

B-Engrossed
House Bill 2138

Ordered by the Senate June 6
Including House Amendments dated February 22 and Senate Amendments
dated June 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Transportation)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

- Modifies definition of "commercial motor vehicle."
- Requires person holding commercial driver license to maintain proof of medical qualification on file with Department of Transportation.
- Authorizes department to cancel commercial driver license upon expiration of proof of medical qualification.
- Modifies laws related to suspension of commercial driver licenses.
- Modifies duties of Road User Fee Task Force.**
- Modifies definition of "transportation project" within Oregon Innovative Partnerships Program.**

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; and amending ORS 184.843, 367.802, 801.208,
3 807.031, 807.100, 809.407, 809.413 and 809.415.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 801.208 is amended to read:

6 801.208. (1) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles
7 **and vehicles** that:

8 (a) Has a gross combination weight rating [*or actual gross combination weight*] of 26,001 pounds
9 or more, [*whichever is greater,*] inclusive of a towed unit or a combination of towed units, with a
10 gross vehicle weight rating [*or actual gross vehicle weight*] of more than 10,000 pounds[, *whichever*
11 *is greater*];

12 (b) Has a gross vehicle weight rating [*or actual gross combination weight*] of 26,001 pounds or
13 more[, *whichever is greater*];

14 (c) Is designed to transport 16 or more persons, including the driver; or

15 (d) Is of any size and is used in the transportation of hazardous materials.

16 (2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not
17 include the following:

18 (a) An emergency fire vehicle being operated by firefighters as defined in ORS 652.050;

19 (b) Emergency vehicles being operated by qualified emergency service volunteers as defined in
20 ORS 401.358;

21 (c) A motor home used to transport or house, for nonbusiness purposes, the operator or the
22 operator's family members or personal possessions; or

23 (d) A recreational vehicle that is operated solely for personal use.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 2.** ORS 807.100 is amended to read:

2 807.100. (1) A vehicle that may be operated only by the holder of a commercial driver license
3 **or permit** may be operated only when **proof of medical qualification, in a form** [*a medical certif-*
4 *icate*] approved by the Department of Transportation, is in the [*licensee's*] **person's** immediate pos-
5 session [*and has been issued within two years prior to the date of operation of the vehicle*]. The holder
6 of a commercial driver license **or permit** who does not have **proof of medical qualification as** [*a*
7 *medical certificate*] required by this section may exercise driving privileges granted by a Class C li-
8 cense.

9 **(2) The department may not issue or renew a commercial driver license or permit and**
10 **may cancel a commercial driver license or permit if the person does not submit to the de-**
11 **partment, in a form approved by rule, proof of medical qualification to operate a commercial**
12 **motor vehicle by such a date as required by rule by the department.**

13 **(3) A person is entitled to administrative review under ORS 809.440 when the department**
14 **does not issue or renew a commercial driver license or permit under this section or cancels**
15 **a commercial driver license or permit under this section.**

16 **(4) To the extent possible, rules adopted by the department under this section should be**
17 **uniform with any applicable federal regulations related to commercial driver license medical**
18 **qualifications.**

19 **SECTION 3.** ORS 809.407 is amended to read:

20 809.407. (1) The driver of a commercial motor vehicle is subject to suspension of the driver's
21 commercial driver license upon conviction of any of the following **offenses**:

22 (a) Failure to stop for a railroad signal in violation of ORS 811.455.

23 (b) Failure to follow rail crossing procedures for high-risk vehicles in violation of ORS 811.460.

24 (c) Obstructing a rail crossing in violation of ORS 811.475.

25 (d) Failure of the operator of a commercial motor vehicle to slow down and check that tracks
26 are clear of an approaching train in violation of ORS 811.462.

27 (2) Upon receipt of a record of conviction for an offense described in subsection (1) of this sec-
28 tion, the Department of Transportation shall suspend the convicted person's commercial driver li-
29 cense for the following periods of time:

30 [*(a) Sixty days, upon receipt of a first record of conviction.*]

31 [*(b) One hundred and twenty days, if commission of a second offense and the conviction for a*
32 *separate offense occur within a three-year period.*]

33 [*(c) One year, if commission of a third or subsequent offense and two or more convictions for sep-*
34 *arate offenses occur within a three-year period.*]

35 **(a) Sixty days if:**

36 **(A) The conviction is the person's first conviction of an offense described in subsection**
37 **(1) of this section; or**

38 **(B) The date the person committed an offense described in subsection (1) of this section**
39 **is not within three years of the date the person committed another offense, as described in**
40 **subsection (1) of this section and for which there was a conviction.**

41 **(b) One hundred and twenty days if:**

42 **(A) The conviction is the person's second conviction of an offense described in subsection**
43 **(1) of this section;**

44 **(B) The date the person committed the second offense is within three years of the date**
45 **the person committed another offense, as described in subsection (1) of this section and for**

1 **which there was a conviction; and**

2 **(C) The convictions arose out of separate incidents.**

3 **(c) One year if:**

4 **(A) The conviction is the person's third or subsequent conviction for an offense described**
5 **in subsection (1) of this section;**

6 **(B) The date the person committed the latest offense is within three years of the dates**
7 **the person committed two or more other offenses, as described in subsection (1) of this**
8 **section and for which there were convictions; and**

9 **(C) The convictions arose out of separate incidents.**

10 (3) A person is entitled to administrative review under ORS 809.440 of a suspension under this
11 section.

12 **SECTION 4.** ORS 809.413 is amended to read:

13 809.413. The Department of Transportation shall suspend the commercial driver license of a
14 person when the department receives a record of conviction, notification or notice described in this
15 section. A person is entitled to administrative review under ORS 809.440 of a suspension under this
16 section. The department shall suspend the commercial driver license when the department receives:

17 (1) A record of conviction under ORS 811.700 or 811.705 of failure to perform the duties of a
18 driver while operating a motor vehicle or a commercial motor vehicle. A conviction described under
19 this subsection shall result in:

20 (a) A suspension for a period of one year if:

21 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
22 a commercial driver license suspended as described in ORS 809.404; and

23 (B) The person was not driving a commercial motor vehicle containing a hazardous material at
24 the time of the offense.

25 (b) A suspension for a period of three years if:

26 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
27 a commercial driver license suspended as described in ORS 809.404; and

28 (B) The person was driving a commercial motor vehicle containing a hazardous material at the
29 time of the offense.

30 (c) Suspension of the commercial driver license for the lifetime of the person if the person has
31 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license
32 suspended as described in ORS 809.404.

33 (2) A record of conviction of a crime punishable as a felony involving the operation of a motor
34 vehicle or a commercial motor vehicle, other than the felony described in subsection (3) of this
35 section. A conviction described under this subsection shall result in:

36 (a) A suspension for a period of one year if:

37 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
38 a commercial driver license suspended as described in ORS 809.404; and

39 (B) The person was not driving a commercial motor vehicle containing a hazardous material at
40 the time of the offense.

41 (b) A suspension for a period of three years if:

42 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
43 a commercial driver license suspended as described in ORS 809.404; and

44 (B) The person was driving a commercial motor vehicle containing a hazardous material at the
45 time of the offense.

1 (c) Suspension of the commercial driver license for the lifetime of the person if the person has
2 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license
3 suspended as described in ORS 809.404.

4 (3) A record of conviction of a crime punishable as a felony that involves the manufacturing,
5 distributing or dispensing of a controlled substance, as defined in ORS 475.005, and in which a motor
6 vehicle or commercial motor vehicle was used. A conviction described under this subsection shall
7 result in a lifetime suspension of the person's commercial driving license.

8 (4) A record of conviction for driving a commercial motor vehicle while, as a result of prior vi-
9 olations committed while operating a commercial motor vehicle, the commercial driver license of the
10 driver had been suspended or revoked. A conviction described under this subsection shall result in:

11 (a) A suspension for a period of one year if:

12 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
13 a commercial driver license suspended as described in ORS 809.404; and

14 (B) The person was not driving a commercial motor vehicle containing a hazardous material at
15 the time of the offense.

16 (b) A suspension for a period of three years if:

17 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
18 a commercial driver license suspended as described in ORS 809.404; and

19 (B) The person was driving a commercial motor vehicle containing a hazardous material at the
20 time of the offense.

21 (c) Suspension of the commercial driver license for the lifetime of the person if the person has
22 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license
23 suspended as described in ORS 809.404.

24 (5) A record of conviction of any degree of murder, manslaughter or criminally negligent
25 homicide resulting from the operation of a commercial motor vehicle or assault in the first degree
26 resulting from the operation of a commercial motor vehicle or aggravated vehicular homicide or
27 aggravated driving while suspended or revoked. A conviction described under this section shall re-
28 sult in:

29 (a) A suspension for a period of one year if:

30 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
31 a commercial driver license suspended as described in ORS 809.404; and

32 (B) The person was not driving a commercial motor vehicle containing a hazardous material at
33 the time of the offense.

34 (b) A suspension for a period of three years if:

35 (A) The person has not previously been convicted of an offense described in ORS 809.404 or had
36 a commercial driver license suspended as described in ORS 809.404; and

37 (B) The person was driving a commercial motor vehicle containing a hazardous material at the
38 time of the offense.

39 (c) Suspension of the commercial driver license for the lifetime of the person if the person has
40 previously been convicted of an offense described in ORS 809.404 or had a commercial driver license
41 suspended as described in ORS 809.404.

42 (6) A record of conviction of a serious traffic violation if the *[conviction]* **date the person**
43 **committed the violation** occurred within three years of **the date the person committed another**
44 *[a previous conviction for a]* serious traffic violation **for which there is a record of conviction** and
45 if the *[convictions]* **violations** arose out of separate incidents. A suspension under this subsection

1 shall be:

2 (a) For a period of 60 days if the conviction is the person's second conviction for a serious
3 traffic violation **and the person committed both serious traffic violations** within [the] a three-
4 year period.

5 (b) For a period of 120 days if the conviction is the person's third or subsequent conviction for
6 a serious traffic violation **and the person committed three or more serious traffic violations**
7 within [the] a three-year period. A suspension imposed under this paragraph shall be consecutive to
8 any other suspension imposed for a serious traffic violation.

9 (7) Notification that a person violated an out-of-service order issued under ORS 813.050 or has
10 violated any other out-of-service order or notice. Notification under this subsection may include, but
11 not be limited to, a record of conviction and a record of a determination by a state or federal agency
12 with jurisdiction to make a determination that the person has violated an out-of-service order or
13 notice. A suspension under this subsection shall be:

14 (a) Except as provided in paragraph (b) of this subsection, for a period of 180 days if the no-
15 tification relates to the person's first violation of an out-of-service order or notice.

16 (b) For a period of one year if the notification relates to the person's first violation of an out-
17 of-service order or notice and the person committed the violation while transporting hazardous ma-
18 terials required to be placarded or while operating a motor vehicle designed to transport 16 or more
19 persons, including the driver.

20 (c) Except as provided in paragraph (d) of this subsection, for a period of three years if the no-
21 tification relates to a second or subsequent violation of an out-of-service notice or order that oc-
22 curred within a 10-year period.

23 (d) For a period of five years if the notification relates to a second or subsequent violation of
24 an out-of-service notice or order that occurred within a 10-year period and the person committed the
25 violation while transporting hazardous materials required to be placarded or was operating a motor
26 vehicle designed to transport 16 or more persons, including the driver, regardless of the load or kind
27 of vehicle involved in the prior violation.

28 (8) Notification from the Federal Motor Carrier Safety Administration that a person in this state
29 who holds a commercial driver license in this state has been disqualified from operating a commer-
30 cial motor vehicle and that the disqualification is due to a determination that the driving of that
31 person constitutes an imminent hazard. A suspension under this subsection shall be made imme-
32 diately and for the period prescribed by the Federal Motor Carrier Safety Administration, except
33 that:

34 (a) Notwithstanding any disqualification hearings conducted by the Federal Motor Carrier
35 Safety Administration, a suspension under this subsection is subject to a post-imposition hearing
36 under ORS 809.440.

37 (b) Notwithstanding the period of suspension prescribed by the Federal Motor Carrier Safety
38 Administration, a suspension under this subsection may not exceed one year.

39 (9) Notification from another jurisdiction that the person failed to appear on a citation for a
40 traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be
41 grounds for suspension under ORS 809.220, and the person held a commercial driver license or was
42 operating a commercial motor vehicle at the time of the offense. A suspension under this subsection:

43 (a) Shall end upon the earliest of 10 years from the date of suspension or upon notification by
44 the other jurisdiction that the person appeared.

45 (b) Shall be placed on the person's driving record regardless of whether another jurisdiction

1 places the suspension on the person's driving record.

2 (c) May not be for a person's failure to appear on a parking, pedestrian or bicyclist offense.

3 (10) Notification from another jurisdiction that the person failed to pay a fine or obey an order
4 of the court on a citation for a traffic offense or for a violation in the other jurisdiction that, if
5 committed in this state, would be grounds for suspension under ORS 809.415 (4), and the person held
6 a commercial driver license or was operating a commercial motor vehicle at the time of the offense.
7 A suspension under this subsection:

8 (a) Shall end upon the earliest of 10 years from the date of suspension or upon notification by
9 the other jurisdiction that the person paid the fine or obeyed the order of the court.

10 (b) Shall be placed on the person's driving record regardless of whether another jurisdiction
11 places the suspension on the person's driving record.

12 (c) May not be for a person's failure to pay a fine or obey an order of the court on a parking,
13 pedestrian or bicyclist offense.

14 (11) Notice of a conviction in another jurisdiction of an offense that, if committed in this state,
15 would be grounds for the suspension of the person's commercial driver license. The period of sus-
16 pension under this subsection shall be the same as would be imposed on the person if the conviction
17 were for an offense committed in this state. As used in this subsection, "conviction" means an un-
18 vacated adjudication of guilt, a determination that a person has violated or failed to comply with
19 the law in a court of original jurisdiction or authorized administrative tribunal, an unvacated
20 forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty
21 or nolo contendere accepted by the court, the payment of a fine or court cost or the violation of a
22 condition of release without bail, regardless of whether or not the penalty is rebated, suspended or
23 probated.

24 (12) Notification from another jurisdiction that a person who is a resident of this state and who
25 holds a commercial driver license has had commercial driving privileges suspended or revoked in
26 another jurisdiction for reasons that would be grounds for suspension of the person's commercial
27 driver license in this state. The period of suspension under this subsection shall be the same as
28 would be imposed on the person if the violation were committed in this state.

29 **SECTION 5.** ORS 809.415 is amended to read:

30 809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person
31 who has a judgment of the type described under ORS 806.040 rendered against the person if the
32 person does not settle the judgment in the manner described under ORS 809.470 within 60 days after
33 its entry.

34 (b) A suspension under this subsection shall continue until the person does one of the following:

35 (A) Settles the judgment in the manner described in ORS 809.470.

36 (B) Has an insurer that has been found by the department to be obligated to pay the judgment,
37 provided that there has been no final adjudication by a court that the insurer has no such obli-
38 gation.

39 (C) Gives evidence to the department that a period of seven years has elapsed since the entry
40 of the judgment.

41 (D) Receives from the court that rendered the judgment an order permitting the payment of the
42 judgment in installments.

43 (c) A person is entitled to administrative review under ORS 809.440 of a suspension under this
44 subsection.

45 (2)(a) The department shall suspend the driving privileges of a person who falsely certifies the

1 existence of a motor vehicle liability insurance policy or the existence of some other means of sat-
2 isfying financial responsibility requirements or of a person who, after certifying the existence of a
3 motor vehicle liability insurance policy or other means of satisfying the requirements, allows the
4 policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
5 bility requirements.

6 (b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this
7 subsection only if proof of compliance with financial responsibility requirements as of the date of
8 the letter of verification from the department under ORS 806.150 is not submitted within 30 days
9 after the date of the mailing of the department's demand under ORS 806.160.

10 (c) A suspension under this subsection shall continue until the person complies with future re-
11 sponsibility filings.

12 (3)(a) The department shall suspend the driving privileges of a person who fails to comply with
13 future responsibility filings whenever required under the vehicle code or fails to provide new proof
14 for future responsibility filings when requested by the department.

15 (b) A suspension under this subsection shall continue until the person complies with future re-
16 sponsibility filings.

17 (c) A person whose initial obligation to make future responsibility filings is not based upon a
18 conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
19 sion under this subsection. A person whose obligation to make future responsibility filings is based
20 upon a conviction or other action by a court is entitled to administrative review under ORS 809.440
21 of a suspension under this subsection. A person whose suspension under this subsection is based on
22 lapses in filing after the initial filing has been made is entitled to administrative review under ORS
23 809.440.

24 (4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
25 suspension shall continue until the earlier of the following:

26 (A) The person establishes to the satisfaction of the department that the person has performed
27 all acts necessary under ORS 809.416 to make the person not subject to suspension.

28 (B) Ten years from the date the suspension is imposed if the suspension is imposed for a reason
29 described in ORS 809.416 (1) or (2) or five years from the date the suspension is imposed if the
30 suspension is imposed for the reason described in ORS 809.416 (3).

31 (b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
32 subsection.

33 (5) Upon determination by the department that a person has committed an act that constitutes
34 an offense described in ORS 809.310, the department may suspend any driving privileges or any
35 identification card of the person determined to have committed the act. A suspension under this
36 subsection shall continue for a period of one year.

37 **(6) Upon determination by the department that a person has submitted false information**
38 **to the department for the purpose of establishing or maintaining qualification to operate a**
39 **commercial motor vehicle or hold a commercial driver license, the department may suspend**
40 **the commercial driver license or the person's right to apply for a commercial driver license.**
41 **A suspension under this subsection shall continue for a period of one year.**

42 **SECTION 6.** ORS 807.031 is amended to read:

43 807.031. This section describes the type of driving privileges granted by the various licenses is-
44 sued by this state. Licenses are established by class with the highest class being Class A commer-
45 cial. Each class of license grants driving privileges for that class and for all lower classes. A license

1 does not grant driving privileges for which an endorsement is required. The following licenses grant
2 the driving privileges described:

3 (1) A Class A commercial driver license authorizes a person to operate any vehicle or combi-
4 nation of vehicles except that the person may not operate any vehicle for which an endorsement is
5 required unless the person obtains the endorsement.

6 (2) A Class B commercial driver license authorizes a person to operate any single vehicle and
7 to tow a vehicle that is not in excess of 10,000 pounds gross vehicle weight rating [*or actual gross*
8 *weight*]. The person may not operate any vehicle for which an endorsement is required unless the
9 person obtains the endorsement.

10 (3) A Class C commercial driver license authorizes a person to operate:

11 (a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the
12 gross vehicle weight rating [*or actual gross weight*] of the vehicle is less than 26,001 pounds and the
13 person has the proper endorsement to operate a vehicle described in this paragraph;

14 (b) Any vehicle that is used in the transportation of hazardous materials if the gross vehicle
15 weight rating [*or actual gross weight*] of the vehicle is less than 26,001 pounds and the person has
16 the proper endorsement; and

17 (c) Any vehicle that may be operated by the holder of a Class C license.

18 (4) A Class C driver license authorizes a person to operate any vehicle for which a commercial
19 driver license is not required except that the person may not operate any vehicle for which an
20 endorsement is required unless the person obtains the endorsement.

21 (5) A restricted Class C license authorizes a person to operate a moped or to operate under one
22 of the permits described in ORS 807.200 as constituting a restricted Class C license. The person may
23 not operate any vehicle for which an endorsement is required or be granted any endorsements for
24 the license.

25 **SECTION 7.** ORS 184.843 is amended to read:

26 184.843. (1) There is created the Road User Fee Task Force.

27 (2) The purpose of the task force is to develop a design for revenue collection for Oregon's roads
28 and highways that will replace the current system for revenue collection. The task force shall con-
29 sider all potential revenue sources.

30 (3) The task force shall consist of 12 members, as follows:

31 (a) Two members shall be members of the House of Representatives, appointed by the Speaker
32 of the House of Representatives.

33 (b) Two members shall be members of the Senate, appointed by the President of the Senate.

34 (c) Four members shall be appointed by the Governor, the Speaker and the President acting
35 jointly. In making appointments under this paragraph, the appointing authorities shall consider in-
36 dividuals who are representative of the telecommunications industry, of highway user groups, of the
37 Oregon transportation research community and of national research and policy-making bodies such
38 as the Transportation Research Board and the American Association of State Highway and Trans-
39 portation Officials.

40 (d) One member shall be an elected city official, appointed by the Governor, the Speaker and the
41 President acting jointly.

42 (e) One member shall be an elected county official, appointed by the Governor, the Speaker and
43 the President acting jointly.

44 (f) Two members shall be members of the Oregon Transportation Commission, appointed by the
45 chairperson of the commission.

1 (4)(a) The term of a legislator appointed to the task force is four years except that the legislator
2 ceases to be a member of the task force when the legislator ceases to be a legislator. A legislator
3 may be reappointed to the task force.

4 (b) The term of a member of the task force appointed under subsection (3)(c) of this section is
5 four years and the member may be reappointed.

6 (c) The term of a member of the task force appointed under subsection (3)(d) or (e) of this section
7 is four years except that the member ceases to be a member of the task force when the member
8 ceases to be a city or county elected official. A city or county elected official may be reappointed
9 to the task force.

10 (d) The term of a member of the Oregon Transportation Commission appointed to the task force
11 is four years except that the member ceases to be a member of the task force when the member
12 ceases to be a member of the commission. A member of the commission may be reappointed to the
13 task force.

14 (5) A legislator appointed to the task force is entitled to per diem and other expense payments
15 as authorized by ORS 171.072 from funds appropriated to the Legislative Assembly. Other members
16 of the task force are entitled to compensation and expenses as provided in ORS 292.495.

17 (6) The Department of Transportation shall provide staff to the task force.

18 (7) The task force shall study alternatives to the current system of taxing highway use through
19 motor vehicle fuel taxes. The task force shall gather public comment on alternative approaches and
20 shall make recommendations to the Department of Transportation and the Oregon Transportation
21 Commission on the design of pilot programs to be used to test alternative approaches. The task force
22 may also make recommendations to the department and the commission on criteria to be used to
23 evaluate pilot programs. The task force may evaluate any pilot program implemented by the de-
24 partment and report the results of the evaluation to the Legislative Assembly, the department and
25 the commission.

26 **(8) When the task force is studying alternatives to the current system of taxing highway**
27 **use through motor vehicle fuel taxes and developing recommendations on the design of pilot**
28 **programs to test alternative approaches under subsection (7) of this section, the task force**
29 **shall:**

30 **(a) Take into consideration the availability, adaptability, reliability and security of**
31 **methods that might be used in recording and reporting highway use.**

32 **(b) Take into consideration the protection of any personally identifiable information used**
33 **in reporting highway use.**

34 **(c) Take into consideration the ease and cost of recording and reporting highway use.**

35 **(d) Take into consideration the ease and cost of administering the collection of taxes and**
36 **fees as an alternative to the current system of taxing highway use through motor vehicle**
37 **fuel taxes.**

38 **(e) Take into consideration effective methods of maintaining compliance.**

39 **(f) Consult with highway users and transportation stakeholders, including represen-**
40 **tatives of vehicle users, vehicle manufacturers and fuel distributors.**

41 *[(8) In addition to the requirements of subsection (9) of this section, the task force shall propose to*
42 *the Seventy-second Legislative Assembly options for the design of a revenue collection system for*
43 *Oregon's roads and highways that would replace the current system for revenue collection.]*

44 (9) The task force shall report to each **odd-numbered year** regular session of the Legislative
45 Assembly on the work of the task force, the department and the commission in designing, imple-

1 mentoring and evaluating pilot programs.

2 (10) Official action by the task force requires the approval of a majority of the members of the
3 task force.

4 (11) Notwithstanding ORS 171.130 and 171.133, the task force by official action may recommend
5 legislation. Legislation recommended by the task force must indicate that it is introduced at the
6 request of the task force. Legislative measures proposed by the task force shall be prepared in time
7 for pre-session filing with the Legislative Counsel by December 15 of the year preceding a regular
8 session of the Legislative Assembly.

9 **SECTION 8.** ORS 367.802 is amended to read:

10 367.802. As used in ORS 367.800 to 367.824:

11 (1) "Agreement" means a written agreement, including but not limited to a contract, for a
12 transportation project that is entered into under ORS 367.806.

13 (2) "Private entity" means any entity that is not a unit of government, including but not limited
14 to a corporation, partnership, company, nonprofit organization or other legal entity or a natural
15 person.

16 (3) "Transportation project" or "project" means any proposed or existing undertaking that fa-
17 cilitates any mode of transportation in this state **or that facilitates the collection of taxes and**
18 **fees as an alternative to the motor vehicle fuel taxes imposed under ORS 319.020 and**
19 **319.530.**

20 (4) "Unit of government" means any department or agency of the federal government, any state
21 or any agency, office or department of a state, any city, county, district, commission, authority, en-
22 tity, port or other public corporation organized and existing under statutory law or under a voter-
23 approved charter and any intergovernmental entity created under ORS 190.003 to 190.130, 190.410
24 to 190.440 or 190.480 to 190.490.

25 **SECTION 9. (1) The amendments to ORS 807.100 by section 2 of this 2011 Act apply to**
26 **commercial driver licenses and permits issued or renewed on or after January 30, 2012.**

27 **(2) The amendments to ORS 809.407 and 809.413 by sections 3 and 4 of this 2011 Act apply**
28 **to offenses that occur on or after the effective date of this 2011 Act.**

29