

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2614**

1 On page 1 of the printed bill, after “468.444” insert “and 468.449”.

2 Delete lines 5 through 27 and delete pages 2 through 5 and insert:

3 **“SECTION 1. As used in sections 1 to 7 of this 2023 Act:**

4 **“(1) ‘Confidential business information’ means sensitive business**  
5 **records or financial or commercial information that is not customarily**  
6 **provided to business competitors, including trade secrets, as defined**  
7 **in ORS 192.345.**

8 **“(2) ‘Light-duty passenger vehicle’ means any motor vehicle with a**  
9 **gross vehicle weight rating of 8,500 pounds or less that is designed**  
10 **primarily for transportation of persons and has a design capacity of**  
11 **twelve persons or fewer.**

12 **“(3) ‘Passenger mile’ means each mile driven by a transportation**  
13 **network company vehicle while transporting a rider, beginning when**  
14 **a rider first enters the vehicle and ending when the rider exits the**  
15 **vehicle at the rider’s destination.**

16 **“(4) ‘Percentage of ZEV passenger miles’ means the percentage that**  
17 **results from dividing the number of passenger miles driven by zero-**  
18 **emission transportation network company vehicles by the total num-**  
19 **ber of passenger miles driven by all transportation network company**  
20 **vehicles.**

21 **“(5)(a) ‘Transportation network company’ means a corporation,**

1 **limited liability company, partnership or other association that pro-**  
2 **vides a digital network or software application, the express purpose**  
3 **of which is to connect to the Internet and enable a prospective rider**  
4 **to seek and obtain transportation services from a driver who operates**  
5 **a transportation network company vehicle for the purpose of providing**  
6 **transportation services for compensation in affiliation with the cor-**  
7 **poration, limited liability company, partnership or other association.**

8 **“(b) ‘Transportation network company’ does not include:**

9 **“(A) A taxi company, as defined in ORS 742.518;**

10 **“(B) A charter party or excursion service carrier;**

11 **“(C) A private, nonprofit transportation provider;**

12 **“(D) A limousine service;**

13 **“(E) A vanpool;**

14 **“(F) A peer-to-peer care sharing program; or**

15 **“(G) An association described in paragraph (a) of this subsection**  
16 **that utilizes only zero-emission vehicles.**

17 **“(6) ‘Transportation network company driver’ means an individual**  
18 **who:**

19 **“(a) Receives a request through a digital network provided by a**  
20 **transportation network company from a rider for transportation ser-**  
21 **vices; and**

22 **“(b) Offers or provides transportation services to the rider in ex-**  
23 **change for a fee that the rider pays.**

24 **“(7) ‘Transportation network company vehicle’ means a vehicle**  
25 **used by a transportation network company driver to provide trans-**  
26 **portation services.**

27 **“(8) ‘Zero-emission transportation network company vehicle’ means**  
28 **a transportation network company vehicle that is a zero-emission ve-**  
29 **hicle.**

30 **“(9) ‘Zero-emission vehicle’ means a vehicle that emits no exhaust**

1 gas other than water vapor from the onboard source of power under  
2 all operating conditions.

3 “(10) ‘ZEV passenger mile’ means each passenger mile driven by a  
4 zero-emission transportation network company vehicle.

5 **“SECTION 2. (1) By April 1 of each year, a transportation network  
6 company shall report to the Department of Environmental Quality  
7 information sufficient for the department to determine:**

8 **“(a) The total number of passenger miles driven in this state by  
9 transportation network company vehicles; and**

10 **“(b) The total number of passenger miles driven in this state by  
11 zero-emission transportation network company vehicles.**

12 **“(2) The Environmental Quality Commission may establish by rule  
13 requirements for reports submitted to the department under this sec-  
14 tion.**

15 **“(3) Confidential business information submitted to the department  
16 by a transportation network company under this section is confiden-  
17 tial and not subject to public disclosure under ORS 192.311 to 192.478,  
18 except that the department may disclose summarized information or  
19 aggregated data if the information or data does not directly or indi-  
20 rectly identify the confidential business information of any individual  
21 transportation network company.**

22 **“SECTION 3. (1) Subject to subsection (2) of this section, a trans-  
23 portation network company shall meet or exceed the following targets  
24 for the transportation network company’s percentage of ZEV passen-  
25 ger miles:**

26 **“(a) For calendar year 2024, 5 percent;**

27 **“(b) For calendar year 2025, 10 percent;**

28 **“(c) For calendar year 2026, 23 percent;**

29 **“(d) For calendar year 2027, 34 percent;**

30 **“(e) For calendar year 2028, 45 percent;**

1       “(f) For calendar year 2029, 60 percent;

2       “(g) For calendar year 2030, 82 percent; and

3       “(h) For calendar year 2031 and thereafter, 100 percent.

4       “(2)(a) The Department of Environmental Quality shall conduct a  
5 feasibility review of the targets described in subsection (1) of this  
6 section if:

7       “(A) The two largest transportation network companies in this state  
8 both fail to meet a target by 30 percent or more for two consecutive  
9 years; or

10       “(B) The target for a calendar year exceeds three times the per-  
11 centage that results from dividing the number of light-duty passenger  
12 vehicles that are zero-emission vehicles registered in this state for  
13 that calendar year by the total number of all light-duty passenger ve-  
14 hicles registered in this state for that calendar year.

15       “(b) The department shall provide the results of the review to the  
16 Environmental Quality Commission. The commission by rule shall  
17 modify the targets or delay implementation of the targets if the results  
18 of the review demonstrate a reasonable need for modification or delay.

19       “(3) Rules adopted by the commission under this section must be  
20 informed by data reported to the department under section 2 of this  
21 2023 Act.

22       “**SECTION 4.** Section 3 of this 2023 Act is amended to read:

23       “**Sec. 3.** (1) Subject to subsection (2) of this section, a transportation  
24 network company shall meet [*or exceed the following targets*] **a target of 100**  
25 **percent** for the transportation network company’s percentage of ZEV pas-  
26 senger miles.[:]

27       “[(a) For calendar year 2024, 5 percent;]

28       “[(b) For calendar year 2025, 10 percent;]

29       “[(c) For calendar year 2026, 23 percent;]

30       “[(d) For calendar year 2027, 34 percent;]

1 “[e] For calendar year 2028, 45 percent;]

2 “[f] For calendar year 2029, 60 percent;]

3 “[g] For calendar year 2030, 82 percent; and]

4 “[h] For calendar year 2031 and thereafter, 100 percent.]

5 “(2)(a) The Department of Environmental Quality shall conduct a feasi-  
6 bility review of the [targets] **target** described in subsection (1) of this section  
7 if:

8 “(A) The two largest transportation network companies in this state both  
9 fail to meet [a] **the** target by 30 percent or more for two consecutive years;  
10 or

11 “(B) The target [for a calendar year] exceeds three times the percentage  
12 that results from dividing the number of light-duty passenger vehicles that  
13 are zero-emission vehicles registered in this state [for that calendar year] by  
14 the total number of all light-duty passenger vehicles registered in this state  
15 [for that calendar year].

16 “(b) The department shall provide the results of the review to the Envi-  
17 ronmental Quality Commission. The commission by rule shall modify the  
18 [targets] **target** [or delay implementation of the targets] if the results of the  
19 review demonstrate a reasonable need for modification [or delay].

20 “(3) Rules adopted by the commission under this section must be informed  
21 by data reported to the department under section 2 of this 2023 Act.

22 “**SECTION 5. The amendments to section 3 of this 2023 Act by sec-**  
23 **tion 4 of this 2023 Act become operative on January 1, 2031.**

24 “**SECTION 6. (1) The Rideshare Electrification Fund is established**  
25 **in the State Treasury, separate and distinct from the General Fund.**

26 “(2) **The Rideshare Electrification Fund consists of:**

27 “(a) **Civil penalties deposited in the fund under section 7 of this 2023**  
28 **Act; and**

29 “(b) **Any other moneys deposited in or transferred to the fund by**  
30 **the Legislative Assembly.**

1       **“(3) Interest earned by the Rideshare Electrification Fund shall be**  
2 **credited to the fund.**

3       **“(4) Moneys in the Rideshare Electrification Fund are continuously**  
4 **appropriated to the Department of Environmental Quality for the**  
5 **purposes described in subsection (5) of this section.**

6       **“(5) No more than 10 percent of the moneys deposited in the fund**  
7 **per biennium may be expended to pay the expenses of administering**  
8 **sections 1 to 7 of this 2023 Act. After paying administrative expenses,**  
9 **the department shall allocate the remaining moneys deposited in the**  
10 **fund each calendar quarter as follows:**

11       **“(a) 60 percent for transfer to the Zero-Emission Incentive Fund**  
12 **established under ORS 468.449; and**

13       **“(b) 40 percent for transfer to the Rideshare Charging Fund estab-**  
14 **lished under section 8 of this 2023 Act.**

15       **“SECTION 7. (1) A transportation network company that fails to**  
16 **meet a ZEV passenger mile target set forth in section 3 (1) of this 2023**  
17 **Act, or established by the Environmental Quality Commission by rule**  
18 **under section 3 (2) of this 2023 Act, incurs a civil penalty of 50 cents**  
19 **for each passenger mile that did not meet the ZEV passenger mile**  
20 **target required for that calendar year.**

21       **“(2) The civil penalty authorized by this section shall be imposed in**  
22 **the manner provided by ORS 183.745.**

23       **“(3) The Department of Environmental Quality shall deposit a civil**  
24 **penalty collected under this section in the Rideshare Electrification**  
25 **Fund established under section 6 of this 2023 Act.**

26       **“SECTION 8. (1) The Rideshare Charging Fund is established in the**  
27 **State Treasury, separate and distinct from the General Fund. Interest**  
28 **earned by the Rideshare Charging Fund shall be credited to the fund.**

29       **“(2) The Rideshare Charging Fund consists of:**

30       **“(a) Moneys transferred to the fund by the Department of Envi-**

1 **ronmental Quality from the Rideshare Electrification Fund established**  
2 **under section 6 of this 2023 Act; and**

3 **“(b) Any other moneys deposited in or transferred to the fund by**  
4 **the Legislative Assembly.**

5 **“(3) Moneys in the Rideshare Charging Fund are continuously ap-**  
6 **propriated to the Department of Transportation for providing grants,**  
7 **loans or other financial incentives for:**

8 **“(a) The construction, planning, installation, operation or mainte-**  
9 **nance of electric vehicle charging stations at or near multifamily**  
10 **dwellings in which transportation network company drivers reside.**

11 **“(b) Electrical work, including wiring, conduit or electrical panel**  
12 **upgrades, and the purchase or installation of level 2 electric vehicle**  
13 **charging stations at single-family dwellings in which transportation**  
14 **network company drivers reside.**

15 **“(4) The department shall allocate moneys in the fund evenly be-**  
16 **tween the uses described in subsection (3)(a) and (b) of this section.**

17 **“SECTION 9. ORS 468.444 is amended to read:**

18 **“468.444. (1) The Department of Environmental Quality shall establish a**  
19 **program for providing rebates to persons that purchase or lease qualifying**  
20 **vehicles for use in this state. The Director of the Department of Environ-**  
21 **mental Quality may hire or contract with a third-party organization to im-**  
22 **plement and serve as the administrator of the program required by this**  
23 **section.**

24 **“(2)(a) The department may:**

25 **“[(a)] (A) Specify design features for the program; and**

26 **“[(b)] (B) Establish procedures to:**

27 **“[(A)] (i) Prioritize available moneys for specific qualifying vehicles; and**

28 **“[(B)] (ii) Limit the number of rebates available for each type of qualify-**  
29 **ing vehicle.**

30 **“(b) The department may impose an annual limit on the number**

1 **of rebates available to an organization, including businesses, nonprofit**  
2 **organizations and state or local government agencies. The department**  
3 **may modify the limit imposed under this subsection based on the**  
4 **availability of funds. The department may not limit an organization**  
5 **to fewer than 10 rebates per year.**

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

9 “(4) Rebates under the program shall be made from moneys credited to  
10 or deposited in the Zero-Emission Incentive Fund established under ORS  
11 468.449. A rebate may not be made until there are sufficient moneys available  
12 in the fund to make the rebate.

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

16 “(6) Rebates for qualifying vehicles shall be set annually by the depart-  
17 ment as follows:

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

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

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

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

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

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

30 “(b) Provide proof of an intent to use the qualifying vehicle primarily on



1 the public highways of this state, which may be satisfied by providing proof  
2 of registration of the qualifying vehicle in Oregon.

3 “(c) Submit an application for a rebate to the administrator of the pro-  
4 gram within six months after the date of purchase of the qualifying vehicle  
5 or six months after the date the lease of the qualifying vehicle begins.

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

8 “(8) A rebate recipient may not make or allow any modifications to the  
9 qualifying vehicle’s emissions control systems, hardware, software cali-  
10 brations or hybrid system.

11 “(9)(a) If a rebate recipient sells the qualifying vehicle or terminates the  
12 qualifying vehicle lease before the end of 24 months, the rebate recipient  
13 shall:

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

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

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

24 “(10) Rebate recipients may be requested to participate in ongoing re-  
25 search efforts.

26 “(11) The administrator of the program shall work to ensure timely pay-  
27 ment of rebates with a goal of paying rebates within 60 days after receiving  
28 an application for a rebate.

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

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

4 “(13) The Environmental Quality Commission may adopt any rules neces-  
5 sary to carry out the provisions of this section.

6 **“SECTION 10.** ORS 468.449 is amended to read:

7 “468.449. (1) The Zero-Emission Incentive Fund is established in the State  
8 Treasury, separate and distinct from the General Fund. Interest earned by  
9 the Zero-Emission Incentive Fund shall be credited to the fund.

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

11 “(a) Amounts donated to the fund;

12 “(b) Amounts transferred to the fund by the Department of Revenue under  
13 ORS 320.435;

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

16 **“(d) Amounts transferred to the fund from the Rideshare  
17 Electrification Fund established under section 6 of this 2023 Act;**

18 “[*d*] (e) Other amounts deposited in the fund from any public or private  
19 source; and

20 “[*e*] (f) Interest earned by the fund.

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

23 “(4) Moneys in the fund are continuously appropriated to the department  
24 to be used to carry out the provisions of ORS 468.442 to 468.449.

25 “(5)(a) No more than 10 percent of the moneys deposited in the fund per  
26 biennium may be expended to pay administrative expenses incurred in the  
27 administration of ORS 468.442 to 468.449 by:

28 “(A) The department; and

29 “(B) Any third-party organization that the department hires or contracts  
30 with under ORS 468.444 and 468.446.

1 “(b) As used in this subsection, ‘administrative expenses’ does not include  
2 expenses incurred by the department or third-party organizations in:

3 “(A) Conducting community outreach under ORS 468.446 (14); or

4 “(B) Otherwise engaging in efforts to promote transportation  
5 electrification through participation in the programs established under ORS  
6 468.444 and 468.446.

7 “(6)(a) The Environmental Quality Commission may adopt by rule pro-  
8 visions for the allocation of moneys deposited in the fund between the pro-  
9 grams established under ORS 468.444 and 468.446. Rules adopted under this  
10 subsection must require that at least 20 percent of the moneys, **other than**  
11 **moneys transferred to the fund from the Rideshare Electrification**  
12 **Fund established under section 6 of this 2023 Act**, deposited in the fund  
13 per biennium are allocated to fund the provision of rebates through the  
14 Charge Ahead Oregon Program established under ORS 468.446.

15 “(b) **In addition to the allocation of moneys to fund the provision**  
16 **of rebates through the Charge Ahead Oregon Program under para-**  
17 **graph (a) of this subsection, the commission shall allocate at least 67**  
18 **percent of the moneys transferred to the Zero-Emission Incentive**  
19 **Fund from the Rideshare Electrification Fund to the provision of re-**  
20 **batas through the Charge Ahead Oregon Program.**

21 “**SECTION 11. This 2023 Act takes effect on the 91st day after the**  
22 **date on which the 2023 regular session of the Eighty-second Legislative**  
23 **Assembly adjourns sine die.”.**

24