

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2714**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 Delete pages 2 and 3 and insert:

3 **“SECTION 1. Sections 2 and 3 of this 2023 Act are added to and**
4 **made a part of ORS chapter 468.**

5 **“SECTION 2. (1) As used in this section, ‘qualifying vehicle’ means**
6 **a motor vehicle, as defined in ORS 801.360, or a combination of vehi-**
7 **cles operated as a unit, that:**

8 **“(a) Has a gross vehicle weight rating of 8,501 pounds or greater;**

9 **“(b) Has a drivetrain that produces zero exhaust emissions of any**
10 **criteria pollutant or greenhouse gas; and**

11 **“(c) Meets other criteria established by the Environmental Quality**
12 **Commission by rule.**

13 **“(2) The Department of Environmental Quality shall establish a**
14 **program for providing rebates to persons that purchase or lease qual-**
15 **ifying vehicles for use in this state. The Director of the Department**
16 **of Environmental Quality may hire or contract with a third-party**
17 **nonprofit organization to implement and serve as the administrator**
18 **of the program required by this section.**

19 **“(3) The department may:**

20 **“(a) Specify design features for the program; and**

21 **“(b) Establish procedures to:**

1 **“(A) Prioritize available moneys for specific qualifying vehicles; and**

2 **“(B) Limit the number of rebates available for each type of quali-**
3 **fyng vehicle.**

4 **“(4) The purchaser or lessee of a qualifying vehicle may apply for**
5 **a rebate or may choose to assign the rebate to a vehicle dealer.**

6 **“(5) Rebates under the program shall be made from moneys credited**
7 **to or deposited in the Zero-Emission Medium and Heavy Duty Vehicle**
8 **Incentive Fund established under section 3 of this 2023 Act.**

9 **“(6)(a) The department shall prescribe the rebate application pro-**
10 **cedure for purchasers and lessees.**

11 **“(b) The department may establish a dealer application or individ-**
12 **ual application procedure.**

13 **“(c) All rebate applications must include a declaration under pen-**
14 **alty of perjury in the form required by ORCP 1 E.**

15 **“(7)(a) Rebates for qualifying vehicles shall be set annually at**
16 **amounts determined by the commission by rule.**

17 **“(b) The commission may establish separate rebate amounts for**
18 **different classes of vehicles.**

19 **“(c) The commission may establish an additional rebate for fleet**
20 **owners that purchase or lease qualifying vehicles that will be regis-**
21 **tered to an address, or frequently operated, in an area of this state**
22 **that is disproportionately burdened by air pollution as determined by**
23 **the commission.**

24 **“(8) To be eligible for a rebate, a person requesting a rebate under**
25 **the program shall:**

26 **“(a) Purchase or lease a qualifying vehicle. A lease must have a**
27 **minimum term of 24 months.**

28 **“(b) Provide proof of an intent to use the qualifying vehicle prima-**
29 **rily on the public highways of this state, which may be satisfied by**
30 **providing proof of registration of the qualifying vehicle in Oregon.**

1 “(c) Submit an application for a rebate to the administrator of the
2 program within three months after the date of purchase of the quali-
3 fying vehicle or three months after the date the lease of the qualifying
4 vehicle begins.

5 “(d) Retain registration of the qualifying vehicle for a minimum of
6 24 consecutive months after the date of purchase or the date the lease
7 begins.

8 “(9) A rebate recipient may not make or allow any modifications to
9 the qualifying vehicle’s emissions control systems, hardware or soft-
10 ware calibrations.

11 “(10)(a) If a rebate recipient sells the qualifying vehicle or termi-
12 nates the qualifying vehicle lease before the end of 24 months, the re-
13 bate recipient shall:

14 “(A) Notify the administrator of the program of the sale; and

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

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

24 “(11) Rebate recipients may be requested to participate in ongoing
25 research efforts.

26 “(12) The administrator of the program shall work to ensure timely
27 payment of rebates with a goal of paying rebates within 90 days after
28 receiving an application for a rebate.

29 “(13) A vehicle dealer may advertise the program on the premises
30 owned or operated by the vehicle dealer. If no moneys are available

1 from the program or the program otherwise changes, a vehicle dealer
2 who advertises the program may not be held liable for advertising false
3 or misleading information.

4 “(14) The Environmental Quality Commission may adopt any rules
5 necessary to carry out the provisions of this section.

6 **“SECTION 3. (1) The Zero-Emission Medium and Heavy Duty Ve-**
7 **hicle Incentive Fund is established in the State Treasury, separate and**
8 **distinct from the General Fund. Interest earned by the Zero-Emission**
9 **Medium and Heavy Duty Vehicle Incentive Fund shall be credited to**
10 **the fund.**

11 “(2) Moneys in the Zero-Emission Medium and Heavy Duty Vehicle
12 Incentive Fund shall consist of:

13 “(a) Amounts donated to the fund;

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

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

18 “(d) Interest earned by the fund.

19 “(3) Moneys in the Zero-Emission Medium and Heavy Duty Vehicle
20 Incentive Fund are continuously appropriated to the Department of
21 Environmental Quality to be used to carry out the provisions of sec-
22 tion 2 of this 2023 Act.

23 “(4) No more than 15 percent of the moneys deposited in the Zero-
24 Emission Medium and Heavy Duty Vehicle Incentive Fund per
25 biennium may be expended to pay administrative expenses incurred in
26 the administration of section 2 of this 2023 Act by:

27 “(a) The department; or

28 “(b) Any third-party organization that the department hires or
29 contracts with under section 2 of this 2023 Act.

30 **“SECTION 4. In addition to and not in lieu of any other appropri-**

1 **ation, there is appropriated to the Department of Environmental**
2 **Quality, for the biennium beginning July 1, 2023, out of the General**
3 **Fund, the amount of \$15,000,000, for deposit into the Zero-Emission**
4 **Medium and Heavy Duty Vehicle Incentive Fund established under**
5 **section 3 of this 2023 Act.”.**

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