

# House Bill 3141

Sponsored by Representatives WILDE, POWER; Representative HOLVEY

## 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**.

Modifies and adds laws related to electric vehicle charging stations.

## A BILL FOR AN ACT

1  
2 Relating to transportation electrification; creating new provisions; and amending ORS 276.255 and  
3 295.101.

4 Whereas climate change presents a significant threat to our livelihoods, economic security, en-  
5 vironment, health and well-being; and

6 Whereas there has been an increase in extreme weather events, including more frequent and  
7 intense heat waves and wildfires; and

8 Whereas according to the Oregon Climate Change Research Institute and other regional studies,  
9 the best available science indicates Oregon is at risk of serious impacts to its natural resources due  
10 to climate change; and

11 Whereas climate-related pollution from transportation and other emissions is projected to create  
12 \$1.1 billion in health costs for Oregon families by 2040, including asthma, heart disease, stroke and  
13 cancer; and

14 Whereas internal combustion engines burning fossil-based fuels are the largest contributor of  
15 greenhouse gas emissions in Oregon; and

16 Whereas the transportation sector accounts for 37 percent of greenhouse gas emissions in  
17 Oregon; and

18 Whereas Oregon has adopted goals to reduce greenhouse gas emissions to 10 percent below 1990  
19 levels by 2020 and at least 75 percent below 1990 levels by 2050 as described in ORS 468A.205; and

20 Whereas greater transition from internal combustion engines to zero-emission vehicles, such as  
21 electric cars, buses and trucks, plays a key role in helping Oregon achieve its climate change goals,  
22 improving the health of Oregon communities and encouraging clean energy job development; and

23 Whereas zero-emission vehicles provide multiple benefits to Oregonians; and

24 Whereas zero-emission vehicles reduce pollutants such as carbon dioxide and black carbon; and

25 Whereas emissions associated with the combustion of fossil fuels have a negative health impact  
26 on Oregonians and, in particular, communities located close to major highways; and

27 Whereas the use of zero-emission vehicles may have immediate positive impacts on local air  
28 quality and public health; and

29 Whereas the development of a robust clean energy economy includes the sales of electric vehi-  
30 cles, chargers and other equipment as well as the installation and maintenance of charging equip-  
31 ment that will encourage clean energy job development at a local level; now, therefore,

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

**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.

1       **SECTION 1.** The Director of the Department of Consumer and Business Services shall  
 2 adopt amendments to the state building code to require that newly constructed buildings  
 3 provide for the charging of electric vehicles. For public buildings as defined in ORS 455.560  
 4 and for multifamily residential buildings, the code shall require that a 110-volt or 240-volt  
 5 system suitable for electric vehicle charging provide service to at least 10 percent of the  
 6 vehicle parking spaces in the garage or parking area for the building.

7       **SECTION 2.** Section 1 of this 2019 Act is amended to read:

8       **Sec. 1.** The Director of the Department of Consumer and Business Services shall adopt amend-  
 9 ments to the state building code to require that newly constructed buildings provide for the charging  
 10 of electric vehicles. For public buildings as defined in ORS 455.560 and for multifamily residential  
 11 buildings, the code shall require that:

12       (1) A 110-volt or 240-volt system suitable for electric vehicle charging provide service to at least  
 13 10 percent of the vehicle parking spaces in the garage or parking area for the building; and

14       (2) One or more of the parking spaces described in subsection (1) of this section provide  
 15 at least one 240-volt system suitable for electric vehicle charging in the garage or parking  
 16 area for the building.

17       **SECTION 3.** (1) The Director of the Department of Consumer and Business Services shall  
 18 ensure that initial amendments to the state building code as required under section 1 of this  
 19 2019 Act take effect on July 1, 2020, and apply to new construction for which a building per-  
 20 mit is initially issued on or after January 1, 2022.

21       (2) The amendments to section 1 of this 2019 Act by section 2 of this 2019 Act apply to  
 22 new construction for which a building permit is initially issued on or after October 1, 2022.

23       **SECTION 4.** (1) As used in this section:

24       (a) “Charging station” means a device or facility for delivering electricity to the public  
 25 for motor vehicles that use electricity for propulsion.

26       (b) “Payment method” means a device, method or arrangement that enables a person to  
 27 purchase goods or services by means of an electronic cash transfer from the person’s ac-  
 28 count with a financial institution, as defined in ORS 706.008, or by means of an extension of  
 29 credit from a financial institution.

30       (c) “Public use” means a use that is not restricted to an owner or an assignee, licensee  
 31 or agent of the owner.

32       (2) A person that makes a charging station available for public use:

33       (a) May not condition another person’s use of the charging station on the other person’s  
 34 obtaining a membership, subscribing to a service or otherwise entering into an agreement  
 35 or contract under the terms of which the other person obtains preferential or exclusive use  
 36 of the charging station in return for a fee or other consideration; and

37       (b) Shall provide a payment method for use of the charging station that is widely avail-  
 38 able and accessible to members of the public without limitations or restrictions.

39       **SECTION 5.** The Oregon Department of Administrative Services may enter into a price  
 40 agreement as defined in ORS 279A.010 or cooperative procurement as defined in ORS 279A.200  
 41 under the provisions of the Public Contracting Code to procure electric vehicles in bulk to  
 42 reduce costs when purchasing electric vehicles for the department’s motor fleet.

43       **SECTION 6.** The Oregon Department of Administrative Services shall adopt a policy en-  
 44 couraging those who use the vehicles in the state’s motor fleet to first use electric vehicles  
 45 or other low-emission vehicles, as defined by rule by the department.

1       **SECTION 7.** No later than January 1, 2025, the Oregon Department of Administrative  
 2 Services shall ensure that at least 25 percent of the following vehicles are zero-emission ve-  
 3 hicles:

- 4           (1) Vehicles purchased by the department weighing 8,000 pounds or less; and
- 5           (2) Vehicles leased by the department for nonemergency purposes.

6       **SECTION 8.** Section 7 of this 2019 Act is repealed on January 2, 2025.

7       **SECTION 9.** (1) The Oregon Department of Administrative Services shall conduct a study  
 8 on the costs and feasibility of implementing the California Innovative Clean Transit measure,  
 9 which mandates that all public transit agencies transition to zero-emission buses by 2040.

10       (2) The department shall report the results of the study to the interim legislative com-  
 11 mittees related to the environment, in the manner provided in ORS 192.245, no later than  
 12 September 15, 2020.

13       **SECTION 10.** Section 9 of this 2019 Act is repealed on January 2, 2021.

14       **SECTION 11.** ORS 276.255, as amended by section 1, chapter 90, Oregon Laws 2018, is amended  
 15 to read:

16       276.255. (1)(a) A state agency may locate, on premises the state agency leases, owns or controls,  
 17 devices or facilities that the state agency installs, or has installed, specifically to deliver electricity  
 18 to the public for electric motor vehicles.

19       (b) A state agency may contract with a vendor that will distribute, dispense or otherwise make  
 20 available electricity from devices or facilities described in paragraph (a) of this subsection.

21       (2)(a) The Oregon Department of Administrative Services may install or have installed devices  
 22 or facilities described in subsection (1)(a) of this section in as many locations as are sufficient to  
 23 meet demand for the devices or facilities.

24       (b) The department by rule shall establish criteria by means of which a state agency shall de-  
 25 termine an appropriate number of locations at which the state agency may install or have installed  
 26 devices or facilities described in subsection (1)(a) of this section.

27       (c) Notwithstanding paragraph (b) of this subsection, a state agency may install or have installed  
 28 devices or facilities described in subsection (1)(a) of this section at more than the number of lo-  
 29 cations determined in accordance with the department’s rule if the state agency obtains a grant to  
 30 support the installations at each additional location.

31       **(3)(a) The department may contract or otherwise agree with another entity to acquire,**  
 32 **install, maintain or operate devices or facilities described in subsection (1)(a) of this section.**  
 33 **The department may also participate in, sponsor, conduct or administer cooperative pro-**  
 34 **curements in accordance with ORS 279A.200 to 279A.225 under which public bodies, as defined**  
 35 **in ORS 174.109, and other purchasers the department authorizes by rule may acquire, install,**  
 36 **maintain or operate devices or facilities to deliver electricity to the public for electric motor**  
 37 **vehicles.**

38       **(b) Solely for the purpose of a contracting agency’s participating in, sponsoring, con-**  
 39 **ducting or administering a cooperative procurement under paragraph (a) of this subsection**  
 40 **and notwithstanding the definition of “public improvement” in ORS 279A.010, a device or fa-**  
 41 **ility for delivering electricity to the public for electric motor vehicles is not a public im-**  
 42 **provement.**

43       [(3)] (4) A state agency that contracts with a vendor under subsection (1)(b) or (3)(a) of this  
 44 section shall require in the contract that the vendor:

- 45           (a) Indemnify the state agency against any claim related to or arising out of the vendor’s oper-

1 ations on premises that the state agency **leases**, owns or controls; and

2 (b) Obtain a policy of liability insurance in an amount sufficient to pay foreseeable claims that  
 3 relate to or arise out of the vendor's operations, name the state agency as an insured party in the  
 4 policy and maintain coverage under the policy during the term of the contract and for two years  
 5 after the contract term expires.

6 [(4)] (5) A state agency may by order establish and adjust prices for using devices or facilities  
 7 described in subsection (1)(a) of this section that are located on premises the state agency **leases**,  
 8 owns or controls. The state agency shall **endeavor to** set the price for using the devices or facilities  
 9 at a level that:

10 (a) Recovers to the maximum extent practicable the cost of operating and administering the  
 11 devices or facilities described in subsection (1)(a) of this section; and

12 (b) Does not exceed 110 percent of the average market price for delivering electricity to the  
 13 public for the purpose described in subsection (1)(a) of this section in the county in which the device  
 14 or facility is located.

15 [(5)] (6) Subject to subsection [(4)] (5) of this section, a state agency shall set [*a uniform*] **the**  
 16 price for delivering electricity at devices and facilities located on premises that the state agency  
 17 **leases**, owns or controls. The state agency shall use criteria and a methodology that the department  
 18 specifies for calculating the [*uniform*] price.

19 [(6)] (7) The department shall report to the Legislative Assembly in the manner provided by ORS  
 20 192.245 not later than February 1, 2019, February 1, 2021, and February 1, 2023, concerning state  
 21 agency implementation of the authority granted in **subsections (1), (2), (4), (5) and (6) of** this  
 22 section. Each report must, as of the date of the report:

23 (a) List the number of devices or facilities for delivering electricity to the public for electric  
 24 motor vehicles that state agencies installed or had installed in the previous two years and the total  
 25 number of installations that have occurred since June 2, 2018;

26 (b) List the number of devices or facilities that state agencies have planned for installation in  
 27 the next two years;

28 (c) List the cost to the state agency of each installation and calculate:

29 (A) An average cost for installations that state agencies have completed or had completed; and

30 (B) An overall trend line for costs that state agencies have incurred;

31 (d) Specify the current [*uniform*] price that each state agency charges under subsection [(5)] (6)  
 32 of this section and any changes in the [*uniform*] price that occurred in the previous two years;

33 (e) Specify for each state agency an average rate of utilization for all of the devices or facilities  
 34 located on premises that the state agency **leases**, owns or controls, calculated as the ratio of the  
 35 time each day during which a person is actually using the devices or facilities and the time each  
 36 day in which the devices and facilities are available for use; and

37 (f) Specify whether and to what extent using electric motor vehicles and devices or facilities  
 38 located on premises that state agencies **lease**, own or control to provide electricity for state agency  
 39 electric motor vehicles results in a cost savings to the state agency in comparison to using motor  
 40 vehicles that do not use electricity for propulsion.

41 **SECTION 12.** ORS 295.101 is amended to read:

42 295.101. (1) The following public funds are not subject to the provisions of ORS 295.001 to  
 43 295.108:

44 (a) Funds that are deposited for the purpose of paying principal, interest or premium, if any, on  
 45 bonds, as defined in ORS 286A.001 and 287A.001, and related costs or securing a borrowing related

1 to an agreement for exchange of interest rates entered into under ORS 286A.110 or 287A.335.

2 (b) Funds that are invested in authorized investments under provisions of law other than ORS  
3 295.001 to 295.108. Funds invested under ORS 293.701 to 293.857 are invested in authorized invest-  
4 ments for purposes of this subsection from the time the funds are transferred by the State Treasurer  
5 to a third party under the terms of a contract for investment or administration of the funds that  
6 requires such a transfer until the time the funds are returned to the treasurer or paid to another  
7 party under the terms of the contract.

8 (c) Negotiable certificates of deposit purchased by the State Treasurer under ORS 293.736 or  
9 by an investment manager under ORS 293.741.

10 (d) Funds that are held by a public official and are required by federal law or contractual pro-  
11 visions to be collateralized at 100 percent, if the funds are deposited in an account that is separate  
12 from other accounts of the public official in a depository, and the public official and the depository  
13 have entered into a written agreement that provides a perfected security interest to the public of-  
14 ficial in collateral valued at an amount at least equal to the amount of funds in the account in a  
15 manner substantially similar to a pledge agreement described in ORS 295.001 (15).

16 (e) **Funds collected from amounts paid to use electric vehicle charging stations.**

17 (2) Notwithstanding subsection (1) of this section, funds deposited by a custodial officer under  
18 ORS 294.035 (3)(d) are subject to the provisions of ORS 295.001 to 295.108.

19 **SECTION 13. Section 14 of this 2019 Act is added to and made a part of ORS chapter 757.**

20 **SECTION 14. (1) As used in this section:**

21 (a) **“Clean fuels program” has the meaning given that term in ORS 468A.265.**

22 (b) **“Credit” has the meaning given that term in ORS 468A.265.**

23 (c) **“Credit generator” has the meaning given that term in ORS 468A.265.**

24 (d) **“Electric company” has the meaning given that term in ORS 757.600.**

25 (e) **“Transportation electrification” has the meaning given that term in ORS 757.357.**

26 (2) **If an electric company receives revenue through the monetization of credits gener-  
27 ated by the electric company as a credit generator under the clean fuels program, the Public  
28 Utility Commission shall require the electric company to use the revenue to support trans-  
29 portation electrification within the service territory of the electric company. Efforts funded  
30 through the monetization of credits must prioritize deploying transportation electrification  
31 and electric vehicles in rural communities and low-income communities.**

32