

HOUSE AMENDMENTS TO HOUSE BILL 2092

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 21

- 1 On page 1 of the printed bill, line 8, delete “6” and insert “7”.
- 2 In line 19, delete “shall” and insert “may”.
- 3 In line 22, delete “\$15 million” and insert “\$_____”.
- 4 On page 2, line 8, delete “\$15 million” and insert “\$_____”.
- 5 Delete lines 27 through 45 and delete pages 3 and 4 and insert:
- 6 **“SECTION 4. (1) As used in this section, ‘battery-operated vehicle’ means a vehicle pow-**
- 7 **ered by any of the following means:**
- 8 **“(a) Primarily through the use of an electric battery but may use a flywheel energy**
- 9 **storage device or a capacitor that also stores energy to assist in vehicle operation.**
- 10 **“(b) Polymer electrolyte membrane fuel cells or proton exchange membrane fuel cells**
- 11 **that use hydrogen fuel and oxygen from the air to produce electricity.**
- 12 **“(c) Predominantly by a zero-emission energy storage device that provides enough power**
- 13 **for the vehicle to travel 75 miles or more using only electricity but may use a backup auxil-**
- 14 **iary power unit that does not operate until the energy storage device is almost depleted.**
- 15 **“(2) The Director of the State Department of Energy shall hire or contract with a**
- 16 **third-party organization to develop and implement a Charge Ahead Oregon program for the**
- 17 **purpose of achieving the goals described in subsection (3) of this section.**
- 18 **“(3) The goals of the Charge Ahead Oregon program include but are not limited to the**
- 19 **following:**
- 20 **“(a) Increasing the use of electric vehicles and battery-operated vehicles across Oregon;**
- 21 **“(b) Increasing the use of electric vehicles and battery-operated vehicles in rural com-**
- 22 **munities;**
- 23 **“(c) Increasing the use of electric vehicles and battery-operated vehicles among low in-**
- 24 **come households and moderate income households, as those terms are defined in ORS**
- 25 **456.270;**
- 26 **“(d) Making electric vehicles and battery-operated vehicles more affordable to all**
- 27 **Oregonians; and**
- 28 **“(e) Increasing electric vehicle and battery-operated vehicle infrastructure throughout**
- 29 **this state.**
- 30 **“(4) To maximize participation, at least three programs shall be developed across this**
- 31 **state to reach communities that might not otherwise have access to electric vehicles or**
- 32 **battery-operated vehicles.**
- 33 **“SECTION 5. As used in this section and section 6 of this 2015 Act:**
- 34 **“(1) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:**
- 35 **“(a) Has a gross vehicle weight rating of 8,500 pounds or less;**

1 **“(b) Is capable of attaining a speed of 55 miles per hour or more; and**
2 **“(c) Is powered by any of the following means:**
3 **“(A) Primarily through the use of an electric battery but may use a flywheel energy**
4 **storage device or a capacitor that also stores energy to assist in vehicle operation.**
5 **“(B) Polymer electrolyte membrane fuel cells or proton exchange membrane fuel cells**
6 **that use hydrogen fuel and oxygen from the air to produce electricity.**
7 **“(C) Predominantly through the use of a zero-emission energy storage device that pro-**
8 **vides enough power for the vehicle to travel 75 miles or more using only electricity but may**
9 **use a backup alternative power unit that does not operate until the energy storage device is**
10 **fully depleted.**
11 **“(2) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:**
12 **“(a) Is powered using an electric battery;**
13 **“(b) Has a gross vehicle weight not exceeding 3,000 pounds; and**
14 **“(c) Has at least four wheels.**
15 **“(3) ‘Person’ means a person as defined in ORS 174.100 or a public body as defined in ORS**
16 **174.109.**
17 **“(4) ‘Plug-in hybrid electric vehicle’ means a hybrid electric vehicle that:**
18 **“(a) Has zero evaporative emissions from its fuel system;**
19 **“(b) Has an on-board electrical energy storage device with useful capacity of 10 or more**
20 **miles of urban dynamometer driving schedule range, as described by the United States En-**
21 **vironmental Protection Agency, on electricity alone;**
22 **“(c) Is equipped with an on-board charger;**
23 **“(d) Is rechargeable from an external connection to an off-board electrical source;**
24 **“(e) Meets the super ultra-low emission vehicle standards for exhaust emissions, as de-**
25 **finied by the State Department of Energy by rule;**
26 **“(f) Has a 15-year and 150,000-mile warranty on emission control components; and**
27 **“(g) Is capable of attaining a speed of 55 miles per hour or more.**
28 **“(5) ‘Qualifying vehicle’ means a vehicle that:**
29 **“(a) Is of a type defined in this section as a:**
30 **“(A) Light-duty zero-emission vehicle;**
31 **“(B) Neighborhood electric vehicle;**
32 **“(C) Plug-in hybrid electric vehicle; or**
33 **“(D) Zero-emission motorcycle;**
34 **“(b) Is new, or has been previously used only as a dealership floor model or test-drive**
35 **vehicle;**
36 **“(c) Has not previously been registered;**
37 **“(d) Is constructed entirely from new parts that have never been the subject of a retail**
38 **sale;**
39 **“(e) Is covered by a manufacturer’s express warranty on the vehicle drive train, includ-**
40 **ing the applicable energy storage system or battery pack, for at least 24 months from the**
41 **date of purchase; and**
42 **“(f) Is certified by the manufacturer to comply with all applicable federal safety stan-**
43 **dards issued by the National Highway Traffic Safety Administration for new motor vehicles**
44 **and new motor vehicle equipment.**
45 **“(6) ‘Vehicle dealer’ means a person issued a vehicle dealer certificate under ORS 822.020**

1 or renewed under ORS 822.040.

2 “(7) ‘Zero-emission motorcycle’ means a vehicle that has zero evaporative emissions from
3 its fuel system, is capable of attaining a speed of 55 miles per hour or more and:

4 “(a) Is a fully-enclosed vehicle designed to travel on three wheels; or

5 “(b) Is a motorcycle designed to travel on two wheels and is powered by electricity.

6 “**SECTION 6.** (1) The State Department of Energy shall establish an alternative fuel or
7 zero-emission vehicle rebate program to provide rebates to persons that purchase and reg-
8 ister qualifying vehicles in this state.

9 “(2) The purchaser or lessee of a qualifying vehicle registered in this state may apply for
10 a rebate for a portion of the purchase price or may choose to assign this rebate to a vehicle
11 dealer or lessor.

12 “(3) Rebates under this section shall be made from moneys credited to or deposited in
13 the Zero-Emission Incentive Fund established under section 7 of this 2015 Act. A rebate may
14 not be made if sufficient funds are not available in the fund to make the rebate.

15 “(4) The department by rule shall prescribe the rebate application procedure for pur-
16 chasers. All rebate applications must include a declaration under penalty of perjury in the
17 form required by ORCP 1 E.

18 “(5) Subject to section 8 of this 2015 Act, rebates for the following qualifying vehicles
19 under this section shall be as follows:

20 “(a) For light-duty zero-emission vehicles, \$3,000.

21 “(b) For neighborhood electric vehicles, \$750.

22 “(c) For plug-in hybrid electric vehicles, \$1,500.

23 “(d) For zero-emission motorcycles, \$750.

24 “(6) To be eligible for a rebate, a person requesting a rebate under this section shall:

25 “(a) Purchase or lease a new qualifying vehicle. Any lease must have a minimum term
26 of 24 months.

27 “(b) Register the qualifying vehicle in Oregon.

28 “(c) Submit an application for a rebate within six months of the date of purchase or six
29 months from the date the lease begins.

30 “(d) Retain registration of the qualifying vehicle in Oregon for a minimum of 24 consec-
31 utive months following the date of purchase or following the date the lease begins.

32 “(7) A person that receives a rebate under this section may not make or allow any
33 modifications to the vehicle’s emissions control systems, hardware, software calibrations or
34 hybrid system.

35 “(8) If a rebate recipient intends to sell the vehicle, or otherwise terminate the vehicle
36 lease before the end of 24 months, the rebate recipient shall notify the department of the
37 recipient’s intent to sell the vehicle or terminate a lease and reimburse the department for
38 the entire rebate amount.

39 “(9) The department may request participation from rebate recipients in ongoing re-
40 search efforts.

41 “(10) The department shall work to ensure timely payment of rebates with a goal of
42 paying rebates within 60 days of receiving an application for a rebate.

43 “(11) The department may adopt any rules necessary to carry out the provisions of this
44 section.

45 “**SECTION 7.** (1) The Zero-Emission Incentive Fund is established in the State Treasury,

1 separate and distinct from the General Fund. Interest earned by the Zero-Emission Incentive
2 Fund shall be credited to the fund.

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

4 “(a) Amounts donated to the fund;

5 “(b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
6 sembly;

7 “(c) Other amounts deposited in the fund from any source; and

8 “(d) Interest earned by the fund.

9 “(3) Moneys in the fund are continuously appropriated to the State Department of En-
10 ergy. Each biennium after the payment of refunds to taxpayers as described in section 2 of
11 this 2015 Act, out of the moneys deposited in the fund, the remaining funds may be used as
12 follows:

13 “(a) Up to \$_____ per biennium may be expended to pay a third-party organization to
14 market and administer the alternative fuel or zero-emission vehicle rebate program de-
15 scribed in section 6 of this 2015 Act.

16 “(b) Up to \$_____ per biennium may be expended to pay a third-party organization to
17 design and implement the Charge Ahead Oregon program described in section 4 of this 2015
18 Act.

19 “(c) Up to \$_____ per biennium may be expended to pay the State Department of
20 Energy’s costs of administering sections 4 to 7 this 2015 Act.

21 “(d) To provide rebates to the purchaser or lessee of a qualifying vehicle under section
22 6 of this 2015 Act.

23 “(4) Expenditures from the fund are not subject to ORS 291.232 to 291.260.

24 “SECTION 8. (1) The total amount of potential tax credits for Zero-Emission Incentive
25 Fund contributions in this state may not, at the time of certification under section 2 of this
26 2015 Act, exceed \$_____ for any biennium.

27 “(2) In the event that the Director of the State Department of Energy receives applica-
28 tions for rebates under section 6 of this 2015 Act in excess of the contributions received
29 pursuant to section 2 of this 2015 Act, the director shall:

30 “(a) Disburse the funds the director has received;

31 “(b) Decrease the amount of the rebates distributed under section 6 of this 2015 Act; and

32 “(c) Allocate the issuance of rebates.

33 “(3) The director shall adopt rules to carry out the provisions of this section.

34 “SECTION 9. (1) No later than October 30, 2016, the Director of the State Department
35 of Energy shall provide a report on the Charge Ahead Oregon program described in section
36 4 of this 2015 Act to the Legislative Assembly in the manner provided in ORS 192.945. The
37 report must summarize:

38 “(a) How the funds for the program have been spent.

39 “(b) What impact the funding had on achieving the goals described in section 4 of this
40 2015 Act.

41 “(c) Recommendations for legislation necessary to meet the goals of the program.

42 “(2) No later than October 30, 2017, the director shall provide a report to the Legislative
43 Assembly in the manner provided in ORS 192.945. The report must summarize the uses to
44 date of moneys in the Zero-Emission Incentive Fund established under section 7 of this 2015
45 Act and project the level of funding that would be required to continue to provide rebates

1 described in section 6 of this 2015 Act to all purchasers or lessees of qualifying vehicles
2 through the 2017-2019 biennium.

3 “SECTION 10. Sections 2 and 6 of this 2015 Act apply to tax years beginning on or after
4 January 1, 2015, and before January 1, 2022, and to applications for rebates submitted on or
5 after July 1, 2016.

6 “SECTION 11. (1) Section 9 of this 2015 Act is repealed on January 2, 2017.

7 “(2) Section 4 of this 2015 Act is repealed on January 2, 2022.

8 “(3) Sections 1 to 3 and 5 to 8 of this 2015 Act are repealed on January 2, 2025.

9 “SECTION 12. This 2015 Act takes effect on the 91st day after the date on which the 2015
10 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.”.

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