

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO
HOUSE BILL 2613**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 468.442, 468.444 and 468.446;”.

3 After line 7, insert:

4 **“SECTION 2.** ORS 468.442 is amended to read:

5 “468.442. As used in ORS 468.442 to 468.449:

6 **“(1)(a) ‘Gasoline-electric hybrid vehicle’ means a motor vehicle that**
7 **is powered using electricity and an internal combustion engine.**

8 **“(b) ‘Gasoline-electric hybrid vehicle’ does not include a plug-in**
9 **hybrid electric vehicle.**

10 “[1] **(2)** ‘Light-duty zero-emission vehicle’ means a motor vehicle that:

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

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

13 “(c) Is powered:

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

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

20 “(C) Primarily by a zero-emission energy storage device that provides
21 enough power for the vehicle to travel 75 miles or more using only electricity

1 and may or may not use a backup alternative power unit that does not op-
2 erate until the energy storage device is fully depleted.

3 “[2] (3) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

4 “[3] (4) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:

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

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

7 “(c) Has at least four wheels.

8 “[4] (5) ‘Person’ means a person as defined in ORS 174.100 or a public
9 body as defined in ORS 174.109.

10 “[5] (6) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor
11 vehicle that:

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

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

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

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

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

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

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

25 “[6] (7) ‘Qualifying vehicle’ means a motor vehicle that:

26 “(a) Is a:

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

28 “(B) Neighborhood electric vehicle;

29 “(C) Plug-in hybrid electric vehicle; [or]

30 “(D) Zero-emission motorcycle; **or**

1 **“(E) Gasoline-electric hybrid vehicle;**
2 “(b) Is new, or has been previously used only as a dealership floor model
3 or test-drive vehicle;
4 “(c) Has not previously been registered;
5 “(d) Is constructed entirely from new parts that have never been the
6 subject of a retail sale;
7 “(e) Has a base manufacturer’s suggested retail price of less than:
8 “(A) \$50,000; or
9 “(B) If the motor vehicle is powered as described in subsection [(1)(c)(B)]
10 **(2)(c)(B)** of this section, \$60,000;
11 “(f) Is covered by a manufacturer’s express warranty on the vehicle drive
12 train, including the applicable energy storage system or battery pack, for at
13 least 24 months from the date of purchase; and
14 “(g) Is certified by the manufacturer to comply with all applicable federal
15 safety standards issued by the National Highway Traffic Safety Adminis-
16 tration for new motor vehicles and new motor vehicle equipment.
17 “[(7)(a)] **(8)(a)** ‘Vehicle dealer’ means:
18 “(A) A person engaged in business in this state that has been issued a
19 vehicle dealer certificate under ORS 822.020; and
20 “(B) A person engaged in business in another state that would be subject
21 to ORS 822.005 if the person engaged in business in this state.
22 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a
23 vehicle dealer for purposes of ORS 468.442 to 468.449 to the extent the per-
24 son:
25 “(A) Conducts an event that lasts less than seven consecutive days, for
26 which the public is charged admission and at which otherwise qualifying
27 vehicles are sold at auction; or
28 “(B) Sells an otherwise qualifying vehicle at auction at an event described
29 in this paragraph.
30 “[(8)] **(9)** ‘Zero-emission motorcycle’ means a motorcycle that:

- 1 “(a) Has zero evaporative emissions from its fuel system;
- 2 “(b) Is capable of attaining a speed of 55 miles per hour or more;
- 3 “(c) Is designed to travel on two wheels; and
- 4 “(d) Is powered by electricity.

5 “**SECTION 3.** ORS 468.444 is amended to read:

6 “468.444. (1) The Department of Environmental Quality shall establish a
7 program for providing rebates to persons that purchase or lease qualifying
8 vehicles for use in this state. The Director of the Department of Environ-
9 mental Quality may hire or contract with a third-party organization to im-
10 plement and serve as the administrator of the program required by this
11 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
17 vehicle.

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

21 “(4) Rebates under the program shall be made from moneys credited to
22 or deposited in the Zero-Emission Incentive Fund established under ORS
23 468.449. A rebate may not be made until there are sufficient moneys available
24 in the fund to make the rebate.

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

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

30 “(a) For **gasoline-electric hybrid vehicles**, light-duty zero-emission ve-

1 hicles and plug-in hybrid electric vehicles with an electrochemical energy
2 storage capacity of 10 kilowatt hours or more, up to \$2,500 but no less than
3 \$1,500.

4 “(b) For **gasoline-electric hybrid vehicles**, light-duty zero-emission ve-
5 hicles or plug-in hybrid electric vehicles with an electrochemical energy
6 storage capacity of less than 10 kilowatt hours, up to \$1,500 but no less than
7 \$750.

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

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

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

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

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

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

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

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

25 “(9)(a) If a rebate recipient sells the qualifying vehicle or terminates the
26 qualifying vehicle lease before the end of 24 months, the rebate recipient
27 shall:

28 “(A) Notify the administrator of the program of the sale or termination;
29 and

30 “(B) Reimburse the administrator for the rebate in a prorated amount

1 based on the number of months that the rebate recipient owned or leased the
2 qualifying vehicle.

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

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

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

13 “(12) A vehicle dealer may advertise the program on the premises owned
14 or operated by the vehicle dealer. If no moneys are available from the pro-
15 gram or the program otherwise changes, a vehicle dealer who advertises the
16 program may not be held liable for advertising false or misleading informa-
17 tion.

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

20 “**SECTION 4.** ORS 468.446 is amended to read:

21 “468.446. (1) As used in this section:

22 “(a) ‘Charge ahead rebate’ means a rebate for the purchase or lease of a
23 new or used **gasoline-electric hybrid vehicle**, light-duty zero-emission ve-
24 hicle or plug-in hybrid electric vehicle issued through the Charge Ahead
25 Oregon Program established under this section.

26 “(b) ‘Low-income service provider’ means an organization that provides
27 health, dental, social, financial, energy conservation or other assistive ser-
28 vices to low or moderate income individuals or low or moderate income
29 households, as further defined by the Environmental Quality Commission by
30 rule.

1 “(c) ‘Qualifying household’ means a household with income that does not
2 exceed 400 percent of federal poverty guidelines.

3 “(2) The Department of Environmental Quality shall establish a Charge
4 Ahead Oregon Program for providing charge ahead rebates to qualifying
5 households and low-income service providers. The Director of the Department
6 of Environmental Quality may hire or contract with a third-party organiza-
7 tion to implement and serve as the administrator of the program required
8 by this section.

9 “(3) The department may:

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

11 “(b) Establish procedures to:

12 “(A) Prioritize available moneys to specific income levels or geographic
13 areas; and

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

15 “(4) An eligible purchaser or lessee of a new or used **gasoline-electric**
16 **hybrid vehicle**, light-duty zero-emission vehicle or plug-in hybrid electric
17 vehicle may apply for a charge ahead rebate for a portion of the purchase
18 price or may choose to assign the charge ahead rebate to a vehicle dealer
19 or lessor.

20 “(5) Rebates under the Charge Ahead Oregon Program shall be made from
21 moneys credited to or deposited in the Zero-Emission Incentive Fund estab-
22 lished under ORS 468.449. A rebate may not be made until there are suffi-
23 cient moneys available in the fund to make the rebate.

24 “(6) The department shall prescribe the rebate application procedure for
25 eligible purchasers and lessees. All rebate applications must include a dec-
26 laration under penalty of perjury in the form required by ORCP 1 E.

27 “(7) Charge ahead rebates shall be in an amount up to \$5,000, but not less
28 than \$2,500.

29 “(8) To be eligible for a charge ahead rebate, a person requesting a rebate
30 under the program must:

1 “(a) Be a member of a qualifying household or be a low-income service
2 provider.

3 “(b) Purchase or lease a new or used **gasoline-electric hybrid vehicle,**
4 light-duty zero-emission vehicle or plug-in hybrid electric vehicle. A lease
5 must have a minimum term of 24 months.

6 “(c) Provide proof of an intent to use the **gasoline-electric hybrid ve-**
7 **hicle,** light-duty zero-emission vehicle or plug-in hybrid electric vehicle pri-
8 marily on the public highways of this state, which may be satisfied by
9 providing proof of registration of the vehicle in Oregon.

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

13 “(e) Retain registration of the **gasoline-electric hybrid vehicle,** light-
14 duty zero-emission vehicle **or plug-in hybrid electric vehicle** for a mini-
15 mum of 24 consecutive months following the date of purchase or following
16 the date the lease begins.

17 “(9) A person that receives a charge ahead rebate may not make or allow
18 any modifications to the vehicle’s emissions control systems, hardware, soft-
19 ware calibrations or hybrid system.

20 “(10)(a) If a charge ahead rebate recipient sells the vehicle or terminates
21 the vehicle lease before the end of 24 months, the charge ahead rebate re-
22 cipient shall:

23 “(A) Notify the administrator of the program of the sale or termination;
24 and

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

28 “(b) The administrator may waive the reimbursement requirement under
29 paragraph (a) of this subsection if the administrator determines that a
30 waiver is appropriate given unforeseeable or unavoidable circumstances that

1 gave rise to a need for the rebate recipient to sell the qualifying vehicle or
2 terminate the qualifying vehicle lease before the end of 24 months.

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

5 “(12) The administrator of the program shall work to ensure timely pay-
6 ment of charge ahead rebates with a goal of paying rebates within 60 days
7 of receiving an application for a charge ahead rebate.

8 “(13) In establishing the Charge Ahead Oregon Program, the department
9 shall provide opportunities for public comment by qualifying households,
10 low-income service providers and other community-based organizations that
11 are located in areas of this state that have elevated concentrations of air
12 contaminants attributable to motor vehicle emissions, relative to other areas
13 of the state. The department shall use the comments received pursuant to
14 this subsection to inform, evaluate and strengthen the design of the program
15 in order to increase the usage of **gasoline-electric hybrid vehicles**, light-
16 duty zero-emission vehicles and plug-in hybrid electric vehicles.

17 “(14) The administrator of the program shall, throughout the course of
18 implementing the program, conduct community outreach to qualifying
19 households, low-income service providers and other community-based organ-
20 izations that are located in areas of this state that have elevated concen-
21 trations of air contaminants attributable to motor vehicle emissions, relative
22 to other areas of the state, in order to:

23 “(a) Solicit feedback on program implementation; and

24 “(b) Take steps to ensure that the program is promoted effectively.

25 “(15) A vehicle dealer may advertise the Charge Ahead Oregon Program
26 on the premises owned or operated by the vehicle dealer. If no moneys are
27 available from the program or the program otherwise changes, a vehicle
28 dealer who advertises the program may not be held liable for advertising
29 false or misleading information.

30 “(16) A charge ahead rebate may be combined with a rebate described in

1 ORS 468.444.

2 “(17) An organization that the department has hired or contracted with
3 to implement and serve as the administrator of the program may offer ex-
4 panded financing mechanisms for program participants, including, but not
5 limited to, a loan or loan-loss reserve credit enhancement program to in-
6 crease consumer access to new or used **gasoline-electric hybrid vehicles,**
7 light-duty zero-emission vehicles and plug-in hybrid electric vehicles.

8 “(18) The Environmental Quality Commission may adopt any rules neces-
9 sary to carry out the provisions of this section.”.

10 In line 8, delete “2” and insert “5”.

11
