

HB 4109-31  
(LC 180)  
2/23/24 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Chris Gorsek, Representative Susan McLain)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4109**

1 On page 1 of the printed bill, line 2, after “ORS” insert “105.672,” and  
2 delete “319.023 and 810.444” and insert “153.083, 319.023, 468.446, 468.448,  
3 468.449, 810.444 and 811.609 and section 14, chapter 30, Oregon Laws 2010”.

4 On page 3, delete lines 7 through 45.

5 On page 4, delete lines 1 through 17 and insert:

6 **“SECTION 2.** ORS 810.444 is amended to read:

7 “810.444. (1) Notwithstanding any other provision of law, in [*the jurisdic-*  
8 *tion*] **a city** operating a [*fixed*] photo radar system under ORS [*810.443*]  
9 **810.438:**

10 “(a) A citation for speeding may be issued on the basis of [*fixed*] photo  
11 radar if:

12 “(A) A sign that provides drivers with information about the driver’s  
13 current rate of speed is posted between 100 and 400 yards before the location  
14 of each [*fixed*] photo radar unit; [*and*]

15 “[*(B) A police officer or a duly authorized traffic enforcement agent who*  
16 *has reviewed the photographic evidence of the conduct signs the citation.*]

17 **“(B) A police officer or a duly authorized traffic enforcement agent**  
18 **has reviewed the photographic evidence of the conduct; and**

19 **“(C) A police officer signs and issues the citation, except that a ci-**  
20 **tation issued by the City of Portland may be signed and issued by a**  
21 **duly authorized traffic enforcement agent or a police officer.**

1       “(b) A rebuttable presumption exists that the registered owner of the ve-  
2 hicle was the driver of the vehicle when the citation is issued and delivered  
3 as provided in subsection (2) of this section.

4       “(c) An individual issued a citation under this subsection may respond to  
5 the citation by submitting a certificate of innocence under subsection (3)(a)  
6 of this section or may make any other response allowed by law.

7       “(d) A business or public agency issued a citation under this subsection  
8 may respond to the citation by submitting an affidavit of nonliability under  
9 subsection (3)(b) of this section or may make any other response allowed by  
10 law.

11       “(2) A citation issued on the basis of [*fixed*] photo radar may be delivered  
12 by mail or otherwise to the registered owner of the vehicle or to the driver.  
13 The citation may be prepared on a digital medium, and the signature may  
14 be electronic in accordance with the provisions of ORS 84.001 to 84.061.

15       “(3)(a) An individual named as the registered owner of a vehicle in cur-  
16 rent records of the Department of Transportation may respond by mail to a  
17 citation issued under subsection (1) of this section by submitting a certificate  
18 of innocence within 30 days from the mailing of the citation swearing or  
19 affirming that the registered owner was not the driver of the vehicle and by  
20 providing a photocopy of the registered owner’s driver license. A  
21 [*jurisdiction*] **city** that receives a certificate of innocence under this para-  
22 graph shall dismiss the citation without requiring a court appearance by the  
23 registered owner or any other information from the registered owner other  
24 than the swearing or affirmation and the photocopy. The citation may be  
25 reissued only once, only to the registered owner and only if the  
26 [*jurisdiction*] **city** verifies that the registered owner appears to have been the  
27 driver at the time of the violation. A registered owner may not submit a  
28 certificate of innocence in response to a reissued citation.

29       “(b) If a business or public agency named as the registered owner of a  
30 vehicle in current records of the Department of Transportation responds to

1 a citation issued under subsection (1) of this section by submitting an affi-  
2 davit of nonliability within 30 days from the mailing of the citation stating  
3 that at the time of the alleged speeding violation the vehicle was in the  
4 custody and control of an employee, or was in the custody and control of a  
5 renter or lessee under the terms of a rental agreement or lease, and if the  
6 business or public agency provides the driver license number, name and ad-  
7 dress of the employee, renter or lessee, the citation shall be dismissed with  
8 respect to the business or public agency. The citation may then be issued and  
9 delivered by mail or otherwise to the employee, renter or lessee identified in  
10 the affidavit of nonliability.

11 “(4) If the registered owner, employee, renter or lessee fails to respond to  
12 a citation issued under this section, a default judgment under ORS 153.102  
13 may be entered for failure to appear after notice has been given that the  
14 judgment will be entered.

15 “(5) The penalties for and all consequences of a speeding violation initi-  
16 ated by the use of [*fixed*] photo radar are the same as for a speeding vio-  
17 lation initiated by any other means.

18 “(6) A registered owner, employee, renter or lessee against whom a judg-  
19 ment for failure to appear is entered may move the court to relieve the reg-  
20 istered owner, employee, renter or lessee from the judgment as provided in  
21 ORS 153.105 if the failure to appear was due to mistake, inadvertence, sur-  
22 prise or excusable neglect.

23 “(7)[*(a)*] As used in this section[,]:

24 “**(a)(A)** ‘Duly authorized traffic enforcement agent’ means an individual  
25 who:

26 “[*(A)*] **(i)** Is employed, appointed and duly sworn in by the governing body  
27 of the incorporated city in which the agent performs the agent’s duties; and

28 “[*(B)*] **(ii)** Has completed all necessary technical, administrative and other  
29 training to:

30 “**(I)** Review photographs [*and*] **under this section; and**

1       **“(II) Issue and sign citations under this section, if employed by the**  
2 **City of Portland.**

3       **“[(b)] (B) Duly authorized traffic enforcement agents are not police offi-**  
4 **cers.**

5       **“(b) ‘Police officer’ includes ‘reserve officers’ as defined in ORS**  
6 **133.005.**

7       **“SECTION 3. ORS 153.083 is amended to read:**

8       **“153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a vio-**  
9 **lation, whether created by ordinance or statute, in which a city attorney or**  
10 **district attorney does not appear, the peace officer who issued the citation**  
11 **for the offense may present evidence, examine and cross-examine witnesses**  
12 **and make arguments relating to:**

13       **“(a) The application of statutes and rules to the facts in the case;**

14       **“(b) The literal meaning of the statutes or rules at issue in the case;**

15       **“(c) The admissibility of evidence; and**

16       **“(d) Proper procedures to be used in the trial.**

17       **“(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,**  
18 **whether created by ordinance or statute, in which a city attorney or district**  
19 **attorney does not appear, the duly authorized traffic enforcement agent who**  
20 **issued the citation for the offense may present the evidence reviewed by the**  
21 **agent as the basis for issuing a citation under ORS 810.436, 810.437 or**  
22 **810.444.**

23       **“(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,**  
24 **whether created by ordinance or statute, in which a city attorney or district**  
25 **attorney does not appear, the weighmaster or motor carrier enforcement of-**  
26 **ficer who issued the citation for the offense may present the evidence re-**  
27 **viewed by the weighmaster or motor carrier enforcement officer as the basis**  
28 **for issuing a citation listed under ORS 810.530.**

29       **“(4)(a) As used in this section, ‘duly authorized traffic enforcement**  
30 **agent’ means an individual who:**

1 “(A) Is employed, appointed and duly sworn in by the governing body of  
2 the incorporated city in which the agent performs the agent’s duties; and

3 “(B) Has completed all necessary technical, administrative and other  
4 training to review photographs and issue citations under ORS 810.436,  
5 810.437 or 810.444.

6 “(b) Duly authorized traffic enforcement agents are not police officers as  
7 defined in ORS 801.395 **or reserve officers as defined in ORS 133.005.**”.

8 In line 18, delete “3” and insert “4”.

9 In line 19, delete “4” and insert “5”.

10 After line 23, insert:

11

12 **“COMPRESSED NATURAL GAS FUELING AT DAS FLEET CENTER**

13

14 **“SECTION 6.** Section 14, chapter 30, Oregon Laws 2010, is amended to  
15 read:

16 **“Sec. 14.** Section 13, chapter 30, Oregon Laws 2010, is repealed on Janu-  
17 ary 2, [2025] **2026.**

18

19 **“FAMILY PLACARDS**

20

21 **“SECTION 7.** ORS 811.609 is amended to read:

22 “811.609. (1) The Department of Transportation shall issue disabled person  
23 parking permits in the form of family placards for use on vehicles that are  
24 regularly used by:

25 **“(a)** A family that includes [*more than one person with a disability*] **at**  
26 **least two persons with disabilities; or**

27 **“(b) Multiple households that are caring for at least one person with**  
28 **a disability.**

29 **“(2)** All the following apply to placards issued under this section:

30 **“[(1)] (a)** The department shall determine the form, size and content of the

1 placards except that the department shall require that the expiration date  
2 of a placard be visible when the placard is displayed in the vehicle.

3 “[2] (b) Placards issued under this section shall be valid for a period  
4 of eight years from the date of issue. Upon expiration, placards may be re-  
5 newed in a manner determined by the department by rule.

6 “[3] (c) The department [shall] **may** not issue or renew a placard under  
7 this section unless a licensed physician certifies that:

8 “(A) The family includes at least two persons with disabilities; **or**

9 “(B) **Multiple households are caring for at least one person with a**  
10 **disability.**

11 “**SECTION 8. The amendments to ORS 811.609 by section 7 of this**  
12 **2024 Act apply to family placards issued on or after the effective date**  
13 **of this 2024 Act.**

14

## 15 “CHARGE AHEAD OREGON PROGRAM

16

17 “**SECTION 9.** ORS 468.446 is amended to read:

18 “468.446. (1) As used in this section:

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

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

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

30 “(2) The Department of Environmental Quality shall establish a Charge

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

6 “(3) The department may:

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

8 “(b) Establish procedures to:

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

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

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

16 “(5) Rebates under the Charge Ahead Oregon Program shall be made from  
17 moneys credited to or deposited in the Zero-Emission Incentive Fund estab-  
18 lished under ORS 468.449 **or the Charge Ahead Zero-Emission Incentive**  
19 **Fund established under section 13 of this 2024 Act.** A rebate may not be  
20 made [*until*] **unless** there are sufficient moneys available [*in the fund*] to  
21 make the rebate.

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

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

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

30 “(b) **Up to \$5,000 for the purchase or lease of a used light-duty**

1 **zero-emission vehicle or plug-in hybrid electric vehicle, but not less**  
2 **than \$2,500.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28       “(15) A vehicle dealer may advertise the Charge Ahead Oregon Program  
29 on the premises owned or operated by the vehicle dealer. If no moneys are  
30 available from the program or the program otherwise changes, a vehicle

1 dealer who advertises the program may not be held liable for advertising  
2 false or misleading information.

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

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

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

13 **“SECTION 10.** ORS 468.448 is amended to read:

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

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

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

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

25 **“(c) A description of the uses to date of moneys in the Charge**  
26 **Ahead Zero-Emission Incentive Fund established under section 13 of**  
27 **this 2024 Act;**

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

30 “[d] (e) Recommendations, which may include recommendations for leg-

1 islation, on ways to improve the programs established under ORS 468.444 and  
2 468.446; and

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

5 **“SECTION 11.** ORS 468.449 is amended to read:

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

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

10 “(a) Amounts donated to the fund;

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

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

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

17 “(e) Interest earned by the fund.

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

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

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

25 “(A) The department; and

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

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

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

1 “(B) Otherwise engaging in efforts to promote transportation  
2 electrification through participation in the programs established under ORS  
3 468.444 and 468.446.

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

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

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

16 “**SECTION 12. Section 13 of this 2024 Act is added to and made a**  
17 **part of ORS 468.442 to 468.449.**

18 “**SECTION 13. (1) The Charge Ahead Zero-Emission Incentive Fund**  
19 **is established in the State Treasury, separate and distinct from the**  
20 **General Fund. Interest earned by the Charge Ahead Zero-Emission**  
21 **Incentive Fund shall be credited to the fund.**

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

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

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

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

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

30 “(3) **The Department of Environmental Quality shall encourage**

1 **gifts, grants, donations or other contributions to the fund.**

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

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

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

7 **“(A) The department; and**

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

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

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

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

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

20

21 **“RAIL**

22

23 **“SECTION 14. (1) The Department of Transportation shall pursue**  
24 **cooperative efforts with the State of Idaho to apply for assistance from**  
25 **the Federal Railroad Administration to study potential for reestab-**  
26 **lishing service on the Amtrak Pioneer Line.**

27 **“(2) The department shall report on the progress to carry out the**  
28 **provisions of subsection (1) of this section in the manner provided by**  
29 **ORS 192.245 to the Joint Committee on Transportation no later than**  
30 **December 31, 2024.**

1       **“SECTION 15. Section 14 of this 2024 Act is repealed on January 2,**  
2       **2025.**

3

4

**“RECREATIONAL IMMUNITY**

5

6       **“SECTION 16.** ORS 105.672 is amended to read:

7       “105.672. As used in ORS 105.672 to 105.696:

8       “(1) ‘Charge’:

9       “(a) Means the admission price or fee requested or expected by an owner  
10 in return for granting permission for a person to enter or go upon the  
11 owner’s land.

12       “(b) Does not mean any amount received from a public body in return for  
13 granting permission for the public to enter or go upon the owner’s land.

14       “(c) Does not include the fee for a winter recreation parking permit or  
15 any other parking fee of \$15 or less per day.

16       “(2) ‘Harvest’ has that meaning given in ORS 164.813.

17       “(3) ‘Land’ includes all real property, whether publicly or privately  
18 owned.

19       “(4) ‘Owner’ means:

20       “(a) The possessor of any interest in any land, including but not limited  
21 to the holder of any legal or equitable title, a tenant, a lessee, an occupant,  
22 the holder of an easement, the holder of a right of way or a person in pos-  
23 session of the land;

24       “(b) An officer, employee, volunteer or agent of a person described in  
25 paragraph (a) of this subsection, while acting within the scope of assigned  
26 duties; and

27       “(c) A director, partner, general partner, shareholder, limited liability  
28 company member, limited liability partner or limited partner of a person  
29 described in paragraph (a) of this subsection.

30       “(5) ‘Recreational purposes’ includes, but is not limited to[,]:

1       “(a) Outdoor activities such as hunting, fishing, swimming, boating,  
2 camping, picnicking, hiking, **walking, running, bicycling**, nature study,  
3 outdoor educational activities, waterskiing, winter sports, viewing or enjoy-  
4 ing historical, archaeological, scenic or scientific sites or volunteering for  
5 any public purpose project; **or**

6       “(b) **Travel on any path or trail to or from a site available for rec-**  
7 **reational purposes, except for travel that is within the right of way**  
8 **of a state highway, as defined in ORS 366.005.**

9       “(6) ‘Special forest products’ has that meaning given in ORS 164.813.

10       “(7) ‘Woodcutting’ means the cutting or removal of wood from land by an  
11 individual who has obtained permission from the owner of the land to cut  
12 or remove wood.”.

13       In line 27, delete “5” and insert “17”.

14       In line 33, delete “6” and insert “18”.

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