

HB 2096-1
(LC 2930)
5/15/23 (STN/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Environmental Quality)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2096**

1 In line 2 of the printed bill, before the period, insert “; amending ORS
2 468.444; 468.446; and 468.449”.

3 Delete lines 4 through 11 and insert:

4 **“SECTION 1.** ORS 468.444 is amended to read:

5 “468.444. (1) The [*Department of Environmental Quality*] **Environmental**
6 **Quality Commission** shall establish **by rule** a program for providing re-
7 bates to persons that purchase or lease qualifying vehicles for use in this
8 state. The Director of the Department of Environmental Quality may hire
9 or contract with a third-party organization to implement and serve as the
10 administrator of the program required by this section.

11 “(2) The [*department*] **commission** may:

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

13 “(b) Establish procedures to:

14 “(A) Prioritize available moneys for specific qualifying vehicles; [*and*]

15 “(B) Limit the number of rebates available for each type of qualifying
16 vehicle[.] ; **and**

17 **“(C) Eliminate rebates under subsection (6) of this section after**
18 **consideration of:**

19 **“(i) Whether the purchase price of qualifying vehicles is at or near**
20 **price parity with other comparable motor vehicles; and**

21 **“(ii) Whether eliminating the rebate will facilitate an equitable**

1 **transition to the use of qualifying vehicles in this state.**

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

5 “(4) Rebates under the program shall be made from moneys credited to
6 or deposited in the Zero-Emission Incentive Fund established under ORS
7 468.449. A rebate may not be made until there are sufficient moneys available
8 in the fund to make the rebate.

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

12 “(6) Rebates for qualifying vehicles shall be set [*annually*] by the [*de-*
13 *partment*] **commission** as follows:

14 “(a) For light-duty zero-emission vehicles and plug-in hybrid electric ve-
15 hicles with [*an electrochemical energy storage capacity of 10 kilowatt hours*
16 *or more,*] **an all-electric range of more than 50 miles**, up to \$2,500 [*but*
17 *no less than \$1,500*].

18 “(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehi-
19 cles with [*an electrochemical energy storage capacity of less than 10 kilowatt*
20 *hours,*] **an all-electric range of 50 miles or less**, up to \$1,500 [*but no less*
21 *than \$750*].

22 “(c) For neighborhood electric vehicles, up to \$750 [*but not less than*
23 *\$375*].

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

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

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

29 “(b) Provide proof of an intent to use the qualifying vehicle primarily on
30 the public highways of this state, which may be satisfied by providing proof

1 of registration of the qualifying vehicle in Oregon.

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

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

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

10 “(9)(a) If a rebate recipient sells the qualifying vehicle or terminates the
11 qualifying vehicle lease before the end of 24 months, the rebate recipient
12 shall:

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

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

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

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

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

28 “(12) A vehicle dealer may advertise the program on the premises owned
29 or operated by the vehicle dealer. If no moneys are available from the pro-
30 gram or the program otherwise changes, a vehicle dealer who advertises the

1 program may not be held liable for advertising false or misleading informa-
2 tion.

3 “[*13*) *The Environmental Quality Commission may adopt any rules neces-*
4 *sary to carry out the provisions of this section.*]

5 **“SECTION 2.** ORS 468.446 is amended to read:

6 “468.446. (1) As used in this section:

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

11 “(b) ‘Low-income service provider’ means an organization that provides
12 health, dental, social, financial, energy conservation or other assistive ser-
13 vices to low or moderate income individuals or low or moderate income
14 households, as further defined by the Environmental Quality Commission by
15 rule.

16 “(c) ‘Qualifying household’ means a household with income that does not
17 exceed 400 percent of federal poverty guidelines.

18 “(2) The [*Department of Environmental Quality*] **Environmental Quality**
19 **Commission** shall establish **by rule** a Charge Ahead Oregon Program for
20 providing charge ahead rebates to qualifying households and low-income
21 service providers. The Director of the Department of Environmental Quality
22 may hire or contract with a third-party organization to implement and serve
23 as the administrator of the program required by this section.

24 “(3) The [*department*] **commission** may:

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

26 “(b) Establish procedures to:

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

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

30 “(4) An eligible purchaser or lessee of a new or used light-duty zero-

1 emission vehicle or plug-in hybrid electric vehicle may apply for a charge
2 ahead rebate for a portion of the purchase price or may choose to assign the
3 charge ahead rebate to a vehicle dealer or lessor.

4 “(5) Rebates under the Charge Ahead Oregon Program shall be made from
5 moneys credited to or deposited in the Zero-Emission Incentive Fund estab-
6 lished under ORS 468.449. A rebate may not be made until there are suffi-
7 cient moneys available in the fund to make the rebate.

8 “(6) The [*department*] **commission** shall prescribe the rebate application
9 procedure for eligible purchasers and lessees. All rebate applications must
10 include a declaration under penalty of perjury in the form required by ORCP
11 1 E.

12 “(7)(a) Charge ahead rebates shall be in an amount up to [*\$5,000, but not*
13 *less than \$2,500*] **\$7,500**.

14 “(b) **Charge ahead rebates for new light-duty zero-emission electric**
15 **vehicles or plug-in hybrid vehicles may be in an amount that is greater**
16 **than the amount for charge ahead rebates for used light-duty zero-**
17 **emission electric vehicles or plug-in hybrid vehicles.**

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

20 “(a) Be a member of a qualifying household or be a low-income service
21 provider.

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

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

29 “(d) Submit an application for a charge ahead rebate to the administrator
30 of the program within six months of the date of purchase or six months from

1 the date the lease begins.

2 “(e) Retain registration of the light-duty zero-emission vehicle **or plug-in**
3 **hybrid electric vehicle** for a minimum of 24 consecutive months following
4 the date of purchase or following the date the lease begins.

5 “(9) A person that receives a charge ahead rebate may not make or allow
6 any modifications to the vehicle’s emissions control systems, hardware, soft-
7 ware calibrations or hybrid system.

8 “(10)(a) If a charge ahead rebate recipient sells the vehicle or terminates
9 the vehicle lease before the end of 24 months, the charge ahead rebate re-
10 cipient shall:

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

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

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

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

23 “(12) The administrator of the program shall work to ensure timely pay-
24 ment of charge ahead rebates with a goal of paying rebates within 60 days
25 of receiving an application for a charge ahead rebate.

26 “(13) In establishing the Charge Ahead Oregon Program, the
27 [*department*] **commission** shall provide opportunities for public comment by
28 qualifying households, low-income service providers and other community-
29 based organizations that are located in areas of this state that have elevated
30 concentrations of air contaminants attributable to motor vehicle emissions,

1 relative to other areas of the state. The [*department*] **commission** shall use
2 the comments received pursuant to this subsection to inform, evaluate and
3 strengthen the design of the program in order to increase the usage of
4 light-duty zero-emission vehicles and plug-in hybrid electric vehicles.

5 “(14) The administrator of the program shall, throughout the course of
6 implementing the program, conduct community outreach to qualifying
7 households, low-income service providers and other community-based organ-
8 izations that are located in areas of this state that have elevated concen-
9 trations of air contaminants attributable to motor vehicle emissions, relative
10 to other areas of the state, in order to:

11 “(a) Solicit feedback on program implementation; and

12 “(b) Take steps to ensure that the program is promoted effectively.

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

18 “(16) A charge ahead rebate may be combined with a rebate described in
19 ORS 468.444.

20 “(17) An organization that the [*department*] **director** has hired or con-
21 tracted with to implement and serve as the administrator of the program may
22 offer expanded financing mechanisms for program participants, including, but
23 not limited to, a loan or loan-loss reserve credit enhancement program to
24 increase consumer access to new or used light-duty zero-emission vehicles
25 and plug-in hybrid electric vehicles.

26 “[*(18) The Environmental Quality Commission may adopt any rules neces-*
27 *sary to carry out the provisions of this section.*]

28 “**SECTION 3.** ORS 468.449 is amended to read:

29 “468.449. (1) The Zero-Emission Incentive Fund is established in the State
30 Treasury, separate and distinct from the General Fund. Interest earned by

1 the Zero-Emission Incentive Fund shall be credited to the fund.

2 “(2) Moneys in the Zero-Emission Incentive Fund shall consist of:

3 “(a) Amounts donated to the fund;

4 “(b) Amounts transferred to the fund by the Department of Revenue under

5 ORS 320.435;

6 “(c) Amounts appropriated or otherwise transferred to the fund by the

7 Legislative Assembly;

8 “(d) Other amounts deposited in the fund from any public or private

9 source; and

10 “(e) Interest earned by the fund.

11 “(3) The Department of Environmental Quality shall encourage gifts,

12 grants, donations or other contributions to the fund.

13 “(4) Moneys in the fund are continuously appropriated to the department

14 to be used to carry out the provisions of ORS 468.442 to 468.449.

15 “(5)(a) No more than 10 percent of the moneys deposited in the fund per

16 biennium may be expended to pay administrative expenses incurred in the

17 administration of ORS 468.442 to 468.449 by:

18 “(A) The department; and

19 “(B) Any third-party organization that the department hires or contracts

20 with under ORS 468.444 and 468.446.

21 “(b) As used in this subsection, ‘administrative expenses’ does not include

22 expenses incurred by the department or third-party organizations in:

23 “(A) Conducting community outreach under ORS 468.446 (14); or

24 “(B) Otherwise engaging in efforts to promote transportation

25 electrification through participation in the programs established under ORS

26 468.444 and 468.446.

27 “(6) The Environmental Quality Commission [*may*] **shall** adopt by rule

28 provisions for the allocation of moneys deposited in the fund between the

29 programs established under ORS 468.444 and 468.446. Rules adopted under

30 this subsection must require that:

1 “(a) At least 20 percent of the moneys deposited in the fund per biennium
2 are allocated to fund the provision of rebates through the Charge Ahead
3 Oregon Program established under ORS 468.446.

4 “(b) **Allocations are based on the amount and availability of rebates**
5 **under ORS 468.444 and 468.446.”.**

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