

Enrolled
House Bill 4109

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Representative Susan McLain, Senator Chris Gorsek)

CHAPTER

AN ACT

Relating to transportation; creating new provisions; amending ORS 153.054, 153.083, 319.023, 468.446, 468.448, 468.449, 810.444 and 811.609 and section 14, chapter 30, Oregon Laws 2010; repealing ORS 810.439, 810.443 and 810.445; and prescribing an effective date.

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

AVIATION

SECTION 1. ORS 319.023 is amended to read:

319.023. (1) The following amounts shall be distributed in the manner prescribed in this section:

(a) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines that is computed on a basis in excess of one cent per gallon and any amount of tax on all other aircraft fuel that is computed on a basis in excess of nine cents per gallon, under ORS 319.020 (2); and

(b) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines in excess of one cent per gallon and any amount of tax on all other aircraft fuel in excess of nine cents per gallon, that is deducted before the refunding of tax under ORS 319.330 (1).

(2)(a) Applications for distributions under subsection (5) of this section may not be approved unless the applicant demonstrates a commitment to contribute at least five percent of the costs of the project to which the application relates. The Oregon Department of Aviation shall adopt rules for purposes of this paragraph.

(b) The department may adopt rules that:

- (A) Set higher minimum contribution commitment requirements; or
- (B) Establish maximum grant amounts.

(3)(a) The State Aviation Board shall establish a review committee composed of one member from each of the area commissions on transportation chartered by the Oregon Transportation Commission.

(b) The review committee shall meet as necessary to review applications for distributions of amounts pursuant to this section. In reviewing applications, the review committee shall consider:

(A) Whether a proposed project:

(i) Reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor in this state;

(ii) Results in an economic benefit to this state;

(iii) Connects elements of Oregon's aviation system in a way that will measurably improve utilization and efficiency of the system;

- (iv) Is ready for construction or implementation; and
- (v) Has a useful life expectancy that offers maximum benefit to this state; and
- (B) How much of the cost of the proposed project can be borne by the applicant from sources other than Oregon Department of Aviation funds or the Connect Oregon Fund.
- (c) The review committee shall recommend applications to the State Aviation Board for approval.
- (4)(a) Five percent of the amounts described in subsection (1) of this section are appropriated to the Oregon Department of Aviation for the costs of the department and the State Aviation Board in administering this section.
- (b) The remaining 95 percent of the amounts described in subsection (1) of this section shall be distributed pursuant to subsections (5) and (6) of this section.
- (5)(a) Seventy-five percent of the amounts described in subsection (4)(b) of this section shall be distributed for the following purposes:
 - (A) To assist airports in Oregon with match requirements for Federal Aviation Administration [*Airport Improvement Program*] grants.
 - (B) To make grants for emergency preparedness and infrastructure projects, in accordance with the Oregon Resilience Plan or the Oregon Aviation Plan.
 - (C) To make grants for:
 - (i) Services critical or essential to aviation, including, but not limited to, fuel, sewer, water and weather equipment;
 - (ii) Aviation-related business development, including, but not limited to, hangars, parking for business aircraft and related facilities; or
 - (iii) Airport development for local economic benefit, including, but not limited to, signs and marketing.
 - (D)(i) To assist commercial air service to rural Oregon.
 - (ii) The Oregon Department of Aviation may adopt a definition of “rural Oregon” for purposes of this subparagraph.
- (b) The State Aviation Board may establish by rule priorities for the distributions made pursuant to this subsection.
- (6) Twenty-five percent of the amounts described in subsection (4)(b) of this section shall be distributed to state-owned airports for the purposes of:
 - (a) Safety improvements recommended by the State Aviation Board and local community airports.
 - (b) Infrastructure projects at public use airports.
- (7)(a) Not later than September 15 of each year, the State Aviation Board shall submit the reports described in paragraph (b) of this subsection, in the manner provided in ORS 192.245, to the interim committees, as applicable, of the Legislative Assembly related to air transportation.
- (b) The reports required under this subsection shall describe in detail the projects for which applications have been submitted and approved, the airports affected, the names of the applicants and the persons who will perform the work proposed in the applications, the progress of projects for which applications have been approved and any other information the board considers necessary for a comprehensive analysis of the implementation of this section.

PHOTO RADAR

SECTION 2. ORS 810.444 is amended to read:

810.444. (1) Notwithstanding any other provision of law, in [*the jurisdiction*] a **city** operating a [*fixed*] photo radar system under ORS [*810.443*] **810.438**:

- (a) A citation for speeding may be issued on the basis of [*fixed*] photo radar if:
 - (A) A sign that provides drivers with information about the driver’s current rate of speed is posted between 100 and 400 yards before the location of each [*fixed*] photo radar unit; [*and*]

[(B) A police officer or a duly authorized traffic enforcement agent who has reviewed the photographic evidence of the conduct signs the citation.]

(B) A police officer or a duly authorized traffic enforcement agent has reviewed the photographic evidence of the conduct; and

(C) A police officer signs and issues the citation, except that a citation issued by the City of Portland may be signed and issued by a duly authorized traffic enforcement agent or a police officer.

(b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of the vehicle when the citation is issued and delivered as provided in subsection (2) of this section.

(c) An individual issued a citation under this subsection may respond to the citation by submitting a certificate of innocence under subsection (3)(a) of this section or may make any other response allowed by law.

(d) A business or public agency issued a citation under this subsection may respond to the citation by submitting an affidavit of nonliability under subsection (3)(b) of this section or may make any other response allowed by law.

(2) A citation issued on the basis of *[fixed]* photo radar may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium, and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

(3)(a) An individual named as the registered owner of a vehicle in current records of the Department of Transportation may respond by mail to a citation issued under subsection (1) of this section by submitting a certificate of innocence within 30 days from the mailing of the citation swearing or affirming that the registered owner was not the driver of the vehicle and by providing a photocopy of the registered owner's driver license. A *[jurisdiction]* **city** that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the *[jurisdiction]* **city** verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

(b) If a business or public agency named as the registered owner of a vehicle in current records of the Department of Transportation responds to a citation issued under subsection (1) of this section by submitting an affidavit of nonliability within 30 days from the mailing of the citation stating that at the time of the alleged speeding violation the vehicle was in the custody and control of an employee, or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the affidavit of nonliability.

(4) If the registered owner, employee, renter or lessee fails to respond to a citation issued under this section, a default judgment under ORS 153.102 may be entered for failure to appear after notice has been given that the judgment will be entered.

(5) The penalties for and all consequences of a speeding violation initiated by the use of *[fixed]* photo radar are the same as for a speeding violation initiated by any other means.

(6) A registered owner, employee, renter or lessee against whom a judgment for failure to appear is entered may move the court to relieve the registered owner, employee, renter or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to mistake, inadvertence, surprise or excusable neglect.

(7)*[(a)]* As used in this section~~[],~~:

(a)(A) "Duly authorized traffic enforcement agent" means an individual who:

[(A)] (i) Is employed, appointed and duly sworn in by the governing body of the incorporated city in which the agent performs the agent's duties; and

- [(B)] (ii) Has completed all necessary technical, administrative and other training to:
- (I) Review photographs [and] **under this section; and**
 - (II) Issue **and sign** citations under this section, **if employed by the City of Portland.**
- [(b)] (B) Duly authorized traffic enforcement agents are not police officers.
- (b) "Police officer" includes "reserve officers" as defined in ORS 133.005.**

SECTION 3. ORS 153.083 is amended to read:

153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the peace officer who issued the citation for the offense may present evidence, examine and cross-examine witnesses and make arguments relating to:

- (a) The application of statutes and rules to the facts in the case;
- (b) The literal meaning of the statutes or rules at issue in the case;
- (c) The admissibility of evidence; and
- (d) Proper procedures to be used in the trial.

(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the duly authorized traffic enforcement agent who issued the citation for the offense may present the evidence reviewed by the agent as the basis for issuing a citation under ORS 810.436, 810.437 or 810.444.

(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the weighmaster or motor carrier enforcement officer who issued the citation for the offense may present the evidence reviewed by the weighmaster or motor carrier enforcement officer as the basis for issuing a citation listed under ORS 810.530.

(4)(a) As used in this section, "duly authorized traffic enforcement agent" means an individual who:

(A) Is employed, appointed and duly sworn in by the governing body of the incorporated city in which the agent performs the agent's duties; and

(B) Has completed all necessary technical, administrative and other training to review photographs and issue citations under ORS 810.436, 810.437 or 810.444.

(b) Duly authorized traffic enforcement agents are not police officers as defined in ORS 801.395 **or reserve officers as defined in ORS 133.005.**

SECTION 4. ORS 810.439, 810.443 and 810.445 are repealed.

SECTION 5. ORS 153.054 is amended to read:

153.054. Except as provided in ORS 267.153, [810.439] **810.444**, 811.590, 811.615 or 811.617 or other law, an enforcement officer issuing a violation citation shall cause the summons to be delivered to the person cited and shall cause the complaint and abstract of court record to be delivered to the court.

COMPRESSED NATURAL GAS FUELING AT DAS FLEET CENTER

SECTION 6. Section 14, chapter 30, Oregon Laws 2010, as amended by section 2, chapter 526, Oregon Laws 2013, and section 1, chapter 67, Oregon Laws 2017, is amended to read:

Sec. 14. Section 13, chapter 30, Oregon Laws 2010, is repealed on January 2, [2025] **2026.**

FAMILY PLACARDS

SECTION 7. ORS 811.609 is amended to read:

811.609. (1) The Department of Transportation shall issue disabled person parking permits in the form of family placards for use on vehicles that are regularly used by:

(a) A family that includes [more than one person with a disability] **at least two persons with disabilities; or**

(b) **Multiple households that are caring for at least one person with a disability.**

(2) All the following apply to placards issued under this section:

[(1)] (a) The department shall determine the form, size and content of the placards except that the department shall require that the expiration date of a placard be visible when the placard is displayed in the vehicle.

[(2)] (b) Placards issued under this section shall be valid for a period of eight years from the date of issue. Upon expiration, placards may be renewed in a manner determined by the department by rule.

[(3)] (c) The department [shall] **may** not issue or renew a placard under this section unless a licensed physician certifies that:

(A) The family includes at least two persons with disabilities; **or**

(B) **Multiple households are caring for at least one person with a disability.**

SECTION 8. The amendments to ORS 811.609 by section 7 of this 2024 Act apply to family placards issued on or after the effective date of this 2024 Act.

CHARGE AHEAD OREGON PROGRAM

SECTION 9. ORS 468.446 is amended to read:

468.446. (1) As used in this section:

(a) “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.

(b) “Low-income service provider” means an organization that provides health, dental, social, financial, energy conservation or other assistive services to low or moderate income individuals or low or moderate income households, as further defined by the Environmental Quality Commission by rule.

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

(2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program for providing charge ahead rebates to qualifying households and low-income service providers. 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 lessor.

(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 ORS 468.449 **or the Charge Ahead Zero-Emission Incentive Fund established under section 13 of this 2024 Act.** A rebate may not be made [until] **unless** there are sufficient moneys available [in the fund] to make the rebate.

(6) The department shall prescribe the rebate application procedure for eligible 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 \$5,000, but not less than \$2,500.] **Charge ahead rebates shall be:**

(a) **Up to \$7,500 for the purchase or lease of a new light-duty zero-emission vehicle or plug-in hybrid electric vehicle, but not less than \$2,500; or**

(b) Up to \$5,000 for the purchase or lease of a used light-duty zero-emission vehicle or plug-in hybrid electric vehicle, but not less than \$2,500.

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

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

(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 qualifying households, low-income service providers and other 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) The administrator of the program shall, throughout the course of implementing the program, conduct community outreach to qualifying households, low-income service providers and other 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.

(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 **not** be combined with a rebate described in ORS 468.444.

(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 in-

crease 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 10. ORS 468.448 is amended to read:

468.448. (1) The Department of Environmental Quality shall periodically audit, or cause to be audited, the programs established under ORS 468.444 and 468.446 to determine whether the programs are being implemented and administered in compliance with the provisions of ORS 468.442 to 468.449.

(2) No later than September 15 of each even-numbered year, the department shall provide a report to the Legislative Assembly, in the manner provided in ORS 192.245, that includes, at a minimum:

(a) A description of the uses to date of moneys in the Zero-Emission Incentive Fund established under ORS 468.449;

(b) An analysis of the effectiveness of the rebate program established under ORS 468.444;

(c) A description of the uses to date of moneys in the Charge Ahead Zero-Emission Incentive Fund established under section 13 of this 2024 Act;

[(c)] (d) An analysis of the effectiveness of the Charge Ahead Oregon Program established under ORS 468.446;

[(d)] (e) Recommendations, which may include recommendations for legislation, on ways to improve the programs established under ORS 468.444 and 468.446; and

[(e)] (f) The results of any audits conducted under subsection (1) of this section.

SECTION 11. ORS 468.449 is amended to read:

468.449. (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 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 ORS 468.442 to 468.449.

(5)(a) No more than 10 percent of the moneys deposited in the fund per biennium may be expended to pay administrative expenses incurred in the administration of ORS 468.442 to 468.449 by:

(A) The department; and

(B) Any third-party organization that the department hires or contracts with under ORS 468.444 and 468.446.

(b) As used in this subsection, “administrative expenses” does not include expenses incurred by the department or third-party organizations in:

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

(B) Otherwise engaging in efforts to promote transportation electrification through participation in the programs established under ORS 468.444 and 468.446.

(6)(a) The Environmental Quality Commission may adopt by rule provisions for the allocation of moneys deposited in the fund between the programs established under ORS 468.444 and 468.446.

(b) Rules adopted under this subsection must require that at least 20 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 ORS 468.446.

(c) The amount required to be allocated under paragraph (b) of this subsection in any biennium shall be reduced, but not below zero, by the amount deposited from any other source in the Charge Ahead Zero-Emission Incentive Fund established under section 13 of this 2024 Act.

SECTION 12. Section 13 of this 2024 Act is added to and made a part of ORS 468.442 to 468.449.

SECTION 13. (1) The Charge Ahead Zero-Emission Incentive Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Charge Ahead Zero-Emission Incentive Fund shall be credited to the fund.

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

(a) Amounts donated to the fund;

(b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

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

(d) 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:

(a) Provide charge ahead rebates under ORS 468.446; and

(b) Pay administrative expenses incurred in the administration of ORS 468.442 to 468.449 by:

(A) The department; and

(B) Any third-party organization that the department hires or contracts with under ORS 468.444 and 468.446.

(5) No more than 10 percent of the moneys deposited in the fund per biennium may be expended to pay administrative expenses incurred by the department and any third-party organization.

(6) As used in this section, “administrative expenses” does not include expenses incurred by the department or third-party organizations in:

(a) Conducting community outreach under ORS 468.446 (14); or

(b) Otherwise engaging in efforts to promote transportation electrification through participation in the programs established under ORS 468.444 and 468.446.

RAIL

SECTION 14. (1) The Department of Transportation shall pursue cooperative efforts with the State of Idaho to apply for assistance from the Federal Railroad Administration to study potential for reestablishing service on the Amtrak Pioneer Line.

(2) The department shall report on the progress to carry out the provisions of subsection (1) of this section in the manner provided by ORS 192.245 to the Joint Committee on Transportation no later than December 31, 2024.

SECTION 15. Section 14 of this 2024 Act is repealed on January 2, 2025.

CAPTIONS

SECTION 16. The unit captions used in this 2024 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2024 Act.

EFFECTIVE DATE

SECTION 17. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House March 5, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 7, 2024

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2024

Approved:

.....M,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2024

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LaVonne Griffin-Valade, Secretary of State