



## Biofuels Statutory Citations

### STATE OF OREGON

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

*Current through the 2013 Legislative Session of the Oregon General Assembly.*

#### **469.960. Definitions**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

As used in ORS 469.960 to [469.966](#)

- (1) “Alternative fuel vehicle” means a motor vehicle, as defined in [ORS 801.360](#), that is manufactured or modified to use an alternative fuel, including but not limited to electricity, biofuel, gasohol with at least 20 percent denatured alcohol content, hydrogen, hythane, methane, methanol, natural gas, propane or any other fuel approved by the Director of the State Department of Energy, and that produces lower exhaust emissions or is more energy efficient than equivalent equipment fueled by gasoline or diesel.
- (2) “Public body” has the meaning given that term in [ORS 174.109](#).
- (3) “Tribe” means a federally recognized Indian tribe in Oregon.

**Credits** Added by [Laws 2013, c. 774, § 1, eff. Oct. 7, 2013](#).

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#### **469.960. Definitions**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section applicable to tax years prior to July 1, 2015.>

As used in ORS 469.960 to [469.966](#):

- (1) “Alternative fuel vehicle” means a motor vehicle, as defined in [ORS 801.360](#), that is manufactured or modified to use an alternative fuel, including but not limited to electricity, biofuel, gasohol with at

least 20 percent denatured alcohol content, hydrogen, hythane, methane, methanol, natural gas, propane or any other fuel approved by the Director of the State Department of Energy, and that produces lower exhaust emissions or is more energy efficient than equivalent equipment fueled by gasoline or diesel.

(2) “Private entity” means a private business or company that:

(a) Operates a fleet of motor vehicles that are based in an area described in [ORS 468A.390](#) or [815.300 \(2\)](#); and

(b) Does not hire fleet drivers who qualify as independent contractors, as defined in [ORS 670.600](#).

(3) “Public body” has the meaning given that term in [ORS 174.109](#).

(4) “Tribe” means a federally recognized Indian tribe in Oregon.

**Credits Added by [Laws 2013, c. 774, § 1, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 1, eff. March 6, 2014](#).**

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#### **469.961. Alternative Fuel Vehicle Revolving Fund; establishment**

(1) The Alternative Fuel Vehicle Revolving Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Alternative Fuel Vehicle Revolving Fund shall be credited to the fund. The moneys in the Alternative Fuel Vehicle Revolving Fund are continuously appropriated to the State Department of Energy to be used for the purposes described in [ORS 469.962](#).

(2) The State Treasurer may accept contributions, donations, bequests, gifts or grants from any source, whether public or private. Moneys received under this subsection shall be deposited into the Alternative Fuel Vehicle Revolving Fund.

(3) The Alternative Fuel Vehicle Revolving Fund shall consist of:

(a) Moneys appropriated by the Legislative Assembly;

(b) Any other revenues derived from contributions, donations, bequests, gifts or grants;

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

(d) All repayments of moneys borrowed from the fund; and

(e) All interest payments made by borrowers from the fund.

(4) The State Treasurer may invest and reinvest moneys in the Alternative Fuel Vehicle Revolving Fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the Alternative Fuel Vehicle Revolving Fund.

Credits Added by [Laws 2013, c. 774, § 2, eff. Oct. 7, 2013.](#)

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**469.962. Alternative Fuel Vehicle Revolving Fund; use of moneys**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

(1) The State Department of Energy shall use the moneys in the Alternative Fuel Vehicle Revolving Fund for a loan program to provide loans to public bodies and tribes to:

(a) Assist in the purchase of new alternative fuel vehicles by providing funding for the additional cost of purchasing alternative fuel vehicles as compared to vehicles that are not alternative fuel vehicles; and

(b) Convert existing vehicles that use gasoline or diesel to alternative fuel vehicles.

(2) Funding priority under subsection (1) of this section must be given to vehicle conversions.

(3) The department may also use the moneys in the Alternative Fuel Vehicle Revolving Fund to pay the expenses of the department in administering the Alternative Fuel Vehicle Revolving Fund and the loan program and any other costs incurred by the department in carrying out the provisions of [ORS 469.960](#) to [469.966](#).

Credits Added by [Laws 2013, c. 774, § 3, eff. Oct. 7, 2013.](#)

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**469.962. Alternative Fuel Vehicle Revolving Fund; use of moneys**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section applicable to tax years prior to July 1, 2015.>

(1) The State Department of Energy shall use the moneys in the Alternative Fuel Vehicle Revolving Fund for a loan program to provide loans to private entities, public bodies and tribes to:

(a) Assist in the purchase of new alternative fuel vehicles by providing funding for the additional cost of purchasing alternative fuel vehicles as compared to vehicles that are not alternative fuel vehicles; and

(b) Convert existing vehicles that use gasoline or diesel to alternative fuel vehicles.

(2) Funding priority under subsection (1) of this section must be given to vehicle conversions.

(3) The department may also use the moneys in the Alternative Fuel Vehicle Revolving Fund to pay

the expenses of the department in administering the Alternative Fuel Vehicle Revolving Fund and the loan program and any other costs incurred by the department in carrying out the provisions of [ORS 469.960](#) to [469.966](#).

**Credits Added by** [Laws 2013, c. 774, § 3, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 2, eff. March 6, 2014](#).

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#### **469.963. Alternative Fuel Vehicle Revolving Fund; administration**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

(1) In administering the Alternative Fuel Vehicle Revolving Fund, the State Department of Energy shall:

- (a) Allocate funds for loans in accordance with procedures adopted by the department by rule.
- (b) Use accounting, auditing and fiscal procedures that conform to generally accepted government accounting standards.
- (c) Seek to maximize the ability of the Alternative Fuel Vehicle Revolving Fund to operate on a self-sustaining basis and to maintain a perpetual source of financing to provide loans as described in [ORS 469.962](#).

(2) In connection with the loan program, the department may:

- (a) Establish requirements for loans made from the Alternative Fuel Vehicle Revolving Fund to ensure that adequate funds will be available in the fund to pay the costs of administering the fund and the loan program.
- (b) Exercise any remedies available to the department in connection with defaults on loans of advanced funds made to public bodies and tribes.

**Credits Added by** [Laws 2013, c. 774, § 4, eff. Oct. 7, 2013](#).

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#### **469.963. Alternative Fuel Vehicle Revolving Fund; administration**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section applicable to tax years prior to July 1, 2015.>

(1) In administering the Alternative Fuel Vehicle Revolving Fund, the State Department of Energy shall:

- (a) Allocate funds for loans in accordance with procedures adopted by the department by rule.
- (b) Use accounting, auditing and fiscal procedures that conform to generally accepted government accounting standards.
- (c) Seek to maximize the ability of the Alternative Fuel Vehicle Revolving Fund to operate on a self-sustaining basis and to maintain a perpetual source of financing to provide loans as described in [ORS 469.962](#).

(2) In connection with the loan program, the department may:

- (a) Establish requirements for loans made from the Alternative Fuel Vehicle Revolving Fund to ensure that adequate funds will be available in the fund to pay the costs of administering the fund and the loan program.
- (b) Exercise any remedies available to the department in connection with defaults on loans of advanced funds made to private entities, public bodies and tribes.

**Credits** Added by [Laws 2013, c. 774, § 4, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 3, eff. March 6, 2014](#).

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**469.964. Application for loan; source of revenue for repayment of loan**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

- (1) Any public body or tribe desiring a loan from the Alternative Fuel Vehicle Revolving Fund shall submit an application to the State Department of Energy. The application shall be in such form as may be specified by the department.
- (2) Any public body or tribe receiving a loan from the Alternative Fuel Vehicle Revolving Fund shall establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan.

**Credits** Added by [Laws 2013, c. 774, § 5, eff. Oct. 7, 2013](#).

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**469.964. Application for loan; source of revenue for repayment of loan; fees**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section applicable to tax years prior to July 1, 2015.>

(1) Any private entity, public body or tribe desiring a loan from the Alternative Fuel Vehicle Revolving Fund shall submit an application to the State Department of Energy. The application shall be in such form as may be specified by the department.

(2) Any private entity, public body or tribe receiving a loan from the Alternative Fuel Vehicle Revolving Fund shall establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan.

(3)(a) The State Department of Energy may require a private entity, public body or tribe that applies for a loan from the Alternative Fuel Vehicle Revolving Fund to pay a fee of one-tenth of one percent of the amount of the loan applied for or \$2,500, whichever is less.

(b) In addition to the fee described in paragraph (a) of this subsection, a private entity, public body or tribe applying for a loan may be required to pay the department for costs incurred in connection with the application if the costs exceed the application fee and the Director of the State Department of Energy determines that the costs are incurred solely in connection with processing the application. The private entity, public body or tribe shall be advised of any additional costs that the private entity, public body or tribe must pay before the costs are incurred.

**Credits** Added by [Laws 2013, c. 774, § 5, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 4, eff. March 6, 2014](#).

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**469.965. Public body or tribe; authorization to borrow money and enter into loan agreements**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

Notwithstanding any limitation contained in any other provision of law or local charter, a public body or tribe may:

(1) Borrow money from the Alternative Fuel Vehicle Revolving Fund through the State Department of Energy; and

(2) Enter into loan agreements and make related agreements with the department, in which the public body or tribe agrees to repay the borrowed money in accordance with the terms of the loan agreement.

**Credits** Added by [Laws 2013, c. 774, § 6, eff. Oct. 7, 2013](#).

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**469.965. Public body or tribe; authorization to borrow money and enter into loan agreements**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section applicable to tax years prior to July 1, 2015.>

Notwithstanding any limitation contained in any other provision of law or local charter, a private entity, public body or tribe may:

- (1) Borrow money from the Alternative Fuel Vehicle Revolving Fund through the State Department of Energy; and
- (2) Enter into loan agreements and make related agreements with the department, in which the private entity, public body or tribe agrees to repay the borrowed money in accordance with the terms of the loan agreement.

**Credits** Added by [Laws 2013, c. 774, § 6, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 5, eff. March 6, 2014](#).

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**469.966. Establishment of policies for loan terms and interest rates; rules**

<Text of section applicable to tax years prior to July 1, 2015. See, also, section applicable to tax years beginning on or after July 1, 2015.>

(1) The State Department of Energy shall establish by rule policies for establishing loan terms and interest rates for loans made from the Alternative Fuel Vehicle Revolving Fund that ensure that the objectives of [ORS 469.960](#) to 469.966 are met and that adequate funds are maintained in the Alternative Fuel Vehicle Revolving Fund to meet future needs. In establishing the policy, the department shall take into consideration at least the following factors:

- (a) The ability of a public body or tribe to repay a loan.
- (b) Current market rates of interest.

(2) The department may establish an interest rate ranging from zero to the market rate. The department may establish the loan term, provided that the loan is fully amortized not later than six years after the purchase of a new alternative fuel vehicle or the conversion of a vehicle that uses gasoline or diesel to an alternative fuel vehicle.

(3) The department shall adopt by rule any procedures or standards necessary to carry out the provisions of [ORS 469.960](#) to 469.966.

**Credits** Added by [Laws 2013, c. 774, § 7, eff. Oct. 7, 2013](#).

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**469.966. Establishment of policies for loan terms and interest rates; rules**

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

<Text of section applicable to tax years beginning on or after July 1, 2015. See, also, section

applicable to tax years prior to July 1, 2015.>

(1) The State Department of Energy shall establish by rule policies for establishing loan terms and interest rates for loans made from the Alternative Fuel Vehicle Revolving Fund that ensure that the objectives of [ORS 469.960](#) to 469.966 are met and that adequate funds are maintained in the Alternative Fuel Vehicle Revolving Fund to meet future needs. In establishing the policy, the department shall take into consideration at least the following factors:

(a) The ability of a private entity, public body or tribe to repay a loan.

(b) Current market rates of interest.

(2) The department may establish an interest rate ranging from zero to the market rate. The department may establish the loan term, provided that the loan is fully amortized not later than six years after the purchase of a new alternative fuel vehicle or the conversion of a vehicle that uses gasoline or diesel to an alternative fuel vehicle.

(3) The department shall adopt by rule any procedures or standards necessary to carry out the provisions of [ORS 469.960](#) to 469.966.

**Credits** Added by [Laws 2013, c. 774, § 7, eff. Oct. 7, 2013](#). Amended by [Laws 2014, c. 38, § 6, eff. March 6, 2014](#).