Heavy Duty Vehicle
2 Incentive Fund shall consist of:**

3 **“(a) Amounts donated to the fund;**

4 **“(b) Amounts appropriated or otherwise transferred to the fund by
5 the Legislative Assembly;**

6 **“(c) Other amounts deposited in the fund from any public or private
7 source; and**

8 **“(d) Interest earned by the fund.**

9 **“(3) Moneys in the Zero-Emission Medium and Heavy Duty Vehicle
10 Incentive Fund are continuously appropriated to the Department of
11 Environmental Quality to be used to carry out the provisions of sec-
12 tion 2 of this 2023 Act.**

13 **“(4) No more than 15 percent of the moneys deposited in the Zero-
14 Emission Medium and Heavy Duty Vehicle Incentive Fund per
15 biennium may be expended to pay administrative expenses incurred in
16 the administration of section 2 of this 2023 Act by:**

17 **“(a) The department; or**

18 **“(b) Any third-party organization that the department hires or
19 contracts with under section 2 of this 2023 Act.**

20 **“(5)(a) The Environmental Quality Commission shall require by rule
21 that at least 40 percent of the moneys deposited in the fund per
22 biennium are allocated to fund the provision of rebates for vehicles
23 located in communities disproportionately burdened by diesel pol-
24 lution, as described in section 2 (7)(c) of this 2023 Act.**

25 **“(b) Notwithstanding paragraph (a) of this subsection, if the de-
26 partment determines that the total amount of rebates provided to ap-
27 plicants eligible for the rebate described in section 2 (7)(c) of this 2023
28 Act is unlikely to exceed 40 percent of the total amount of moneys
29 deposited in the fund during a biennium, the department may release
30 moneys allocated under paragraph (a) of this subsection to be used for**

1 the provision of any rebate under section 2 of this 2023 Act.

2 **“SECTION 4.** In addition to and not in lieu of any other appropri-
3 ation, there is appropriated to the Department of Environmental
4 Quality, for the biennium beginning July 1, 2023, out of the General
5 Fund, the amount of \$15,000,000, for deposit into the Zero-Emission
6 Medium and Heavy Duty Vehicle Incentive Fund established under
7 section 3 of this 2023 Act.”.

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