

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2453**

1 On page 1 of the printed A-engrossed bill, delete lines 7 through 21 and  
2 delete pages 2 through 4.

3 On page 5, delete lines 1 through 6 and insert:  
4

5 **DEFINITIONS**  
6

7 **SECTION 1. Sections 2 to 15 of this 2013 Act are added to and made**  
8 **a part of ORS chapter 319.**

9 **SECTION 2. As used in sections 2 to 15 of this 2013 Act:**

10 (1) "Highway" has the meaning given that term in ORS 801.305.

11 (2) "Lessee" means a person that leases a motor vehicle that is re-  
12 quired to be registered in Oregon.

13 (3)(a) "Mandatory vehicle" means a motor vehicle that has a rating,  
14 as determined under a method established pursuant to section 6 of this  
15 2013 Act, of 55 miles per gallon of gasoline or above or 55 miles per  
16 gallon of gasoline equivalent or above.

17 (b) "Mandatory vehicle" does not mean a motor vehicle designed to  
18 travel with fewer than four wheels in contact with the ground.

19 (4) "Motor vehicle" has the meaning given that term in ORS 801.360.

20 (5) "Registered owner" means a person, other than a vehicle dealer  
21 that holds a certificate issued under ORS 822.020, that is required to  
22 register a motor vehicle in Oregon.

1 (6) "Subject vehicle" means a mandatory vehicle or a voluntary  
2 vehicle.

3 (7)(a) "Voluntary vehicle" means a motor vehicle that has a rating,  
4 as determined under a method established pursuant to section 6 of this  
5 2013 Act, of less than 55 miles per gallon of gasoline or less than 55  
6 miles per gallon of gasoline equivalent.

7 (b) "Voluntary vehicle" does not mean a motor vehicle designed to  
8 travel with fewer than four wheels in contact with the ground.

9  
10 ROAD USAGE CHARGES

11  
12 SECTION 3. (1)(a) Except as provided in paragraph (b) of this sub-  
13 section, the registered owner of a mandatory vehicle shall pay a per-  
14 mile road usage charge for metered use by the mandatory vehicle of  
15 the highways in Oregon.

16 (b) During the term of a lease, the lessee of a mandatory vehicle  
17 shall pay the per-mile road usage charge for metered use by the  
18 mandatory vehicle of the highways in Oregon.

19 (2) The registered owner or lessee of a voluntary vehicle whose ap-  
20 plication has been approved pursuant to section 6a of this 2013 Act  
21 may pay the per-mile road usage charge imposed under this section for  
22 metered use by the voluntary vehicle of the highways in Oregon.

23 (3) The per-mile road usage charge is \_\_\_\_\_ cents per mile.

24 SECTION 4. (1) Notwithstanding section 3 of this 2013 Act, in lieu  
25 of paying a per-mile road usage charge, a registered owner or lessee  
26 of a mandatory vehicle may pay a flat annual road usage charge for  
27 use of the highways in Oregon in an amount equal to the product of  
28 \_\_\_\_\_ cents multiplied by 35,000 miles.

29 (2) For-hire carriers as defined in ORS 825.005 may not opt to pay  
30 the flat annual road usage charge.

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2  
3 **REVENUE**

4 **SECTION 5.** Moneys collected from the road usage charges imposed  
5 under sections 3 and 4 of this 2013 Act shall be deposited in the State  
6 Highway Fund and allocated for distribution as follows:

7 (1) 50 percent to the Department of Transportation.

8 (2) 30 percent to counties for distribution as provided in ORS  
9 366.762.

10 (3) 20 percent to cities for distribution as provided in ORS 366.800.

11 **ADMINISTRATION**

12  
13 **SECTION 6.** (1) As used in this section, “open system” means an  
14 integrated system based on common standards and an operating sys-  
15 tem that has been made public so that components performing the  
16 same function can be readily substituted or provided by multiple pro-  
17 viders.

18 (2)(a) The Department of Transportation, in consultation with the  
19 Road User Fee Task Force, shall establish the methods for:

20 (A) Identifying the motor vehicles that are mandatory vehicles; and

21 (B) Recording and reporting the number of miles that subject ve-  
22 hicles travel on highways.

23 (b) When taking action under this subsection, the department shall  
24 consider:

25 (A) The accuracy of the data collected;

26 (B) Privacy options for persons liable for the per-mile road usage  
27 charge;

28 (C) The security of the technology;

29 (D) The resistance of the technology to tampering;

30 (E) The ability to audit compliance; and

1 (F) Other relevant factors that the department deems important.

2 (c) The department shall establish at least one method of collecting  
3 and reporting the number of miles traveled by a subject vehicle that  
4 does not use vehicle location technology.

5 (d)(A) The department shall adopt standards for open system tech-  
6 nology used in methods established under this subsection.

7 (B) In adopting standards pursuant to this paragraph, the depart-  
8 ment shall collaborate with agencies of the executive department as  
9 defined in ORS 174.112 to integrate information systems currently in  
10 use or planned for future use.

11 (3) The department shall provide the persons liable for the per-mile  
12 road usage charge the opportunity to select a method from among  
13 multiple options for identifying a mandatory vehicle and for collecting  
14 and reporting the metered use by a subject vehicle of the highways in  
15 Oregon.

16 SECTION 6a. (1) A person wishing to pay the per-mile road usage  
17 charge imposed under section 3 of this 2013 Act for a voluntary vehicle  
18 must apply to the Department of Transportation on a form prescribed  
19 by the department.

20 (2) The department shall approve a valid and complete application  
21 submitted under this section if:

22 (a) The applicant is the registered owner or lessee of a voluntary  
23 vehicle;

24 (b) The voluntary vehicle is equipped with a method selected pur-  
25 suant to section 6 of this 2013 Act for collecting and reporting the  
26 metered use by the voluntary vehicle of the highways in Oregon;

27 (c) The voluntary vehicle has a gross vehicle weight rating of 10,000  
28 pounds or less; and

29 (d) The numeric limit of subsection (4) of this section has not been  
30 exceeded.

1       **(3) Approval of an application under this section subjects the ap-**  
2 **plicant to the requirements of section 10a of this 2013 Act until the**  
3 **person ends the person's voluntary participation in the road usage**  
4 **charge program in the manner required under subsection (5) of this**  
5 **section.**

6       **(4) No more than 5,000 voluntary vehicles may be approved under**  
7 **this section to pay the per-mile road usage charge imposed under**  
8 **section 3 of this 2013 Act at any given time.**

9       **(5) A person may end the person's voluntary participation in the**  
10 **road usage charge program at any time by notifying the department**  
11 **and paying any outstanding amount of road usage charge for metered**  
12 **use by the person's voluntary vehicle.**

13       **SECTION 7.** **The Department of Transportation shall provide by**  
14 **rule for the collection of the road usage charges imposed under**  
15 **sections 3 and 4 of this 2013 Act, including penalties and interest im-**  
16 **posed on delinquent charges.**

17       **SECTION 8.** **(1) The Department of Transportation shall establish**  
18 **by rule reporting periods for the road usage charges imposed under**  
19 **sections 3 and 4 of this 2013 Act.**

20       **(2) Reporting periods established under this section may vary ac-**  
21 **cording to the facts and circumstances applicable to classes of regis-**  
22 **tered owners, lessees and subject vehicles.**

23       **(3) In establishing reporting periods, the department shall consider:**

24       **(a) The effort required by registered owners or lessees to report**  
25 **metered use and to pay the per-mile road usage charge;**

26       **(b) The amount of the per-mile road usage charge owed;**

27       **(c) The cost to the registered owner or lessee of reporting metered**  
28 **use and of paying the per-mile road usage charge;**

29       **(d) The administrative cost to the department; and**

30       **(e) Other relevant factors that the department deems important.**

1        **SECTION 9. (1) As used in this section:**

2        (a) “Certified service provider” means an entity that has entered  
3 into an agreement with the Department of Transportation under ORS  
4 367.806 for reporting metered use by a subject vehicle or for adminis-  
5 trative services related to the collection of per-mile road usage charges  
6 and authorized employees of the entity.

7        (b) “Personally identifiable information” means any information  
8 that identifies or describes a person, including, but not limited to, the  
9 person’s travel pattern data, per-mile road usage charge account  
10 number, address, telephone number, electronic mail address, driver  
11 license or identification card number, registration plate number, pho-  
12 tograph, recorded images, bank account information and credit card  
13 number.

14        (c) “VIN summary report” means a monthly report by the depart-  
15 ment or a certified service provider that includes a summary of all  
16 vehicle identification numbers of subject vehicles and associated total  
17 metered use during the month. The report may not include location  
18 information.

19        (2) Except as provided in subsections (3) and (4) of this section,  
20 personally identifiable information used for reporting metered use or  
21 for administrative services related to the collection of the per-mile  
22 road usage charge imposed under section 3 of this 2013 Act is confi-  
23 dential within the meaning of ORS 192.502 (9)(a) and is a public record  
24 exempt from disclosure under ORS 192.410 to 192.505.

25        (3)(a) The department, a certified service provider or a contractor  
26 for a certified service provider may not disclose personally identifiable  
27 information used or developed for reporting metered use by a subject  
28 vehicle or for administrative services related to the collection of per-  
29 mile road usage charges to any person except:

30        (A) The registered owner or lessee;

1 (B) A financial institution, for the purpose of collecting per-mile  
2 road usage charges owed;

3 (C) Employees of the department;

4 (D) A certified service provider;

5 (E) A contractor for a certified service provider, but only to the  
6 extent the contractor provides services directly related to the certified  
7 service provider's agreement with the department;

8 (F) An entity expressly approved to receive the information by the  
9 registered owner or lessee of the subject vehicle; or

10 (G) A police officer pursuant to a valid court order based on prob-  
11 able cause and issued at the request of a federal, state or local law  
12 enforcement agency in an authorized criminal investigation involving  
13 a person to whom the requested information pertains.

14 (b) Disclosure under paragraph (a) of this subsection is limited to  
15 personally identifiable information necessary to the respective  
16 recipient's function under sections 2 to 15 of this 2013 Act.

17 (4)(a) Not later than 30 days after completion of payment process-  
18 ing, dispute resolution for a single reporting period or a noncompli-  
19 ance investigation, whichever is latest, the department and certified  
20 service providers shall destroy records of the location and daily me-  
21 tered use of subject vehicles.

22 (b) Notwithstanding paragraph (a) of this subsection:

23 (A) For purposes of traffic management and research, the depart-  
24 ment and certified service providers may retain, aggregate and use  
25 information in the records after removing personally identifiable in-  
26 formation.

27 (B) A certified service provider may retain the records if the regis-  
28 tered owner or lessee consents to the retention. Consent under this  
29 subparagraph does not entitle the department to obtain or use the re-  
30 cords or the information contained in the records.

1 (C) Monthly summaries of metered use by subject vehicles may be  
2 retained in VIN summary reports by the department and certified  
3 service providers.

4 (5) The department, in any agreement with a certified service pro-  
5 vider, shall provide for penalties if the certified service provider vio-  
6 lates this section.

7 **SECTION 10.** (1) As soon as applicable, a person shall notify the  
8 Department of Transportation of the following:

9 (a) That the person is the registered owner or lessee of a mandatory  
10 vehicle; and

11 (b)(A) Which method approved by the department under section 6  
12 of this 2013 Act the person chooses for reporting the metered use by  
13 the mandatory vehicle of the highways in Oregon; or

14 (B) That the person opts to pay the flat annual road usage charge  
15 computed under section 4 of this 2013 Act.

16 (2) On a date determined by the department under section 8 of this  
17 2013 Act, the registered owner or lessee shall:

18 (a) Report the metered use by the mandatory vehicle, rounded up  
19 to the next whole mile, and pay to the department the per-mile road  
20 usage charge due under section 3 of this 2013 Act for the reporting  
21 period; or

22 (b) Pay the flat annual road usage charge computed under section  
23 4 of this 2013 Act.

24 (3) Unless a registered owner or lessee presents evidence in a man-  
25 ner approved by the department by rule that the mandatory vehicle  
26 has been driven outside this state, the department shall assume that  
27 all metered use reported represents miles driven by the mandatory  
28 vehicle on the highways in Oregon.

29 **SECTION 10a.** (1) On a date determined by the Department of  
30 Transportation under section 8 of this 2013 Act, the registered owner

1 or lessee of a voluntary vehicle that is the subject of an application  
2 approved under section 6a of this 2013 Act shall report the metered use  
3 by the voluntary vehicle, rounded up to the next whole mile, and pay  
4 to the department the per-mile road usage charge due under section  
5 3 of this 2013 Act for the reporting period.

6 (2) The registered owner or lessee of a voluntary vehicle may not  
7 pay the flat annual road usage charge computed under section 4 of this  
8 2013 Act in lieu of the per-mile road usage charge.

9 (3) Unless a registered owner or lessee presents evidence in a man-  
10 ner approved by the department by rule that the voluntary vehicle has  
11 been driven outside this state, the department shall assume that all  
12 metered use reported represents miles driven by the voluntary vehicle  
13 on the highways in Oregon.

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