

HB 4151-7  
(LC 43)  
2/14/20 (ASD/ps)

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT (at the request of Representative David Brock Smith)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4151**

1 On page 1 of the printed bill, delete line 3 and insert “320.400, 320.435 and  
2 757.357 and section 148, chapter 750, Oregon Laws 2017; prescribing an ef-  
3 fective date;”.

4 In line 9, after “registered” insert a comma and after “residing” insert  
5 “within a county any part of which is situated”.

6 In line 10, after “268” insert a comma.

7 In line 11, delete “district” and insert “county”.

8 In line 16, delete the blank and insert “0.5”.

9 In line 19, delete the blank and insert “0.5”.

10 In line 22, after “(4)(a)” insert “(A)”.

11 On page 2, after line 4, insert:

12 “(B) The additional rebate authorized under this section may be made  
13 only with respect to a taxable motor vehicle that:

14 “(i) Qualifies or is eligible under either or both of the rebate programs  
15 described in subparagraph (A) of this paragraph; and

16 “(ii) Is described in subsection (1)(a) of this section.”.

17 Delete lines 17 through 45 and delete pages 3 through 15.

18 On page 16, delete lines 1 through 30 and insert:

19 **“SECTION 3a. The tax increases imposed under section 2 (2) of this  
20 2020 Act become operative on January 1, 2021.**

21 **“SECTION 3b.** Section 148, chapter 750, Oregon Laws 2017, as amended

1 by section 154, chapter 750, Oregon Laws 2017, and section 34, chapter 491,  
2 Oregon Laws 2019, is amended to read:

3 “**Sec. 148.** As used in sections 148 to 152, chapter 750, Oregon Laws 2017:

4 “(1) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:

5 “(a) Has a gross vehicle weight rating of 8,500 pounds or less;

6 “(b) Is capable of attaining a speed of 55 miles per hour or more; and

7 “(c) Is powered:

8 “(A) Primarily by an electric battery and may or may not use a flywheel  
9 energy storage device or a capacitor that also stores energy to assist in ve-  
10 hicle operation.

11 “(B) By polymer electrolyte membrane fuel cells or proton exchange  
12 membrane fuel cells that use hydrogen fuel and oxygen from the air to  
13 produce electricity.

14 “(C) Primarily by a zero-emission energy storage device that provides  
15 enough power for the vehicle to travel 75 miles or more using only electricity  
16 and may or may not use a backup alternative power unit that does not op-  
17 erate until the energy storage device is fully depleted.

18 “(2) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

19 “(3) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:

20 “(a) Is powered using an electric battery;

21 “(b) Has a gross vehicle weight not exceeding 3,000 pounds; and

22 “(c) Has at least four wheels.

23 “(4) ‘Person’ means a person as defined in ORS 174.100 or a public body  
24 as defined in ORS 174.109.

25 “(5) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor vehicle  
26 that:

27 “(a) Has zero evaporative emissions from its fuel system;

28 “(b) Has an onboard electrical energy storage device with useful capacity  
29 of 10 or more miles of urban dynamometer driving schedule range, as de-  
30 scribed by the United States Environmental Protection Agency, on electricity

1 alone;

2 “(c) Is equipped with an onboard charger;

3 “(d) Is rechargeable from an external connection to an off-board electrical  
4 source;

5 “(e) Meets the super ultra-low emission vehicle standards for exhaust  
6 emissions, as defined by the Environmental Quality Commission by rule;

7 “(f) Has a warranty of at least 15 years and 150,000 miles on emission  
8 control components; and

9 “(g) Is capable of attaining a speed of 55 miles per hour or more.

10 “(6) ‘Qualifying vehicle’ means a motor vehicle that:

11 “(a) Is a:

12 “(A) Light-duty zero-emission vehicle;

13 “(B) Neighborhood electric vehicle;

14 “(C) Plug-in hybrid electric vehicle; or

15 “(D) Zero-emission motorcycle;

16 “(b) Is new, or has been previously used only as a dealership floor model  
17 or test-drive vehicle;

18 “(c) Has not previously been registered;

19 “(d) Is constructed entirely from new parts that have never been the  
20 subject of a retail sale;

21 “(e) Has a base manufacturer’s suggested retail price of less than \$50,000;

22 “(f) Is covered by a manufacturer’s express warranty on the vehicle drive  
23 train, including the applicable energy storage system or battery pack, for at  
24 least 24 months from the date of purchase; and

25 “(g) Is certified by the manufacturer to comply with all applicable federal  
26 safety standards issued by the National Highway Traffic Safety Adminis-  
27 tration for new motor vehicles and new motor vehicle equipment.

28 “(7)[(a)] ‘Vehicle dealer’ [*means:*] **has the meaning given that term in**  
29 **ORS 320.400.**

30 “[A] *A person engaged in business in this state that has been issued a*

1 *vehicle dealer certificate under ORS 822.020; and]*

2 *“[(B) A person engaged in business in another state that would be subject*  
3 *to ORS 822.005 if the person engaged in business in this state.]*

4 *“[(b) Notwithstanding paragraph (a) of this subsection, a person is not a*  
5 *vehicle dealer for purposes of sections 148 to 152, chapter 750, Oregon Laws*  
6 *2017, to the extent the person:]*

7 *“[(A) Conducts an event that lasts less than seven consecutive days, for*  
8 *which the public is charged admission and at which otherwise qualifying ve-*  
9 *hicles are sold at auction; or]*

10 *“[(B) Sells an otherwise qualifying vehicle at auction at an event described*  
11 *in this paragraph.]*

12 *“(8) ‘Zero-emission motorcycle’ means a motorcycle that:*

13 *“(a) Has zero evaporative emissions from its fuel system;*

14 *“(b) Is capable of attaining a speed of 55 miles per hour or more;*

15 *“(c) Is designed to travel on two wheels; and*

16 *“(d) Is powered by electricity.*

17 **“SECTION 3c.** ORS 320.400 is amended to read:

18 **“320.400.** As used in ORS 320.400 to 320.490 and 803.203:

19 **“(1)(a) ‘Bicycle’ means:**

20 **“(A) A vehicle that is designed to be operated on the ground on wheels**  
21 **and is propelled exclusively by human power; or**

22 **“(B) An electric assisted bicycle as defined in ORS 801.258.**

23 **“(b) ‘Bicycle’ does not include:**

24 **“(A) Carts;**

25 **“(B) Durable medical equipment;**

26 **“(C) In-line skates;**

27 **“(D) Roller skates;**

28 **“(E) Skateboards;**

29 **“(F) Stand-up scooters;**

30 **“(G) Strollers designed for the transportation of children;**

1 “(H) Trailer cycles or other bicycle attachments; or

2 “(I) Wagons.

3 “(2)(a) ‘Retail sales price’ means the total price paid at retail for a taxable  
4 vehicle, exclusive of the amount of any excise, privilege or use tax, to a  
5 seller by a purchaser of the taxable vehicle.

6 “(b) ‘Retail sales price’ does not include the retail value of:

7 “(A) Modifications to a taxable vehicle that are necessary for a person  
8 with a disability to enter or drive or to otherwise operate or use the vehicle.

9 “(B) Customized industrial modifications to the chassis of a truck that  
10 has a gross vehicle weight rating of at least 10,000 pounds and not more than  
11 26,000 pounds.

12 “(3) ‘Seller’ means:

13 “(a) With respect to the privilege tax imposed under ORS 320.405 and the  
14 use tax imposed under ORS 320.410, a vehicle dealer.

15 “(b) With respect to the excise tax imposed under ORS 320.415, a person  
16 engaged in whole or in part in the business of selling bicycles.

17 “(4) ‘Taxable bicycle’ means a new bicycle that has a retail sales price  
18 of \$200 or more.

19 “(5) ‘Taxable motor vehicle’ means a vehicle that:

20 “(a) Has a gross vehicle weight rating of 26,000 pounds or less;

21 “(b)(A) If equipped with an odometer, has 7,500 miles or less on the  
22 odometer; or

23 “(B) If not equipped with an odometer, has a manufacturer’s certificate  
24 of origin or a manufacturer’s statement of origin; and

25 “(c) Is:

26 “(A) A vehicle as defined in ORS 744.850, other than an all-terrain vehicle  
27 or a trailer;

28 “(B) A camper as defined in ORS 801.180;

29 “(C) A commercial bus as defined in ORS 801.200;

30 “(D) A commercial motor vehicle as defined in ORS 801.208;

1 “(E) A commercial vehicle as defined in ORS 801.210;  
2 “(F) A fixed load vehicle as defined in ORS 801.285;  
3 “(G) A moped as defined in ORS 801.345;  
4 “(H) A motor home as defined in ORS 801.350;  
5 “(I) A motor truck as defined in ORS 801.355;  
6 “(J) A tank vehicle as defined in ORS 801.522;  
7 “(K) A trailer as defined in ORS 801.560 that is required to be registered  
8 in this state;  
9 “(L) A truck tractor as defined in ORS 801.575; or  
10 “(M) A worker transport bus as defined in ORS 801.610.  
11 “(6) ‘Taxable vehicle’ means a taxable bicycle or a taxable motor vehicle.  
12 “(7) ‘Transportation project taxes’ means the privilege tax imposed under  
13 ORS 320.405, the use tax imposed under ORS 320.410 and the excise tax im-  
14 posed under ORS 320.415.  
15 “(8)(a) ‘Vehicle dealer’ means:  
16 “(A) A person engaged in business in this state that is required to obtain  
17 a vehicle dealer certificate under ORS 822.005; and  
18 “(B) A person engaged in business in another state that would be subject  
19 to ORS 822.005 if the person engaged in business in this state.  
20 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a  
21 vehicle dealer [*for purposes of ORS 320.400 to 320.490 and 803.203*] to the  
22 extent the person:  
23 “(A) Conducts an event that lasts less than seven consecutive days, for  
24 which the public is charged admission and at which otherwise taxable motor  
25 vehicles are sold at auction; or  
26 “(B) Sells an otherwise taxable motor vehicle at auction at an event de-  
27 scribed in this paragraph.  
28 “**SECTION 3d.** ORS 320.435 is amended to read:  
29 “320.435. (1) The Department of Revenue shall deposit all revenue col-  
30 lected from the privilege tax imposed under ORS 320.405 and the use tax

1 imposed under ORS 320.410 in a suspense account established under ORS  
2 293.445 for the purpose of receiving the revenue. The department may pay  
3 expenses for the administration and enforcement of the privilege and use  
4 taxes out of moneys received from the privilege and use taxes. Amounts  
5 necessary to pay administrative and enforcement expenses are continuously  
6 appropriated to the department from the suspense account.

7 “(2) After payment of administrative and enforcement expenses under  
8 subsection (1) of this section and refunds or credits arising from erroneous  
9 overpayments, the department shall transfer the balance of the moneys re-  
10 ceived from the privilege and use taxes as follows:

11 “(a) Moneys attributable to the privilege tax shall be transferred as fol-  
12 lows:

13 “(A) **Privilege tax moneys computed on the basis of the rate im-**  
14 **posed under section 2 of this 2020 Act shall be transferred to the**  
15 **Zero-Emission Incentive Fund established under section 152, chapter**  
16 **750, Oregon Laws 2017.**

17 “[A] (B) **Of the privilege tax moneys computed on the basis of the**  
18 **rate imposed under ORS 320.405:**

19 “(i) **The first** \$12 million shall be transferred annually to the Zero-  
20 Emission Incentive Fund established under section 152, chapter 750, Oregon  
21 Laws 2017[.]; **and**

22 “[B] (ii) [*After the transfer required under subparagraph (A) of this*  
23 *paragraph,*] The balance of the moneys shall be transferred to the Connect  
24 Oregon Fund established under ORS 367.080.

25 “(b) Moneys attributable to the use tax shall be transferred to the State  
26 Highway Fund.

27 “**SECTION 3e.** ORS 320.435, as amended by section 96a, chapter 750,  
28 Oregon Laws 2017, is amended to read:

29 “320.435. (1) The Department of Revenue shall deposit all revenue col-  
30 lected from the privilege tax imposed under ORS 320.405 and the use tax

1 imposed under ORS 320.410 in a suspense account established under ORS  
2 293.445 for the purpose of receiving the revenue. The department may pay  
3 expenses for the administration and enforcement of the privilege and use  
4 taxes out of moneys received from the privilege and use taxes. Amounts  
5 necessary to pay administrative and enforcement expenses are continuously  
6 appropriated to the department from the suspense account.

7 “(2) After payment of administrative and enforcement expenses under  
8 subsection (1) of this section and refunds or credits arising from erroneous  
9 overpayments, the department shall transfer the balance of the moneys re-  
10 ceived from the privilege and use taxes as follows:

11 “(a) **Privilege tax moneys computed on the basis of the rate imposed**  
12 **under section 2 of this 2020 Act shall be transferred to the Zero-**  
13 **Emission Incentive Fund established under section 152, chapter 750,**  
14 **Oregon Laws 2017.**

15 “[a] (b) [*Moneys attributable to the*] Privilege tax **moneys computed**  
16 **on the basis of the rate imposed under ORS 320.405** shall be transferred  
17 to the Connect Oregon Fund established under ORS 367.080.

18 “[b] (c) Moneys attributable to the use tax shall be transferred to the  
19 State Highway Fund.

20 “**SECTION 4. (1) An electric company, as defined in ORS 757.600,**  
21 **shall invest no less than one-half of one percent of the total rates de-**  
22 **scribed in subsection (2) of this section in programs to support the**  
23 **acceleration of transportation electrification.**

24 “(2) **This section applies to the total rates collected annually by the**  
25 **electric company from all retail electricity consumers located within**  
26 **that part of the electric company’s service area that is within the**  
27 **boundaries of the metropolitan service district established under ORS**  
28 **chapter 268.**

29 “(3) **An electric company shall file an application with the Public**  
30 **Utility Commission for acceptance of a proposed program funded with**



1 revenues collected under this section. Applications filed under this  
2 section are subject to ORS 757.357.

3 “(4) The commission shall submit an annual report, in the manner  
4 provided in ORS 192.245, to the Legislative Assembly on the programs  
5 funded as required by this section.

6 “**SECTION 5.** ORS 757.357 is amended to read:

7 “757.357. [(1) As used in this section:]

8 “[*(a) ‘Electric company’ has the meaning given that term in ORS 757.600.*]

9 “[*(b) ‘Transportation electrification’ means:*]

10 “[*(A) The use of electricity from external sources to provide power to all*  
11 *or part of a vehicle;*]

12 “[*(B) Programs related to developing the use of electricity for the purpose*  
13 *described in subparagraph (A) of this paragraph; and*]

14 “[*(C) Infrastructure investments related to developing the use of electricity*  
15 *for the purpose described in subparagraph (A) of this paragraph.*]

16 “[*(c) ‘Vehicle’ means a vehicle, vessel, train, boat or any other equipment*  
17 *that is mobile.*]

18 “[*(2)*] (1) The Legislative Assembly finds and declares that:

19 “(a) Transportation electrification is necessary to reduce petroleum use,  
20 achieve optimum levels of energy efficiency and carbon reduction, meet fed-  
21 eral and state air quality standards, meet this state’s greenhouse gas emis-  
22 sions reduction goals described in ORS 468A.205 and improve the public  
23 health and safety;

24 “(b) Widespread transportation electrification requires that electric com-  
25 panies increase access to the use of electricity as a transportation fuel;

26 “(c) Widespread transportation electrification requires that electric com-  
27 panies increase access to the use of electricity as a transportation fuel in low  
28 and moderate income communities;

29 “(d) Widespread transportation electrification should stimulate innovation  
30 and competition, provide consumers with increased options in the use of

1 charging equipment and in procuring services from suppliers of electricity,  
2 attract private capital investments and create high quality jobs in this state;

3 “(e) Transportation electrification and the purchase and use of electric  
4 vehicles should assist in managing the electrical grid, integrating generation  
5 from renewable energy resources and improving electric system efficiency  
6 and operational flexibility, including the ability of an electric company to  
7 integrate variable generating resources;

8 “(f) Deploying transportation electrification and electric vehicles creates  
9 the opportunity for an electric company to propose, to the Public Utility  
10 Commission, that a net benefit for the customers of the electric company is  
11 attainable; and

12 “(g) Charging electric vehicles in a manner that provides benefits to  
13 electrical grid management affords fuel cost savings for vehicle drivers.

14 “[3] (2) The Public Utility Commission shall direct each electric com-  
15 pany to file applications, in a form and manner prescribed by the commis-  
16 sion, for programs to [accelerate] **support the acceleration of**  
17 transportation electrification. A program proposed by an electric company  
18 may include prudent investments in or customer rebates for electric vehicle  
19 charging and related infrastructure.

20 “[4] *When considering a transportation electrification program and deter-*  
21 *mining cost recovery for investments and other expenditures related to a pro-*  
22 *gram proposed by an electric company under subsection (3) of this section, the*  
23 *commission shall consider whether the investments and other expenditures:]*

24 “[a] *Are within the service territory of the electric company;]*

25 “[b] *Are prudent as determined by the commission;]*

26 “[c] *Are reasonably expected to be used and useful as determined by the*  
27 *commission;]*

28 “[d] *Are reasonably expected to enable the electric company to support the*  
29 *electric company’s electrical system;]*

30 “[e] *Are reasonably expected to improve the electric company’s electrical*

1 *system efficiency and operational flexibility, including the ability of the electric*  
2 *company to integrate variable generating resources; and]*

3 “[*f*] *Are reasonably expected to stimulate innovation, competition and cus-*  
4 *tomers’ choice in electric vehicle charging and related infrastructure and ser-*  
5 *vices.*”]

6 **“(3) The commission may allow an electric company to recover**  
7 **costs from retail electricity consumers for prudent investments or**  
8 **expenditures in infrastructure measures, including infrastructure**  
9 **measures behind the meter that support the acceleration of transpor-**  
10 **tation electrification in the electric company’s service territory, if the**  
11 **commission finds the infrastructure measures can be reasonably an-**  
12 **ticipated to:**

13 **“(a) Support reductions of transportation sector greenhouse gas**  
14 **emissions over time; and**

15 **“(b) Benefit the electric company’s retail electricity consumers in**  
16 **ways that may include, but need not be limited to:**

17 **“(A) Supporting the electric company’s electrical system and pro-**  
18 **vide distribution and transmission management benefits;**

19 **“(B) The use of revenues from electric vehicle charging to offset**  
20 **utilities’ fixed costs that may otherwise be charged to retail electricity**  
21 **consumers;**

22 **“(C) Reasonably expected improvements to the electric company’s**  
23 **electrical system efficiency and operational flexibility, including the**  
24 **ability of the electric company to integrate variable generating re-**  
25 **sources, or provide other economic values inuring to the benefit of**  
26 **retail electricity consumers over the long term; or**

27 **“(D) Reasonably expected increases in customer choice and access**  
28 **to greater transportation electrification infrastructure and services.**

29 “[*5(a)*] **(4)(a)** *Tariff schedules and rates allowed pursuant to subsection*  
30 *[(3)] (2) of this section:*

1 “(A) May allow a return of and a return on an investment made by an  
2 electric company under subsection [(3)] (2) of this section; and

3 “(B) Shall be recovered from all customers of an electric company in a  
4 manner that is similar to the recovery of distribution system investments.

5 “(b) A return on investment allowed under this subsection may be earned  
6 for a period of time that does not exceed the depreciation schedule of the  
7 investment approved by the commission. When an electric company’s invest-  
8 ment is fully depreciated, the commission may authorize the electric company  
9 to donate the electric vehicle charging infrastructure to the owner of the  
10 property on which the infrastructure is located.

11 “[6] (5) For purposes of ORS 757.355, electric vehicle charging  
12 infrastructure provides utility service to the customers of an electric com-  
13 pany.

14 “[7] (6) In authorizing programs described in subsection [(3)] (2) of this  
15 section, the commission shall review data concerning current and future  
16 adoption of electric vehicles and utilization of electric vehicle charging  
17 infrastructure. If market barriers unrelated to the investment made by an  
18 electric company prevent electric vehicles from adequately utilizing available  
19 electric vehicle charging infrastructure, the commission may not permit ad-  
20 ditional investments in transportation electrification without a reasonable  
21 showing that the investments would not result in long-term stranded costs  
22 recoverable from the customers of electric companies.

23 **“SECTION 6. Section 4 of this 2020 Act and the amendments to ORS**  
24 **757.357 by section 5 of this 2020 Act become operative on January 1,**  
25 **2021.”.**

26 In line 31, delete “16” and insert “7”.

27