

House Bill 2182

Sponsored by Representative WILDE (Presession filed.)

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**.

Directs administrator of electric and zero-emission vehicle rebate program to conduct outreach efforts. Defines "administrative expenses" for rebate program to exclude outreach efforts.

A BILL FOR AN ACT

1
2 Relating to electric-powered vehicles; amending sections 149, 150 and 152, chapter 750, Oregon Laws
3 2017.

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

5 **SECTION 1.** Section 149, chapter 750, Oregon Laws 2017, as amended by section 155, chapter
6 750, Oregon Laws 2017, sections 19 and 20, chapter 93, Oregon Laws 2018, and section 35, chapter
7 491, Oregon Laws 2019, is amended to read:

8 **Sec. 149.** (1) The Department of Environmental Quality shall establish a program for providing
9 rebates to persons that purchase or lease qualifying vehicles for use in this state. The Director of
10 the Department of Environmental Quality may hire or contract with a third-party organization to
11 implement and serve as the administrator of the program required by this section.

12 (2) The department may:

13 (a) Specify design features for the program; and

14 (b) Establish procedures to:

15 (A) Prioritize available moneys for specific qualifying vehicles; and

16 (B) Limit the number of rebates available for each type of qualifying vehicle.

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

19 (4) Rebates under the program shall be made from moneys credited to or deposited in the Zero-
20 Emission Incentive Fund established under section 152, chapter 750, Oregon Laws 2017. A rebate
21 may not be made until there are sufficient moneys available in the fund to make the rebate.

22 (5) The department shall prescribe the rebate application procedure for purchasers and lessees.
23 All rebate applications must include a declaration under penalty of perjury in the form required by
24 ORCP 1 E.

25 (6) Rebates for qualifying vehicles shall be set annually by the department as follows:

26 (a) For light-duty zero-emission vehicles and plug-in hybrid electric vehicles with an
27 electrochemical energy storage capacity of 10 kilowatt hours or more, up to \$2,500 but no less than
28 \$1,500.

29 (b) For light-duty zero-emission vehicles or plug-in hybrid electric vehicles with an
30 electrochemical energy storage capacity of less than 10 kilowatt hours, up to \$1,500 but no less than
31 \$750.

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 (c) For neighborhood electric vehicles, up to \$750 but not less than \$375.

2 (d) For zero-emission motorcycles, up to \$750 but not less than \$375.

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

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

5 (b) Provide proof of an intent to use the qualifying vehicle primarily on the public highways of
6 this state, which may be satisfied by providing proof of registration of the qualifying vehicle in
7 Oregon.

8 (c) Submit an application for a rebate to the administrator of the program within six months
9 after the date of purchase of the qualifying vehicle or six months after the date the lease of the
10 qualifying vehicle begins.

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

13 (8) A rebate recipient may not make or allow any modifications to the qualifying vehicle's
14 emissions control systems, hardware, software calibrations or hybrid system.

15 (9)(a) If a rebate recipient sells the qualifying vehicle or terminates the qualifying vehicle lease
16 before the end of 24 months, the rebate recipient shall:

17 (A) Notify the administrator of the program of the sale or termination; and

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

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

24 (10) Rebate recipients may be requested to participate in ongoing research efforts.

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

27 **(12) The administrator of the program shall conduct outreach efforts to promote partic-**
28 **ipation in the program, including:**

29 **(a) Providing education or coaching services to help persons identify and access rebates**
30 **or other incentives that may be combined with the rebate available under the program;**

31 **(b) Providing education or coaching services to persons on the engineering and design**
32 **requirements needed to develop charging infrastructure; and**

33 **(c) Providing education or coaching services to vehicle dealers to help dealers promote**
34 **the rebate available under the program to their customers and inform their customers of**
35 **other rebates and incentives that may be combined with the rebate available under the pro-**
36 **gram.**

37 [(12)] **(13)** A vehicle dealer may advertise the program on the premises owned or operated by
38 the vehicle dealer. If no moneys are available from the program or the program otherwise changes,
39 a vehicle dealer who advertises the program may not be held liable for advertising false or mis-
40 leading information.

41 [(13)] **(14)** The Environmental Quality Commission may adopt any rules necessary to carry out
42 the provisions of this section.

43 **SECTION 2.** Section 150, chapter 750, Oregon Laws 2017, as amended by section 21, chapter
44 93, Oregon Laws 2018, and section 36, chapter 491, Oregon Laws 2019, is amended to read:

45 **Sec. 150.** (1) As used in this section:

1 (a) "Area median income" means the median income for the metropolitan statistical area in
 2 which a household is located or, if the household is not located within a metropolitan statistical
 3 area, for the metropolitan statistical area in closest proximity to the location of the household, as
 4 determined by the Housing and Community Services Department, adjusted for household size.

5 (b) "Charge ahead rebate" means a rebate for the purchase or lease of a new or used light-duty
 6 zero-emission vehicle or plug-in hybrid electric vehicle issued through the Charge Ahead Oregon
 7 Program established under this section.

8 (c) "Low income household" means a household with income less than or equal to 80 percent
 9 of the area median income.

10 (d) "Moderate income household" means a household with income less than or equal to 120
 11 percent and greater than 80 percent of the area median income.

12 (2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program
 13 to provide for charge ahead rebates to low income households and moderate income households. The
 14 Director of the Department of Environmental Quality may hire or contract with a third-party or-
 15 ganization to implement and serve as the administrator of the program required by this section.

16 (3) The department may:

17 (a) Specify design features for the program; and

18 (b) Establish procedures to:

19 (A) Prioritize available moneys to specific income levels or geographic areas; and

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

21 (4) An eligible purchaser or lessee of a new or used light-duty zero-emission vehicle or plug-in
 22 hybrid electric vehicle may apply for a charge ahead rebate for a portion of the purchase price or
 23 may choose to assign the charge ahead rebate to a vehicle dealer or lessor.

24 (5) Rebates under the Charge Ahead Oregon Program shall be made from moneys credited to
 25 or deposited in the Zero-Emission Incentive Fund established under section 152, chapter 750, Oregon
 26 Laws 2017. A rebate may not be made until there are sufficient moneys available in the fund to
 27 make the rebate.

28 (6) The department shall prescribe the rebate application procedure for purchasers and lessees.
 29 All rebate applications must include a declaration under penalty of perjury in the form required by
 30 ORCP 1 E.

31 (7) Charge ahead rebates shall be in an amount up to \$2,500, but not less than \$1,250.

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

34 (a) Be a member of a low income household or a moderate income household.

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

37 (c) Provide proof of an intent to use the light-duty zero-emission vehicle or plug-in hybrid elec-
 38 tric vehicle primarily on the public highways of this state, which may be satisfied by providing proof
 39 of registration of the vehicle in Oregon.

40 (d) Submit an application for a charge ahead rebate to the administrator of the program within
 41 six months of the date of purchase or six months from the date the lease begins.

42 (e) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consecutive
 43 months following the date of purchase or following the date the lease begins.

44 (9) A person that receives a charge ahead rebate may not make or allow any modifications to
 45 the vehicle's emissions control systems, hardware, software calibrations or hybrid system.

1 (10)(a) If a charge ahead rebate recipient sells the vehicle or terminates the vehicle lease before
 2 the end of 24 months, the charge ahead rebate recipient shall:

3 (A) Notify the administrator of the program of the sale or termination; and

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

6 (b) The administrator may waive the reimbursement requirement under paragraph (a) of this
 7 subsection if the administrator determines that a waiver is appropriate given unforeseeable or una-
 8 voidable circumstances that gave rise to a need for the rebate recipient to sell the qualifying vehicle
 9 or terminate the qualifying vehicle lease before the end of 24 months.

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

11 (12) The administrator of the program shall work to ensure timely payment of charge ahead re-
 12 bates with a goal of paying rebates within 60 days of receiving an application for a charge ahead
 13 rebate.

14 (13) In establishing the Charge Ahead Oregon Program, the department shall provide opportu-
 15 nities for public comment by low income households, moderate income households and community-
 16 based organizations that are located in areas of this state that have elevated concentrations of air
 17 contaminants attributable to motor vehicle emissions, relative to other areas of the state. The de-
 18 partment shall use the comments received pursuant to this subsection to inform, evaluate and
 19 strengthen the design of the program in order to increase the usage of light-duty zero-emission ve-
 20 hicles and plug-in hybrid electric vehicles.

21 (14)(a) The administrator of the program shall, throughout the course of implementing the pro-
 22 gram, conduct community outreach to low income households, moderate income households and
 23 community-based organizations that are located in areas of this state that have elevated concen-
 24 trations of air contaminants attributable to motor vehicle emissions, relative to other areas of the
 25 state, in order to:

26 (a) Solicit feedback on program implementation; and

27 (b) *[Take steps]* **Make efforts** to ensure that the program is promoted effectively, **including**
 28 **education or coaching services for low income households and moderate income households**
 29 **on the availability of the charge ahead rebate as well as other rebates or incentives that may**
 30 **be combined with the charge ahead rebate.**

31 (15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned
 32 or operated by the vehicle dealer. If no moneys are available from the program or the program
 33 otherwise changes, a vehicle dealer who advertises the program may not be held liable for adver-
 34 tising false or misleading information.

35 (16) A charge ahead rebate may be combined with a rebate described in section 149, chapter 750,
 36 Oregon Laws 2017.

37 (17) An organization that the department has hired or contracted with to implement and serve
 38 as the administrator of the program may offer expanded financing mechanisms for program partic-
 39 ipants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to in-
 40 crease consumer access to new or used light-duty zero-emission vehicles and plug-in hybrid electric
 41 vehicles.

42 (18) The Environmental Quality Commission may adopt any rules necessary to carry out the
 43 provisions of this section.

44 **SECTION 3.** Section 152, chapter 750, Oregon Laws 2017, is amended to read:

45 **Sec. 152.** (1) The Zero-Emission Incentive Fund is established in the State Treasury, separate

1 and distinct from the General Fund. Interest earned by the Zero-Emission Incentive Fund shall be
 2 credited to the fund.

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

4 (a) Amounts donated to the fund;

5 (b) Amounts transferred to the fund by the Department of Revenue under *[section 96 of this 2017*
 6 *Act]* **ORS 320.435**;

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

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

9 (e) Interest earned by the fund.

10 (3) The Department of Environmental Quality shall encourage gifts, grants, donations or other
 11 contributions to the fund.

12 (4) Moneys in the fund are continuously appropriated to the department to be used to carry out
 13 the provisions of sections 148 to 152 *[of this 2017 Act]*, **chapter 750, Oregon Laws 2017**.

14 (5)(a) No more than 10 percent of the moneys deposited in the fund per biennium may be ex-
 15 pended to pay *[the]* **administrative** expenses incurred in the administration of sections 148 to 152
 16 *[of this 2017 Act]*, **chapter 750, Oregon Laws 2017**, by:

17 *[(a)]* **(A)** The department; and

18 *[(b)]* **(B)** Any third-party organization that the department hires or contracts with under sections
 19 149 and 150 *[of this 2017 Act]*, **chapter 750, Oregon Laws 2017**.

20 **(b) As used in this subsection, “administrative expenses” does not include expenses in-**
 21 **curred by the department or third-party organizations in conducting outreach under section**
 22 **149 (12) or 150 (14), chapter 750, Oregon Laws 2017.**

23 (6) The Environmental Quality Commission may adopt by rule provisions for the allocation of
 24 moneys deposited in the fund between the programs established under sections 149 and 150 *[of this*
 25 *2017 Act]*, **chapter 750, Oregon Laws 2017**. Rules adopted under this subsection must require that
 26 at least 10 percent of the moneys deposited in the fund per biennium are allocated to fund the pro-
 27 vision of rebates through the Charge Ahead Oregon Program established under section 150 *[of this*
 28 *2017 Act]*, **chapter 750, Oregon Laws 2017**.

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