

HB 4109-13
(LC 180)
2/8/24 (STN/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Environmental Quality)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4109**

1 On page 1 of the printed bill, line 2, after “319.023” insert “, 468.446,
2 468.448, 468.449”.

3 On page 4, after line 23, insert:
4

5 **“CHARGE AHEAD OREGON PROGRAM**

6
7 **“SECTION 5.** ORS 468.446 is amended to read:

8 “468.446. (1) As used in this section:

9 “(a) ‘Charge ahead rebate’ means a rebate for the purchase or lease of a
10 new or used light-duty zero-emission vehicle or plug-in hybrid electric vehicle
11 issued through the Charge Ahead Oregon Program established under this
12 section.

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

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

20 “(2) The Department of Environmental Quality shall establish a Charge
21 Ahead Oregon Program for providing charge ahead rebates to qualifying

1 households and low-income service providers. The Director of the Department
2 of Environmental Quality may hire or contract with a third-party organiza-
3 tion to implement and serve as the administrator of the program required
4 by this section.

5 “(3) The department may:

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

7 “(b) Establish procedures to:

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

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

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

15 “(5) Rebates under the Charge Ahead Oregon Program shall be made from
16 moneys credited to or deposited in the Zero-Emission Incentive Fund estab-
17 lished under ORS 468.449 **or the Charge Ahead Zero-Emission Incentive**
18 **Fund established under section 9 of this 2024 Act.** A rebate may not be
19 made [*until*] **unless** there are sufficient moneys available [*in the fund*] to
20 make the rebate.

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

24 “(7) [*Charge ahead rebates shall be in an amount up to \$5,000, but not less*
25 *than \$2,500.*] **Charge ahead rebates shall be:**

26 “(a) **Up to \$7,500 for the purchase or lease of a new light-duty**
27 **zero-emission vehicle or plug-in hybrid electric vehicle, but not less**
28 **than \$2,500; or**

29 “(b) **Up to \$5,000 for the purchase or lease of a used light-duty**
30 **zero-emission vehicle or plug-in hybrid electric vehicle, but not less**

1 **than \$2,500.**

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

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

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

9 “(c) Provide proof of an intent to use the light-duty zero-emission vehicle
10 or plug-in hybrid electric vehicle primarily on the public highways of this
11 state, which may be satisfied by providing proof of registration of the vehicle
12 in Oregon.

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

16 “(e) Retain registration of the light-duty zero-emission vehicle for a min-
17 imum of 24 consecutive months following the date of purchase or following
18 the date the lease begins.

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

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

25 “(A) Notify the administrator of the program of the sale or termination;
26 and

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

30 “(b) The administrator may waive the reimbursement requirement under

1 paragraph (a) of this subsection if the administrator determines that a
2 waiver is appropriate given unforeseeable or unavoidable circumstances that
3 gave rise to a need for the rebate recipient to sell the qualifying vehicle or
4 terminate the qualifying vehicle lease before the end of 24 months.

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

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

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

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

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

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

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

1 false or misleading information.

2 “(16) A charge ahead rebate may **not** be combined with a rebate described
3 in ORS 468.444.

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

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

12 **“SECTION 6.** ORS 468.448 is amended to read:

13 “468.448. (1) The Department of Environmental Quality shall periodically
14 audit, or cause to be audited, the programs established under ORS 468.444
15 and 468.446 to determine whether the programs are being implemented and
16 administered in compliance with the provisions of ORS 468.442 to 468.449.

17 “(2) No later than September 15 of each even-numbered year, the depart-
18 ment shall provide a report to the Legislative Assembly, in the manner pro-
19 vided in ORS 192.245, that includes, at a minimum:

20 “(a) A description of the uses to date of moneys in the Zero-Emission In-
21 centive Fund established under ORS 468.449;

22 “(b) An analysis of the effectiveness of the rebate program established
23 under ORS 468.444;

24 **“(c) A description of the uses to date of moneys in the Charge**
25 **Ahead Zero-Emission Incentive Fund established under section 9 of**
26 **this 2024 Act;**

27 “[*c*] (d) An analysis of the effectiveness of the Charge Ahead Oregon
28 Program established under ORS 468.446;

29 “[*d*] (e) Recommendations, which may include recommendations for leg-
30 islation, on ways to improve the programs established under ORS 468.444 and

1 468.446; and

2 “[e)] (f) The results of any audits conducted under subsection (1) of this
3 section.

4 **“SECTION 7.** ORS 468.449 is amended to read:

5 “468.449. (1) The Zero-Emission Incentive Fund is established in the State
6 Treasury, separate and distinct from the General Fund. Interest earned by
7 the Zero-Emission Incentive Fund shall be credited to the fund.

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

9 “(a) Amounts donated to the fund;

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

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

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

16 “(e) Interest earned by the fund.

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

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

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

24 “(A) The department; and

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

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

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

30 “(B) Otherwise engaging in efforts to promote transportation

1 electrification through participation in the programs established under ORS
2 468.444 and 468.446.

3 “(6)(a) The Environmental Quality Commission may adopt by rule pro-
4 visions for the allocation of moneys deposited in the fund between the pro-
5 grams established under ORS 468.444 and 468.446.

6 “(b) Rules adopted under this subsection must require that at least 20
7 percent of the moneys deposited in the fund per biennium are allocated to
8 fund the provision of rebates through the Charge Ahead Oregon Program
9 established under ORS 468.446.

10 **“(c) The amount required to be allocated under paragraph (b) of**
11 **this subsection in any biennium shall be reduced, but not below zero,**
12 **by the amount deposited from any other source in the Charge Ahead**
13 **Zero-Emission Incentive Fund established under section 9 of this 2024**
14 **Act.**

15 **“SECTION 8. Section 9 of this 2024 Act is added to and made a part**
16 **of ORS 468.442 to 468.449.**

17 **“SECTION 9. (1) The Charge Ahead Zero-Emission Incentive Fund**
18 **is established in the State Treasury, separate and distinct from the**
19 **General Fund. Interest earned by the Charge Ahead Zero-Emission**
20 **Incentive Fund shall be credited to the fund.**

21 **“(2) Moneys in the Charge Ahead Zero-Emission Incentive Fund**
22 **shall consist of:**

23 **“(a) Amounts donated to the fund;**

24 **“(b) Amounts appropriated or otherwise transferred to the fund by**
25 **the Legislative Assembly;**

26 **“(c) Other amounts deposited in the fund from any public or private**
27 **source; and**

28 **“(d) Interest earned by the fund.**

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

1 **“(4) Moneys in the fund are continuously appropriated to the de-**
2 **partment to be used to:**

3 **“(a) Provide charge ahead rebates under ORS 468.446; and**

4 **“(b) Pay administrative expenses incurred in the administration of**
5 **ORS 468.442 to 468.449 by:**

6 **“(A) The department; and**

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

9 **“(5) No more than 10 percent of the moneys deposited in the fund**
10 **per biennium may be expended to pay administrative expenses in-**
11 **curred by the department and any third-party organization.**

12 **“(6) As used in this section, ‘administrative expenses’ does not in-**
13 **clude expenses incurred by the department or third-party organiza-**
14 **tions in:**

15 **“(a) Conducting community outreach under ORS 468.446 (14); or**

16 **“(b) Otherwise engaging in efforts to promote transportation**
17 **electrification through participation in the programs established under**
18 **ORS 468.444 and 468.446.”.**

19 In line 27, delete “5” and insert “10”.

20 In line 33, delete “6” and insert “11”.

21
