

Senate Bill 1558

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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**.

Requires transportation delivery companies and third-party food delivery platforms to meet or exceed specified targets for percentage of service miles provided by zero-emission vehicles. Permits Environmental Quality Commission to modify or delay enforcement of targets. Requires transportation delivery companies and third-party food delivery platforms to report information regarding service miles to Department of Environmental Quality.

Prohibits department and commission from adopting or enforcing per-person limit on rebates available under zero-emission and electric vehicle rebate program.

Preempts local governments from imposing per-trip tax, fee or similar charge for rideshare services or food delivery services unless proceeds of tax, fee or similar charge are used only for regulation of rideshare services or food delivery services or funding expansion of electric vehicle infrastructure.

Provides that enhanced penalty for failure to use vehicle traction tires or chains applies to motor vehicles registered as commercial vehicles or registered as proportionally registered vehicles at time of offense.

Repeals citation moratorium for traffic offenses related to documents and credentials that expired during period beginning on March 1, 2020, and ending on December 31, 2020.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 468.444 and 815.140; and repeal-
3 ing ORS 802.093.

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

6 NETWORK COMPANY ZERO-EMISSION VEHICLE TARGETS

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8 **SECTION 1. Sections 2 to 4 of this 2022 Act are added to and made a part of ORS chapter**
9 **468A.**

10 **SECTION 2. As used in sections 2 to 4 of this 2022 Act:**

11 (1) **"Food delivery services" means the same-day delivery of prepared food or beverages**
12 **by a network company driver, from a food preparation and service establishment, that is**
13 **arranged by or facilitated through a third-party food delivery platform, beginning when the**
14 **prepared food or beverage is picked up by the driver and ending when the prepared food or**
15 **beverage is delivered.**

16 (2) **"Network company" means:**

17 (a) **A transportation network company; or**

18 (b) **A third-party food delivery platform.**

19 (3) **"Network company driver" means a person who uses a vehicle to provide food delivery**
20 **services or rideshare services that are facilitated through a network company's digital net-**
21 **work or software application.**

22 (4) **"Percentage of ZEV service miles" means the percentage of service miles driven by**

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 network company drivers in zero-emission vehicles divided by the total number of service
2 miles driven by network company drivers in all vehicles.

3 (5) “Rideshare services” means the transportation of one or more passengers in a vehicle
4 by a network company driver that was arranged through a transportation network
5 company’s digital network or software application, beginning when the passenger first enters
6 the vehicle and ending when the passenger exits the vehicle at the passenger’s destination.

7 (6) “Service miles” means all miles driven in a vehicle by a network company driver while
8 providing rideshare services or food delivery services in this state.

9 (7) “Third-party food delivery platform” means a corporation, limited liability company,
10 partnership or other association that provides a digital network or software application, the
11 express purpose of which is to connect to the Internet and facilitate the sale and same-day
12 delivery of prepared food or beverages from at least 20 separately owned and operated food
13 preparation and service establishments.

14 (8)(a) “Transportation network company” means a corporation, limited liability company,
15 partnership or other association that provides a digital network or software application, the
16 express purpose of which is to connect to the Internet and enable a prospective passenger
17 to seek and obtain rideshare services from a driver who operates a personal motor vehicle
18 for the purpose of providing rideshare services for compensation in affiliation with the cor-
19 poration, limited liability company, partnership or other association.

20 (b) “Transportation network company” does not include:

21 (A) A taxi company, as defined in ORS 742.518.

22 (B) A charter party or excursion service carrier;

23 (C) A private, nonprofit transportation provider;

24 (D) A limousine service; or

25 (E) An association described in paragraph (a) of this subsection that utilizes only zero-
26 emission vehicles.

27 (9) “Zero-emission vehicle” means a motor vehicle that emits no exhaust gas other than
28 water vapor from the onboard source of power.

29 **SECTION 3.** (1) A network company shall report to the Department of Environmental
30 Quality information sufficient for the department to determine:

31 (a) The total number of service miles driven in this state by network company drivers;
32 and

33 (b) The total number of service miles driven in this state by network company drivers
34 in zero-emission vehicles.

35 (2) The Environmental Quality Commission may establish by rule a schedule or other
36 requirements for reports submitted to the department under this section.

37 (3) Confidential business information submitted to the department by a network company
38 under this section is confidential and not subject to public disclosure under ORS 192.311 to
39 192.478, except that the department may disclose summarized information or aggregated data
40 if the information or data does not directly or indirectly identify the confidential business
41 information.

42 **SECTION 4.** (1) Subject to subsection (2) of this section, a network company shall meet
43 or exceed the following targets for the network company’s percentage of ZEV service miles:

44 (a) For calendar year 2024, 2.5 percent;

45 (b) For calendar year 2025, 5 percent;

- 1 (c) For calendar year 2026, 10 percent;
- 2 (d) For calendar year 2027, 20 percent;
- 3 (e) For calendar year 2028, 35 percent;
- 4 (f) For calendar year 2029, 50 percent;
- 5 (g) For calendar year 2030, 70 percent;
- 6 (h) For calendar year 2031, 85 percent; and
- 7 (i) For calendar year 2032 and thereafter, 100 percent.

8 (2) If the Environmental Quality Commission determines that it is not technically or
 9 economically feasible for network companies to meet the targets described in subsection (1)
 10 of this section, the commission may, by rule, modify the targets or delay implementation of
 11 the targets. Rules adopted by the commission under this section must be informed by data
 12 reported to the Department of Environmental Quality under section 3 of this 2022 Act.

13 **SECTION 5.** Section 4 of this 2022 Act is amended to read:

14 **Sec. 4.** (1) Subject to subsection (2) of this section, a network company shall meet [*or exceed the*
 15 *following targets*] **a target of 100 percent** for the network company’s percentage of ZEV service
 16 miles.[.]

- 17 [*(a) For calendar year 2024, 2.5 percent;*]
- 18 [*(b) For calendar year 2025, 5 percent;*]
- 19 [*(c) For calendar year 2026, 10 percent;*]
- 20 [*(d) For calendar year 2027, 20 percent;*]
- 21 [*(e) For calendar year 2028, 35 percent;*]
- 22 [*(f) For calendar year 2029, 50 percent;*]
- 23 [*(g) For calendar year 2030, 70 percent;*]
- 24 [*(h) For calendar year 2031, 85 percent; and]*
- 25 [*(i) For calendar year 2032 and thereafter, 100 percent.*]

26 (2) If the Environmental Quality Commission determines that it is not technically or econom-
 27 ically feasible for network companies to meet the [*targets*] **target** described in subsection (1) of this
 28 section, the commission may, by rule, modify the [*targets*] **target** or delay implementation of the
 29 [*targets*] **target**. Rules adopted by the commission under this section must be informed by data re-
 30 ported to the Department of Environmental Quality under section 3 of this 2022 Act.

31 **SECTION 6. The amendments to section 4 of this 2022 Act by section 5 of this 2022 Act**
 32 **become operative on January 1, 2032.**

33 **SECTION 7.** ORS 468.444 is amended to read:

34 468.444. (1) The Department of Environmental Quality shall establish a program for providing
 35 rebates to persons that purchase or lease qualifying vehicles for use in this state. The Director of
 36 the Department of Environmental Quality may hire or contract with a third-party organization to
 37 implement and serve as the administrator of the program required by this section.

38 (2)(a) The department may:

- 39 [(a)] (A) Specify design features for the program; and
- 40 [(b)] (B) Establish procedures to:
 - 41 [(A)] (i) Prioritize available moneys for specific qualifying vehicles; and
 - 42 [(B)] (ii) Limit the number of rebates available for each type of qualifying vehicle.

43 (b) **The department may not impose or enforce a limit on the number of rebates that a**
 44 **person may receive.**

45 (3) The purchaser or lessee of a qualifying vehicle may apply for a rebate for a portion of the

1 purchase price or may choose to assign the rebate to a vehicle dealer or lessor.

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

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

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

9 (a) For light-duty zero-emission vehicles and plug-in hybrid electric vehicles with an
 10 electrochemical energy storage capacity of 10 kilowatt hours or more, up to \$2,500 but no less than
 11 \$1,500.

12 (b) For light-duty zero-emission vehicles or plug-in hybrid electric vehicles with an
 13 electrochemical energy storage capacity of less than 10 kilowatt hours, up to \$1,500 but no less than
 14 \$750.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (12) A vehicle dealer may advertise the program on the premises owned or operated by the ve-
 42 hicle dealer. If no moneys are available from the program or the program otherwise changes, a ve-
 43 hicle dealer who advertises the program may not be held liable for advertising false or misleading
 44 information.

45 (13) The Environmental Quality Commission may adopt any rules necessary to carry out the

1 provisions of this section. **Rules adopted by the commission may not limit the number of re-**
 2 **bates that a person may receive.**

3 **SECTION 8.** (1) As used in this section, “food delivery services,” “network company” and
 4 “rideshare services” have the meanings given those terms in section 2 of this 2022 Act.

5 (2) Except as provided in subsection (3) of this section, a local government, as defined in
 6 ORS 174.116, may not impose on a network company a per-trip tax, fee or similar charge for
 7 providing rideshare services or food delivery services.

8 (3) A local government may impose on a network company a per-trip tax, fee or similar
 9 charge for the privilege of engaging in the business of providing rideshare services or food
 10 delivery services if the net proceeds of the tax, fee or similar charge are used only as follows:

11 (a) First, for regulation of rideshare services or food delivery services; and

12 (b) Second, if the net proceeds exceed the amount necessary for regulation under para-
 13 graph (a) of this subsection, for funding the expansion of electric vehicle charging
 14 infrastructure.

15 16 AMENDMENTS RELATED TO THE RULES OF THE ROAD

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18 **SECTION 9.** ORS 815.140 is amended to read:

19 815.140. (1) A person commits the offense of failure to use vehicle traction tires or chains if the
 20 person drives or moves or owns and causes or knowingly permits to be driven or moved any motor
 21 vehicle or trailer on any highway if the highway is posted showing conditions that require vehicle
 22 traction tires or chains and the vehicle is not equipped with vehicle traction tires or chains that
 23 are required for the posted conditions.

24 (2) Traction tires or chains that are referred to in this section are those established by rule
 25 under the authority granted under ORS 815.045.

26 (3) This section does not apply to vehicles exempted from this section under ORS 815.145.

27 (4) This section only applies to sections of highway on which a road authority requires the use
 28 of traction tires or chains and on which signs requiring the use of traction tires or chains have been
 29 posted as provided in ORS 815.045.

30 (5) A court may not find a person to be in violation of the offense described under this section
 31 if the court determines that the conditions of the highway at the time the person was cited did not
 32 require posting under rules adopted under ORS 815.045. The defense under this subsection may be
 33 affirmatively asserted by any person cited for violation of the offense described in this section.

34 [(6) *The offense described in this section, failure to use vehicle traction tires or chains, is a specific*
 35 *fine traffic violation. The presumptive fine for failure to use vehicle traction tires or chains is \$880.]*

36 (6) **Except as provided in subsection (7) of this section, the offense described in this sec-**
 37 **tion, failure to use vehicle traction tires or chains, is a Class C traffic violation.**

38 (7) **Failure to use vehicle traction tires or chains is a specific fine traffic violation if the**
 39 **person was operating a motor vehicle registered under ORS chapter 826 at the time of the**
 40 **offense. The presumptive fine for failure to use vehicle traction tires or chains is \$880.**

41 **SECTION 10.** The amendments to ORS 815.140 by section 9 of this 2022 Act apply to of-
 42 fenses committed on or after the effective date of this 2022 Act.

43 **SECTION 11.** ORS 802.093 is repealed.

44 **SECTION 12.** The repeal of ORS 802.093 by section 11 of this 2022 Act applies to citations
 45 issued on or after the effective date of this 2022 Act.

CAPTIONS

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SECTION 13. The unit captions used in this 2022 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 2022 Act.
