

HB 2017-10
(LC 2855)
6/30/17 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION PRESERVATION AND MODERNIZATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 2017**

1 In line 2 of the printed bill, after “transportation” insert “; creating new
2 provisions; amending ORS 184.610, 184.612, 184.615, 184.617, 184.619, 184.620,
3 184.621, 184.633, 184.639, 184.649, 184.740, 184.888, 184.891, 305.992, 316.164,
4 316.169, 316.189, 316.197, 316.202, 316.207, 316.212, 319.020, 319.415, 319.530,
5 319.885, 319.890, 366.155, 366.462, 366.505, 366.752, 366.772, 366.805, 367.080,
6 367.082, 367.084, 367.086, 367.620, 367.806, 374.328, 377.841, 468A.275, 646.932,
7 777.267, 801.041, 801.042, 802.110, 803.090, 803.350, 803.415, 803.420, 803.445,
8 803.585, 803.645, 805.047, 805.103, 805.105, 805.115, 805.205, 805.222, 805.255,
9 805.260, 805.263, 805.266, 805.278, 805.283, 818.225, 818.270, 822.043, 822.213,
10 825.450, 825.476, 825.480 and 826.023 and section 2, chapter 823, Oregon Laws
11 2009, section 18, chapter 30, Oregon Laws 2010, section 1, chapter 637, Oregon
12 Laws 2015, section 7, chapter 700, Oregon Laws 2015, section 7, chapter 62,
13 Oregon Laws 2017 (Enrolled House Bill 2149), and sections 31 and 32, chapter
14 ___, Oregon Laws 2017 (Enrolled House Bill 2290); repealing ORS 184.613,
15 184.616, 184.618, 184.889 and 367.017 and section 17, chapter 63, Oregon Laws
16 2012, section 6, chapter 62, Oregon Laws 2017 (Enrolled House Bill 2149), and
17 sections 3, 6, 6a, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,
18 26, 27 and 28, chapter ___, Oregon Laws 2017 (Enrolled House Bill 2290);
19 prescribing an effective date; and providing for revenue raising that requires
20 approval by a three-fifths majority”.

21 Delete lines 4 through 10 and insert:

1 **“ACCOUNTABILITY**

2 **“(Definitions)**

3

4 **“SECTION 1.** ORS 184.610 is amended to read:

5 “184.610. As used in ORS 184.610 to 184.656, unless the context requires
6 otherwise:

7 “(1) ‘Commission’ means the Oregon Transportation Commission.

8 “(2) ‘Department’ means the Department of Transportation.

9 “(3) ‘Director’ means the Director of Transportation.

10 “(4) ‘STIP’ means the Statewide Transportation Improvement Program,
11 which is a list of transportation projects that:

12 “(a) Are to be implemented within four years following adoption or mod-
13 ification of the list;

14 “(b) Are consistent with the long-range transportation plan developed
15 pursuant to ORS [*184.618 and with metropolitan plans*] **184.617**; and

16 “(c) Can be implemented with resources reasonably expected to be avail-
17 able.

18

19 **“(Oregon Transportation Commission)**

20

21 **“SECTION 2.** ORS 184.612 is amended to read:

22 “184.612. (1) There is established the Oregon Transportation Commission
23 consisting of five members appointed by the Governor, subject to confirma-
24 tion by the Senate pursuant to section 4, Article III, Oregon Constitution.
25 **A member serves at the pleasure of the Governor.**

26 “(2) The Governor shall appoint members of the commission in compli-
27 ance with all of the following:

28 “(a) Members shall be appointed with consideration of the different ge-
29 ographic regions of the state with one member being a resident of the area
30 east of the Cascade Range.

1 “(b) Not more than three members [*shall*] **who** belong to one political
2 party. Party affiliation shall be determined by the appropriate entry on offi-
3 cial election registration cards.

4 **“(3) At the time of appointment, a member may not have any direct
5 or indirect financial or fiduciary interest related to the commission’s
6 duties. If a conflict arises after a member’s appointment, the member
7 shall declare the conflict and abstain from deliberations and voting on
8 the matter under consideration by the commission.**

9 “[(2)] (4) The term of office of each member is four years. Before the
10 expiration of the term of a member, the Governor shall appoint a successor
11 whose term begins on July 1 next following. A member is eligible for reap-
12 pointment. In case of a vacancy for any cause, the Governor shall appoint
13 a person to fill the office for the unexpired term.

14 **“(5) The Governor shall appoint one of the members as chairperson.
15 The chairperson shall appoint one of the other members as vice
16 chairperson. The chairperson and vice chairperson shall have such
17 terms, duties and powers as the Oregon Transportation Commission
18 determines are necessary for the performance of such offices.**

19 **“(6) A majority of the members of the commission constitutes a
20 quorum. If a quorum is present at a meeting, the commission may
21 take action by an affirmative vote by a majority of the members who
22 are present. An individual member may not exercise individually any
23 administrative authority with respect to the Department of Transpor-
24 tation.**

25 **“(7) The commission shall meet at least quarterly, at a time and
26 place determined by the commission. The commission shall also meet
27 at such other times and places as are specified by the call of the
28 chairperson or of a majority of the commission.**

29 **“(8) A vacancy does not impair the right of the remaining members
30 to exercise all the powers of the commission, except that three mem-**

1 **bers of the commission must agree in the selection, vacation or**
2 **abandonment of state highways, and in case the members are unable**
3 **to agree the Governor shall have the right to vote as a member of the**
4 **commission.**

5 **“(9) The commission shall keep complete and accurate records of**
6 **all the meetings, transactions and business of the commission at the**
7 **office of the department.**

8 **“(10) The commission may provide an official seal.**

9 **“(11) The commission may hire staff the commission deems neces-**
10 **sary to assist the commission in carrying out its duties. The staff shall**
11 **be considered employees of the department for purposes of the State**
12 **Personnel Relations Law under ORS chapter 240.**

13 **“[(3)] (12) A member of the commission is entitled to compensation and**
14 **expenses as provided by ORS 292.495.**

15 **“NOTE: Sections 3 and 4 were deleted by amendment. Subsequent**
16 **sections were not renumbered.**

17 **“SECTION 5. ORS 184.619 is amended to read:**

18 **“184.619. In accordance with the applicable provisions of ORS chapter 183,**
19 **the Oregon Transportation Commission:**

20 **“(1) Shall adopt [*such*] **any** rules and orders as it considers necessary and**
21 **proper in performing the functions vested by law in the commission.**

22 **“(2) **Notwithstanding any other provisions of law, the commission****
23 **has the power to adopt any rules, establish any policy or exercise any**
24 **other duty, function or power if a statute gives such power to the**
25 **Department of Transportation.**

26 **“SECTION 6. ORS 184.617 is amended to read:**

27 **“184.617. (1) [*It is the function of*] The Oregon Transportation Commission**
28 **[*to*] **shall:****

29 **“(a) Establish the policies for the operation of the Department of Trans-**
30 **portation in a manner consistent with the policies and purposes of ORS**

1 184.610 to 184.656.

2 **“(b) Develop and maintain state transportation policies, including**
3 **but not limited to policies related to the management, construction**
4 **and maintenance of highways and other transportation systems in**
5 **Oregon, including but not limited to aviation, ports and rail.**

6 **“(c) Develop and maintain a comprehensive, 20-year long-range plan**
7 **for a safe, multimodal transportation system for the state which en-**
8 **compasses economic efficiency, orderly economic development and**
9 **environmental quality. The comprehensive, long-range plan:**

10 **“(A) Must include, but not be limited to, aviation, highways, mass**
11 **transit, ports, rails and waterways; and**

12 **“(B) Must be used by all agencies and officers to guide and coordi-**
13 **nate transportation activities and to ensure transportation planning**
14 **utilizes the potential of all existing and developing modes of trans-**
15 **portation.**

16 **“(d) In coordination with the State Marine Board, the Oregon**
17 **Business Development Department, the State Aviation Board, cities,**
18 **counties, mass transit districts organized under ORS 267.010 to 267.390**
19 **and transportation districts organized under ORS 267.510 to 267.650,**
20 **develop plans for each mode of transportation and multimodal plans**
21 **for the movement of people and freight. Subject to paragraph (c) of**
22 **this subsection, the plans must include a list of projects needed to**
23 **maintain and develop the transportation infrastructure of this state**
24 **for at least 20 years in the future.**

25 **“(e) For the plans developed under paragraph (d) of this subsection,**
26 **include a list of projects for at least 20 years into the future that are**
27 **capable of being accomplished using the resources reasonably expected**
28 **to be available. As the plans are developed by the commission, the**
29 **Director of Transportation shall prepare and submit implementation**
30 **programs to the commission for approval. Work approved by the**

1 **commission to carry out the plans shall be assigned to the appropriate**
2 **unit of the Department of Transportation or other appropriate public**
3 **body, as defined in ORS 174.109.**

4 **“(f) Initiate studies, as it deems necessary, to guide the director**
5 **concerning the transportation needs of Oregon.**

6 **“(g) Prescribe the administrative practices followed by the director**
7 **in the performance of any duty imposed on the director by law.**

8 **“(h) Seek to enter into intergovernmental agreements with local**
9 **governments and local service districts, as those terms are defined in**
10 **ORS 174.116, to encourage cooperation between the department and**
11 **local governments and local service districts to maximize the effi-**
12 **ciency of transportation systems in Oregon.**

13 **“(i) Review and approve the department’s:**

14 **“(A) Proposed transportation projects, as described in the Statewide**
15 **Transportation Improvement Program, and any significant transpor-**
16 **tation project modifications, as determined by the commission;**

17 **“(B) Proposed budget form prior to the department submitting the**
18 **form to the Oregon Department of Administrative Services under ORS**
19 **291.208;**

20 **“(C) Anticipated capital construction requirements;**

21 **“(D) Construction priorities; and**

22 **“(E) Selection, vacation or abandonment of state highways.**

23 **“(j) Adopt a statewide transportation strategy on greenhouse gas**
24 **emissions to aid in achieving the greenhouse gas emissions reduction**
25 **goals set forth in ORS 468A.205. The commission shall focus on re-**
26 **ducing greenhouse gas emissions resulting from transportation. In**
27 **developing the strategy, the commission shall consider state and fed-**
28 **eral programs, policies and incentives related to reducing greenhouse**
29 **gas emissions. The commission shall consult and cooperate with met-**
30 **ropolitan planning organizations, other state agencies, local govern-**

1 **ments and stakeholders and shall actively solicit public review and**
2 **comment in the development of the strategy.**

3 **“(k)** *[In addition, the commission shall]* Perform any other duty vested in
4 it by law.

5 *“[(2) The commission shall keep complete and accurate records of all the*
6 *meetings, transactions and business of the commission at the office of the de-*
7 *partment.]*

8 *“[(3)]* **(2)** The commission *[shall have]* **has** general power to **take any**
9 **action necessary to** coordinate and administer programs relating to high-
10 ways, motor carriers, motor vehicles, public transit, rail, transportation
11 safety and such other programs related to transportation *[as may be assigned*
12 *by law to the department].*

13 **“(3) The commission may require the director to furnish whatever**
14 **reports, statistics, information or assistance the commission may re-**
15 **quest in order to study the department or transportation-related is-**
16 **sues.**

17 *“[(4) The Department of Transportation shall be the recipient of all federal*
18 *funds paid to or to be paid to the state to enable the state to provide the pro-*
19 *grams and services assigned to the department, except that the Oregon De-*
20 *partment of Aviation shall be the recipient of all federal funds paid to or to*
21 *be paid to the state to enable the state to provide aviation programs and ser-*
22 *vices.]*

23 **“SECTION 7. Sections 8 to 13 of this 2017 Act and ORS 366.150 are**
24 **added to and made a part of ORS 184.610 to 184.656.**

25 **“SECTION 8. Authority to enter into agreements. (1) The Oregon**
26 **Transportation Commission may:**

27 **“(a) Enter into any written agreement or any configuration of**
28 **written agreements relating to any duty, function or service of the**
29 **commission or the Department of Transportation, relating to trans-**
30 **portation projects or transportation research with any private entity**

1 or unit of government or any configuration of private entities and
2 units of government, as those terms are defined in ORS 367.802. The
3 subject of agreements entered into under this section may include, but
4 need not be limited to, planning, acquisition, financing, development,
5 design, construction, reconstruction, replacement, improvement,
6 maintenance, management, repair, leasing and operation of transpor-
7 tation projects or transportation research.

8 “(b) Include in any agreement entered into under this section any
9 financing mechanisms, including but not limited to the imposition and
10 collection of user fees and the development or use of other revenue
11 sources.

12 “(2) The agreements among the public and private sector partners
13 entered into under this section must specify at least the following:

14 “(a) At what point in the transportation project or transportation
15 research the public and private sector partners will enter the project
16 or research and which partners will assume responsibility for specific
17 project or research elements;

18 “(b) How the partners will share management of the risks of the
19 project or research;

20 “(c) How the partners will share the costs of development of the
21 project or research;

22 “(d) How the partners will allocate financial responsibility for cost
23 overruns;

24 “(e) The penalties for nonperformance;

25 “(f) The incentives for performance; and

26 “(g) The accounting and auditing standards to be used to evaluate
27 work on the project or research.

28 “SECTION 9. Real property inventory. (1) The Oregon Transporta-
29 tion Commission shall compile and keep current an inventory of real
30 property, in excess of the operating needs of, and owned by the De-

1 **partment of Transportation.**

2 **“(2) The inventory must include the following, for each parcel of**
3 **real property:**

4 **“(a) A description of the real property and its current use.**

5 **“(b) An evaluation of future plans for the real property.**

6 **“(c) An assessment of the value of the real property.**

7 **“(3) This section does not apply to real property within a highway**
8 **right-of-way that is used by the public.**

9 **“(4) The commission shall periodically review the inventory of real**
10 **property. If the commission determines that a parcel of real property**
11 **is not anticipated for use for transportation purposes in the reasonably**
12 **foreseeable future and that disposition of the real property by sale,**
13 **lease or other means would result in a substantial net benefit to the**
14 **state to carry out the purposes of Article IX, section 3a, of the Oregon**
15 **Constitution, the commission shall direct the department to dispose**
16 **of the real property in the manner provided by rule by the department.**

17 **“SECTION 10. Continuous Improvement Advisory Committee. (1)**
18 **The Oregon Transportation Commission shall appoint a Continuous**
19 **Improvement Advisory Committee composed of members of the com-**
20 **mission, employees of the Department of Transportation and trans-**
21 **portation stakeholders. The committee shall be of such size and**
22 **representation as the commission determines appropriate.**

23 **“(2) The committee shall:**

24 **“(a) Advise the commission on ways to maximize the efficiency of**
25 **the department to allow increased investment in the transportation**
26 **system over the short, medium and long term.**

27 **“(b) Develop key performance measures, based on desired outcomes,**
28 **for each division of the department. The committee shall submit key**
29 **performance measures to the commission for its approval. The com-**
30 **mittee shall report to the commission at least once per year on the**

1 status of key performance measures and what steps are being taken
2 by the department to achieve the goals of the key performance meas-
3 ures.

4 “(3) The committee shall periodically report to the commission. The
5 reports must include recommendations on ways the commission and
6 the department may execute their duties more efficiently.

7 “(4) Each odd-numbered year, the commission shall submit a re-
8 port, in the manner provided by ORS 192.245, to the Joint Committee
9 on Transportation established under section 26 of this 2017 Act. The
10 report must include information on the activities and recommen-
11 dations of the committee and information on any actions taken by the
12 commission or the department to implement recommendations of the
13 committee.

14 “(5) The committee shall meet regularly, at times and places fixed
15 by the chairperson of the committee or a majority of members of the
16 committee. The department shall provide office space and personnel
17 to assist the committee as requested by the chairperson, within the
18 limits of available funds.

19 “SECTION 11. Describing condition of transportation
20 infrastructure. (1) The Oregon Transportation Commission shall de-
21 velop a set of uniform standards, in coordination with counties and
22 cities, for the consistent description and reporting of the condition of
23 the transportation infrastructure owned by the state, counties and
24 cities. The infrastructure described must include pavement and
25 bridges.

26 “(2) By February 1 of each odd-numbered year, every city and
27 county shall submit a report covering the condition of its transporta-
28 tion infrastructure.

29 “(3) The commission shall periodically review the condition of the
30 transportation infrastructure owned by the state and the reports sub-

1 **mitted under this section. The commission shall post the reports and**
2 **the commission’s review of the reports on the website described in**
3 **section 12 of this 2017 Act.**

4 **“(4) Notwithstanding ORS 366.762 to 366.768 or 366.785 to 366.820, any**
5 **city or county failing to file a report under this section may not re-**
6 **ceive any payments from the State Highway Fund until the report is**
7 **filed.**

8 **“(5) Not later than April 1 of each odd-numbered year, the com-**
9 **mission shall submit a report about the state of the transportation**
10 **infrastructure of Oregon, including the transportation infrastructure**
11 **of cities and counties, to:**

12 **“(a) The Legislative Assembly in the manner provided by ORS**
13 **192.245; and**

14 **“(b) The Joint Committee on Transportation established under sec-**
15 **tion 26 of this 2017 Act.**

16 **“SECTION 12. Website. (1) The Oregon Transportation Commission,**
17 **through the Department of Transportation, shall develop a website.**

18 **“(2) The website must include:**

19 **“(a) A list of all transportation projects in the Statewide Transpor-**
20 **tation Improvement Program and for each project the website must**
21 **include:**

22 **“(A) A description of the project and the project benefits;**

23 **“(B) The estimated cost and estimated completion date;**

24 **“(C) Updated information about the projects as they proceed, in-**
25 **cluding the actual amount spent to date on the project; and**

26 **“(D) After a project is completed, updated information, including**
27 **the amount a project is under or over the original estimated cost and**
28 **whether a project was completed by the original estimated completion**
29 **date.**

30 **“(b) Information on the reports required under ORS 366.774 and**

1 366.790 for all cities and counties in the state, including the amount
2 of transportation funds collected by each county and city and the
3 source of the funds and the amount of money spent on transportation
4 projects by type of expenditure as listed in ORS 366.774 (2) and 366.790
5 (2). This information shall be displayed for the most current six-year
6 period.

7 “(c) Information on the condition of Oregon’s transportation
8 infrastructure, as required under section 11 of this 2017 Act.

9 “(d) Information about the results the audits performed pursuant
10 to ORS 184.639.

11 “(e) Links to all available county and city transportation project
12 websites.

13 “(f) Links to websites about transportation projects receiving mon-
14 eys from the Connect Oregon Fund.

15 “SECTION 12a. The information required under section 12 (2)(b) of
16 this 2017 Act is required only for years beginning on or after January
17 1, 2018. Nothing in this section precludes a city or county from pro-
18 viding additional information.

19 “SECTION 13. Written analysis of costs and benefits of proposed
20 transportation projects. (1) As used in this section, ‘transportation
21 project’ means a project:

22 “(a) That is a highway modernization transportation project or ca-
23 pacity building transportation project proposed for construction in the
24 Statewide Transportation Improvement Program; and

25 “(b) That is estimated to cost at least \$15 million.

26 “(2) As a part of the project scoping phase, the Department of
27 Transportation shall prepare a written analysis of the costs and bene-
28 fits of a transportation project. The analysis must state:

29 “(a) The scope of the project;

30 “(b) The period of analysis;

1 **“(c) The discount rate used in the analysis;**
2 **“(d) The estimated costs to the department to undertake the**
3 **project, including any costs for design, purchasing highway right-of-**
4 **way and construction;**
5 **“(e) The future costs to the department to preserve and maintain**
6 **the project, discounted to present value;**
7 **“(f) Any other costs to the department;**
8 **“(g) The costs to highway users that are associated with the project,**
9 **including loss of safety, delays in the time of travel and additional**
10 **expenses for operating vehicles;**
11 **“(h) The costs of any environmental impacts, including vehicle**
12 **emissions and noise; and**
13 **“(i) The value of the benefits of the project, including the value of**
14 **any:**
15 **“(A) Savings in the time of travel;**
16 **“(B) Improvements to safety;**
17 **“(C) Savings in the cost of operating vehicles; and**
18 **“(D) Other social, economic or environmental benefits of the**
19 **project.**
20 **“(3) The analysis required by this section:**
21 **“(a) Must include a discussion of increases in costs that would re-**
22 **sult from delays in the performance of routine maintenance scheduled**
23 **by the department;**
24 **“(b) May include a discussion of:**
25 **“(A) The costs of the project for any other persons and govern-**
26 **mental agencies; and**
27 **“(B) Any costs or benefits which may result from the use of alter-**
28 **native design, construction or financing practices; and**
29 **“(c) Must be prepared in a format that allows for the comparison**
30 **of proposed transportation projects.**

1 **“(4) The analysis required by this section must be made available**
2 **to the commission and the public when the agenda is posted for the**
3 **meeting at which the proposal will be submitted to the commission for**
4 **its approval.**

5 **“(5) This section does not apply to transportation projects listed in**
6 **section 71a, 71d, 71f or 120 of this 2017 Act.**

7 **“SECTION 14.** ORS 184.621 is amended to read:

8 “184.621. The Oregon Transportation Commission shall work with
9 stakeholders to review and update the criteria used to select projects within
10 the Statewide Transportation Improvement Program. When revising the
11 project selection criteria the commission shall consider whether the project:

12 “(1) Improves the state highway system or major access routes to the state
13 highway system on the local road system to relieve congestion by expanding
14 capacity, enhancing operations or otherwise improving travel times within
15 high-congestion corridors.

16 “(2) Enhances the safety of the traveling public by decreasing traffic
17 crash rates, promoting the efficient movement of people and goods and pre-
18 serving the public investment in the transportation system.

19 “[(3) *Increases the operational effectiveness and reliability of the existing*
20 *system by using technological innovation, providing linkages to other existing*
21 *components of the transportation system and relieving congestion.*]

22 “[(4) *Is capable of being implemented to reduce the need for additional*
23 *highway projects.*]

24 “[(5) *Improves the condition, connectivity and capacity of freight-reliant*
25 *infrastructure serving the state.*]

26 “[(6)] **(3)** Supports improvements necessary for [*this state’s*] **Oregon’s**
27 economic growth and competitiveness, accessibility to industries and eco-
28 nomic development.

29 “[(7)] **(4)** Provides the greatest benefit in relation to project costs **as an-**
30 **alyzed under section 13 of this 2017 Act.**

1 “[8] (5) Fosters livable communities by demonstrating that the invest-
2 ment does not undermine sustainable urban development.

3 “[9] (6) Enhances the value of transportation projects through designs
4 and development that reflect environmental stewardship and community
5 sensitivity.

6 “[10] (7) Is consistent with the state’s greenhouse gas emissions re-
7 duction goals and reduces *[this state’s]* **Oregon’s** dependence on foreign oil.

8 **“(8) To the extent practicable, ensures that the state’s transporta-
9 tion infrastructure is resilient in the event of a natural disaster.**

10 **“(9) Is located near operations conducted for mining aggregate or
11 processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b).**

12 **“SECTION 15.** ORS 184.639 is amended to read:

13 “184.639. *[The Director of Transportation shall designate an internal au-
14 ditor for the Department of Transportation who shall perform internal audits
15 of the department and report findings to the director.]*

16 **“(1) The Oregon Transportation Commission, in consultation with
17 the Director of Transportation, shall designate an internal auditor for
18 the Department of Transportation. The internal auditor shall be an
19 employee of the department and shall report to the director. The di-
20 rector may remove the internal auditor only after a majority vote of
21 the commission approves the removal.**

22 **“(2) The internal auditor shall perform internal audits of the de-
23 partment, in accordance with ORS 184.360, including but not limited
24 to the following:**

25 **“(a) Audits that assess the financial integrity of the department;**

26 **“(b) Audits to determine the efficiency and effectiveness of the op-
27 erations of the department;**

28 **“(c) Audits of contracts entered into by the department; and**

29 **“(d) Any audits required by federal law that are delegated to the
30 commission or the department to perform.**

1 “(3) The internal auditor shall submit all final audit reports to the
2 commission. After redacting from the audit reports information that
3 is exempted from disclosure under ORS 192.410 to 192.505, the com-
4 mission shall have the reports posted on the website described in sec-
5 tion 12 of this 2017 Act.

6 “(4) The commission or the director may request that the internal
7 auditor conduct specific audits as the commission or director deems
8 necessary.

9 “(5) The internal auditor, after considering input from the com-
10 mission or the director, shall make the final determination on which
11 audits to perform.

12 “(6) The internal auditor may also audit third party arrangements
13 entered into by the department.

14 “NOTE: Sections 16 and 17 were deleted by amendment. Subsequent
15 sections were not renumbered.

16 “SECTION 18. ORS 184.649 is amended to read:

17 “184.649. The [*Department of Transportation*] **Oregon Transportation**
18 **Commission** shall [*appear before*] **report on audits of the Department of**
19 **Transportation** to the Joint Legislative Audit Committee established by
20 ORS 171.580 and to the **Joint Committee on Transportation** established
21 **by section 26 of this 2017 Act** at least once each biennium [*to report on*
22 *internal audits and federal audits of the department*].

23
24 “**(Department of Transportation)**

25
26 “SECTION 19. ORS 184.615 is amended to read:

27 “184.615. (1) The Department of Transportation is established.

28 “[*(2) The Department of Transportation shall consist of the Director of*
29 *Transportation and all personnel employed in the department. Except as oth-*
30 *erwise provided in subsections (4) and (5) of this section, for purposes of ad-*

1 *ministration, subject to the approval of the Oregon Transportation Commission,*
2 *the director may organize and reorganize the department as the director con-*
3 *siders necessary to properly conduct the work of the department.]*

4 “[(3)] **(2) The department shall perform the following duties:**

5 “**(a) Carry out policies adopted by the [commission] Oregon Transpor-**
6 **tation Commission** and all duties and responsibilities vested in it by law
7 including, but not necessarily limited to, duties and responsibilities con-
8 cerning drivers and motor vehicles, highways, motor carriers, public transit,
9 rail and transportation safety.

10 “**(b) Provide strategic planning for statewide transportation systems**
11 **to meet the transportation challenges to be faced by Oregon at least**
12 **20 years into the future.**

13 “**(c) Promote coordination between different modes of transporta-**
14 **tion.**

15 “**(d) Promote coordination of major transportation projects, as de-**
16 **termined by the commission, between the state, cities and counties.**

17 “**(e) Integrate governmental functions to reduce the costs incurred**
18 **by this state in transportation matters.**

19 “**(f) Obtain the greatest benefit from state, local and federal trans-**
20 **portation expenditures.**

21 “**(g) Maximize the state’s prospects to obtain federal funds by re-**
22 **sponding to federal mandates for multimodal transportation planning.**

23 “**(h) To the extent practicable, ensure that the state’s transporta-**
24 **tion infrastructure is resilient in the event of a natural disaster.**

25 “**(3) The department shall be the recipient of all federal funds paid**
26 **to or to be paid to the state to enable the state to provide the pro-**
27 **grams and services assigned to the department, except that the Oregon**
28 **Department of Aviation shall be the recipient of all federal funds paid**
29 **to or to be paid to the state to enable the state to provide aviation**
30 **programs and services.**

1 “[4] *The director shall appoint an administrator for each area of critical*
2 *concern to the department. The administrator shall be responsible for planning*
3 *and operations in that area, for relationships between the department and*
4 *persons affected by the operations of the area, for advocacy of the area within*
5 *the department planning and operations processes and for such other duties*
6 *as may be provided by law. For purposes of this subsection, ‘area of critical*
7 *concern’ includes, but is not necessarily limited to, driver and motor vehicle*
8 *services, highways, motor carriers, public transit, rail and transportation*
9 *safety. In appointing administrators under this subsection, the director shall*
10 *consider recommendations of any advisory committee interested in the area of*
11 *responsibility. Administrators appointed under this subsection are in the un-*
12 *classified service for purposes of the State Personnel Relations Law.]*

13 “[5] *Whenever a duty or function is specifically given by statute to the di-*
14 *rector, and that duty or function involves day-to-day operations of an area of*
15 *critical concern to the department, the director shall delegate the duty or*
16 *function to the administrator of the area of critical concern.]*

17 **“SECTION 20.** ORS 184.620 is amended to read:

18 “184.620. (1) The Department of Transportation shall be under the super-
19 vision of a Director of Transportation [*who shall be appointed by and shall*
20 *hold office at the pleasure of the Governor*]. **The Oregon Transportation**
21 **Commission shall appoint the director, after consultation with the**
22 **Governor. The director serves at the pleasure of the commission.**

23 “(2) The appointment of the director shall be subject to confirmation by
24 the Senate in the manner provided by ORS 171.562 and 171.565.

25 “(3) The director may appoint:

26 “(a) Deputy directors with full authority to act for the director, but sub-
27 ject to the director’s control. The appointment of a deputy director shall be
28 by written order filed with the Secretary of State. A deputy director shall
29 be in the unclassified services for purposes of the State Personnel Relations
30 Law.

1 “[b] *One executive assistant for each deputy director appointed under this*
2 *section and one for each administrator appointed under ORS 184.615 (4).*
3 *Executive assistants appointed under this paragraph are in the unclassified*
4 *service for purposes of the State Personnel Relations Law.*]

5 “[c] (b) All subordinate officers and employees of the department and
6 may prescribe their duties, assignments and reassignments and fix their
7 compensation, subject to any applicable provisions of the State Personnel
8 Relations Law.

9 “(4) **Subject to the approval of the commission, the director may**
10 **organize and reorganize the department as the director considers**
11 **necessary to properly conduct the work of the department. As directed**
12 **by the chairperson of the commission, the director shall assign em-**
13 **ployees of the department to staff the commission.**

14 “(5) **When service of summons or other process is required by**
15 **statute to be served on the Director of Transportation, the Department**
16 **of Transportation or the Oregon Transportation Commission, such**
17 **service shall be made upon the office of the director.**

18 “**NOTE:** Sections 21 to 24 were deleted by amendment. Subsequent
19 sections were not renumbered.

20 “**SECTION 25.** ORS 184.633 is amended to read:

21 “184.633. (1) Subject to policy direction by the Oregon Transportation
22 Commission, the Director of Transportation shall:

23 “(a) Be the administrative head of the Department of Transportation;

24 “(b) Have power, within applicable budgetary limitations, and in accord-
25 ance with ORS chapter 240, to hire, assign, reassign and coordinate person-
26 nel of the department and prescribe their duties and fix their compensation,
27 subject to the State Personnel Relations Law;

28 “(c) Administer the laws of the state concerning transportation; [and]

29 “(d) Intervene, as authorized by the commission, pursuant to the rules of
30 practice and procedure, in the proceedings of state and federal agencies

1 which may substantially affect the interest of the consumers and providers
2 of transportation within Oregon[.]; **and**

3 **“(e) Construct, coordinate and promote an integrated transporta-**
4 **tion system in cooperation with any city, county, district, port or**
5 **private entity, as defined in ORS 367.802.**

6 “(2) In addition to duties otherwise required by law, the director shall
7 prescribe regulations for the government of the department, the conduct of
8 its employees, the assignment and performance of its business and the cus-
9 tody, use and preservation of its records, papers and property in a manner
10 consistent with applicable law.

11 “(3) The director may delegate to any of the employees of the department
12 the exercise or discharge in the director’s name of any power, duty or func-
13 tion of whatever character, vested in or imposed by law upon the director,
14 including powers, duties or functions delegated to the director by the com-
15 mission pursuant to ORS 184.635. The official act of any such person so
16 acting in the director’s name and by the authority of the director shall be
17 considered to be an official act of the director.

18 “(4) The director shall have authority to require a fidelity bond of any
19 officer or employee of the department who has charge of, handles or has ac-
20 cess to any state money or property, and who is not otherwise required by
21 law to give a bond. The amounts of the bond shall be fixed by the director,
22 except as otherwise provided by law, and the sureties shall be approved by
23 the director. The department shall pay the premiums on the bonds.

24 “(5)(a) Subject to local government requirements and the provisions of
25 ORS 197.830 to 197.845, the director may participate in and seek review of a
26 land use decision or limited land use decision as defined in ORS 197.015, or
27 an expedited land division as defined in ORS 197.360. The director shall re-
28 port to the commission on each case in which the department participates
29 and on the positions taken by the director in each case.

30 “(b) If a meeting of the commission is scheduled prior to the close of the

1 period for seeking review of a land use decision, expedited land division or
2 limited land use decision, the director shall obtain formal approval from the
3 commission prior to seeking review of the decision. However, if the land use
4 decision, expedited land division or limited land use decision becomes final
5 less than 15 days before a meeting of the commission, the director shall
6 proceed as provided in paragraph (c) of this subsection. If the director re-
7 quests approval from the commission, the applicant and the affected local
8 government shall be notified in writing that the director is seeking commis-
9 sion approval. The director, the applicant and the affected local government
10 shall be given reasonable time to address the commission regarding the
11 director's request for approval to seek review. No other testimony shall be
12 taken by the commission.

13 “(c) If a meeting of the commission is not scheduled prior to the close of
14 the period for seeking review of a land use decision, expedited land division
15 or limited land use decision, at the next commission meeting the director
16 shall report to the commission on each case for which the department has
17 sought review. The director shall request formal approval to proceed with
18 each appeal. The applicant and the affected local government shall be noti-
19 fied of the commission meeting in writing by the director. The director, the
20 applicant and the affected local government shall be given reasonable time
21 to address the commission regarding the director's request for approval to
22 proceed with the appeal. No other testimony shall be taken by the commis-
23 sion. If the commission does not formally approve an appeal, the director
24 shall file a motion with the appropriate tribunal to dismiss the appeal.

25 “(d) A decision by the commission under this subsection is not subject to
26 appeal.

27 “(e) For purposes of this subsection, ‘applicant’ means a person seeking
28 approval of a permit, as defined in ORS 215.402 or 227.160, expedited land
29 division or limited land use decision.

30 “(6) The director may intervene in an appeal of a land use decision

1 brought by another person in the manner provided for an appeal by the di-
2 rector under subsection (5) of this section.

3

4 **“(Joint Committee on Transportation)”**

5

6 **“SECTION 26. (1) There is established the Joint Committee on**
7 **Transportation.**

8 **“(2) The joint committee consists of members of the Senate ap-**
9 **pointed by President of Senate and members of the House of Repre-**
10 **sentatives appointed by the Speaker of the House of Representatives.**

11 **“(3) The President of the Senate shall appoint one cochair for the**
12 **joint committee and the Speaker of the House of Representatives shall**
13 **appoint one cochair for the joint committee with the duties and pow-**
14 **ers necessary for the performance of the functions of the offices as the**
15 **President and the Speaker determine.**

16 **“(4) The joint committee has a continuing existence and may meet,**
17 **act and conduct its business during sessions of the Legislative As-**
18 **sembly or any recess thereof and in the interim between sessions.**

19 **“(5) The term of a member shall expire upon the date of the con-**
20 **vening of the odd-numbered year regular session of the Legislative**
21 **Assembly next following the commencement of the member’s term.**
22 **When a vacancy occurs in the membership of the joint committee in**
23 **the interim between odd-numbered year regular sessions, until such**
24 **vacancy is filled, the membership of the joint committee shall be**
25 **considered not to include the vacant position for the purpose of de-**
26 **termining whether a quorum is present and a quorum is a majority**
27 **of the remaining members.**

28 **“(6) If there is a vacancy for any cause, the appointing authority**
29 **shall make an appointment to become immediately effective.**

30 **“(7) Members of the joint committee shall receive an amount equal**

1 to that authorized under ORS 171.072 from funds appropriated to the
2 Legislative Assembly for each day spent in the performance of their
3 duties as members of the joint committee or any subcommittee thereof
4 in lieu of reimbursement for in-state travel expenses. However, when
5 engaged in out-of-state travel, members shall be entitled to receive
6 their actual and necessary expenses therefor in lieu of the amount
7 authorized by this subsection. Payment shall be made from funds
8 appropriated to the Legislative Assembly.

9 “(8) The joint committee may not transact business unless a quo-
10 rum is present. A quorum consists of a majority of joint committee
11 members from the House of Representatives and a majority of joint
12 committee members from the Senate.

13 “(9) Action by the joint committee requires the affirmative vote of
14 a majority of joint committee members from the House of Represen-
15 tatives and a majority of joint committee members from the Senate.

16 “(10) The joint committee may adopt rules necessary for the oper-
17 ation of the joint committee.

18 “(11) The Legislative Policy and Research Director may employ
19 persons necessary for the performance of the functions of the joint
20 committee. The Legislative Policy and Research Director shall fix the
21 duties and amounts of compensation of the employees. The joint
22 committee shall use the services of continuing legislative staff, with-
23 out employing additional persons, to the greatest extent practicable.

24 “(12) All agencies of state government, as defined in ORS 174.111,
25 are directed to assist the joint committee in the performance of the
26 duties of the joint committee and, to the extent permitted by laws
27 relating to confidentiality, to furnish information and advice the
28 members of the joint committee consider necessary to perform their
29 duties.

30 “SECTION 27. The Joint Committee on Transportation shall exam-

1 ine transportation related policy and transportation project expendi-
2 tures and make recommendations related to transportation to the
3 Joint Committee on Ways and Means. The Joint Committee on
4 Transportation shall provide general legislative oversight of the De-
5 partment of Transportation.

6 **“SECTION 27a.** (1) The Joint Committee on Transportation estab-
7 lished under section 26 of this 2017 Act shall study the adequacy of
8 funding provided under this 2017 Act in meeting the transportation
9 infrastructure requirements of this state.

10 **“(2)** The joint committee must complete the study required under
11 subsection (1) of this section before the date of adjournment sine die
12 of the 2023 regular session of the Legislative Assembly.

13 **“SECTION 27b.** Section 27a of this 2017 Act is repealed on January
14 2, 2024.

15 **“SECTION 27c.** The Oregon Transportation Commission shall con-
16 duct a study and make a report on its findings to the Joint Committee
17 on Transportation established under section 26 of this 2017 Act and to
18 the appropriate fiscal and policy committees or interim committees
19 of the Legislative Assembly as follows:

20 **“(1)** No later than February 1, 2018, the costs to complete the
21 Interstate 205 Abernethy Bridge Project and the Interstate 205 Freeway
22 Widening Project.

23 **“(2)** No later than February 1, 2020, the costs to complete the
24 Interstate 5 Rose Quarter Project.

25 **“SECTION 27d.** Section 27c of this 2017 Act is repealed on June 30,
26 2020.

27 **“SECTION 27e.** The Oregon Transportation Commission shall con-
28 duct a study and make a report on its findings no later than January
29 1, 2020, to the Joint Committee on Transportation established under
30 section 26 of this 2017 Act on the costs to:

1 **“(1) Upgrade the portion of Southeast Powell Boulevard beginning**
2 **where it intersects with Southeast 9th Avenue and ending where it**
3 **intersects with Interstate 205; and**

4 **“(2) Transfer the upgraded portion to the City of Portland.**

5 **“SECTION 27f. Section 27e of this 2017 Act is repealed on June 30,**
6 **2020.**

7
8 **“(Conforming Amendments)**
9

10 **“SECTION 28. ORS 366.752 is amended to read:**

11 **“366.752. (1) The following moneys shall be allocated as described in sub-**
12 **sections (2) and (3) of this section:**

13 **“(a) The amount attributable to the fee increases by the amendments to**
14 **ORS 803.090 by section 42, chapter 865, Oregon Laws 2009.**

15 **“(b) The amount attributable to the fee increases by the amendments to**
16 **ORS 803.420 by section 43, chapter 865, Oregon Laws 2009.**

17 **“(c) The amount attributable to the fee increases by the amendments to**
18 **ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009.**

19 **“(d) The amount attributable to the fee increases by the amendments to**
20 **ORS 803.570 by section 44, chapter 865, Oregon Laws 2009.**

21 **“(e) The amount attributable to the fee increase by the amendments to**
22 **ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009.**

23 **“(f) The amount attributable to the increase in fees and tax rates by the**
24 **amendments to ORS 319.020, 319.530, 818.225, 825.476 and 825.480 by sections**
25 **48, 49 and 51 to 53, chapter 865, Oregon Laws 2009.**

26 **“(2) The moneys described in subsection (1) of this section shall be allo-**
27 **cated first in an amount of \$24 million per year in monthly installments to**
28 **the Department of Transportation for the purposes described in the long-**
29 **range plan developed pursuant to ORS [184.618] 184.617. The remainder of the**
30 **moneys shall be allocated as provided in subsection (3) of this section.**

1 “(3) The moneys described in subsection (1) of this section that remain
2 after the allocation of moneys described in subsection (2) of this section shall
3 be allocated as follows:

4 “(a) 50 percent to the Department of Transportation.

5 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

6 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

7 “(4) Except as provided in subsection (5) of this section, the moneys de-
8 scribed in subsection (3)(a) of this section or equivalent amounts that become
9 available to the Department of Transportation shall be allocated as follows:

10 “(a) 33 percent for maintenance, preservation and safety of highways.

11 “(b) 15.75 percent for the state modernization program for highways as
12 described in ORS 366.507.

13 “(c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and
14 section 64, chapter 865, Oregon Laws 2009.

15 “(5) The moneys allocated in subsection (4) of this section may be used
16 to secure and pay bond debt service on Highway User Tax Bonds under ORS
17 367.615.

18 “(6) For the purposes of this section:

19 “(a) ‘Bond’ has the meaning given that term in ORS 367.010.

20 “(b) ‘Bond debt service’ has the meaning given that term in ORS 367.010.

21 **“SECTION 28a.** ORS 184.888 is amended to read:

22 “184.888. As used in ORS [184.889] **184.617**, 184.893, 184.895, 184.897 and
23 184.899, ‘metropolitan planning organization’ has the meaning given that
24 term in ORS 197.629.

25 **“SECTION 28b.** ORS 184.891 is amended to read:

26 “184.891. ORS [184.889] **184.617** does not limit the authority of an agency,
27 as defined in ORS 183.310, to regulate air contaminants.

28 **“SECTION 29.** ORS 367.806 is amended to read:

29 “367.806. (1) As part of the Oregon Innovative Partnerships Program es-
30 tablished under ORS 367.804, the Department of Transportation may:

1 “(a) Enter into any agreement or any configuration of agreements relating
2 to transportation projects with any private entity or unit of government or
3 any configuration of private entities and units of government. The subject
4 of agreements entered into under this section may include, but need not be
5 limited to, planning, acquisition, financing, development, design, con-
6 struction, reconstruction, replacement, improvement, maintenance, manage-
7 ment, repair, leasing and operation of transportation projects.

8 “(b) Include in any agreement entered into under this section any fi-
9 nancing mechanisms, including but not limited to the imposition and col-
10 lection of franchise fees or user fees and the development or use of other
11 revenue sources.

12 “(2) As part of the Oregon Innovative Partnerships Program established
13 under ORS 367.804, the department shall enter into agreements to undertake
14 transportation projects the subjects of which include the application of
15 technology standards to determine whether to certify technology, the col-
16 lection of metered use data, tax processing and account management, as
17 these subjects relate to the operation of a road usage charge system pursuant
18 to ORS 319.883 to 319.945.

19 “(3) The agreements among the public and private sector partners entered
20 into under this section must specify at least the following:

21 “(a) At what point in the transportation project public and private sector
22 partners will enter the project and which partners will assume responsibility
23 for specific project elements;

24 “(b) How the partners will share management of the risks of the project;

25 “(c) How the partners will share the costs of development of the project;

26 “(d) How the partners will allocate financial responsibility for cost over-
27 runs;

28 “(e) The penalties for nonperformance;

29 “(f) The incentives for performance;

30 “(g) The accounting and auditing standards to be used to evaluate work

1 on the project; and

2 “(h) Whether the project is consistent with the plan developed by the
3 Oregon Transportation Commission under ORS [~~184.618~~] **184.617** and any ap-
4 plicable regional transportation plans or local transportation system pro-
5 grams and, if not consistent, how and when the project will become
6 consistent with applicable plans and programs.

7 “(4) The department may, either separately or in combination with any
8 other unit of government, enter into working agreements, coordination
9 agreements or similar implementation agreements to carry out the joint im-
10 plementation of any transportation project selected under ORS 367.804.

11 “(5) Except for ORS 383.015, 383.017 (1), (2), (3) and (5) and 383.019, the
12 provisions of ORS 383.003 to 383.075 apply to any tollway project entered into
13 under ORS 367.800 to 367.824.

14 “(6) The provisions of ORS 279.835 to 279.855 and ORS chapters 279A,
15 279B and 279C do not apply to concepts or proposals submitted under ORS
16 367.804, or to agreements entered into under this section, except that if
17 public moneys are used to pay any costs of construction of public works that
18 is part of a project, the provisions of ORS 279C.800 to 279C.870 apply to the
19 public works. In addition, if public moneys are used to pay any costs of
20 construction of public works that is part of a project, the construction con-
21 tract for the public works must contain provisions that require the payment
22 of workers under the contract in accordance with ORS 279C.540 and 279C.800
23 to 279C.870.

24 “(7)(a) The department may not enter into an agreement under this sec-
25 tion until the agreement is reviewed and approved by the Oregon Transpor-
26 tation Commission.

27 “(b) The department may not enter into, and the commission may not
28 approve, an agreement under this section for the construction of a public
29 improvement as part of a transportation project unless the agreement pro-
30 vides for bonding, financial guarantees, deposits or the posting of other se-

1 curity to secure the payment of laborers, subcontractors and suppliers who
2 perform work or provide materials as part of the project.

3 “(c) Before presenting an agreement to the commission for approval under
4 this subsection, the department must consider whether to implement proce-
5 dures to promote competition among subcontractors for any subcontracts to
6 be let in connection with the transportation project. As part of its request
7 for approval of the agreement, the department shall report in writing to the
8 commission its conclusions regarding the appropriateness of implementing
9 such procedures.

10 “(8)(a) Except as provided in paragraph (b) of this subsection, documents,
11 communications and information developed, exchanged or compiled in the
12 course of negotiating an agreement with a private entity under this section
13 are exempt from disclosure under ORS 192.410 to 192.505.

14 “(b) The documents, communications or information described in para-
15 graph (a) of this subsection are subject to disclosure under ORS 192.410 to
16 192.505 when the documents, communications or information are submitted
17 to the commission in connection with its review and approval of a trans-
18 portation project under subsection (7) of this section.

19 “(9) The terms of a final agreement entered into under this section and
20 the terms of a proposed agreement presented to the commission for review
21 and approval under subsection (7) of this section are subject to disclosure
22 under ORS 192.410 to 192.505.

23 “(10) As used in this section:

24 “(a) ‘Public improvement’ has the meaning given that term in ORS
25 279A.010.

26 “(b) ‘Public works’ has the meaning given that term in ORS 279C.800.

27 **“SECTION 30.** ORS 374.328 is amended to read:

28 “374.328. The Oregon Transportation Commission shall periodically re-
29 view, not less often than every six years, the classification of state highways,
30 including the designation of highway segments as expressways, as a part of

1 its comprehensive, long-range transportation plan developed pursuant to ORS
2 [184.618] **184.617** to ensure that the classifications for the highways and des-
3 ignations of expressways are appropriate to their uses.

4
5 **“HIGHWAY MAINTENANCE, PRESERVATION AND**
6 **SEISMIC UPGRADES**

7 **“(Vehicle Registration Fees, Title Fees and Fuel Taxes)**

8
9 **“SECTION 31. Sections 32 and 37 of this 2017 Act are added to and**
10 **made a part of the Oregon Vehicle Code.**

11 **“SECTION 32. (1) As used in this section, ‘miles per gallon’ or**
12 **‘MPG’ means the distance traveled in a vehicle powered by one gallon**
13 **of fuel.**

14 **“(2) The Department of Transportation shall determine the com-**
15 **bined MPG ratings for each motor vehicle pursuant to a method de-**
16 **termined by the department.**

17 **“(3) Except as provided in ORS 319.890 (3), in addition to the regis-**
18 **tration fees prescribed under ORS 803.420 (6)(a), during the period be-**
19 **ginning on January 1, 2018, and ending on December 31, 2019, there**
20 **shall be paid for each year of the registration period an additional**
21 **amount of \$13.**

22 **“(4) Except as provided in ORS 319.890 (3), in addition to the regis-**
23 **tration fees prescribed under ORS 803.420 (6)(a), during the period be-**
24 **ginning on January 1, 2020, and ending on December 31, 2021, there**
25 **shall be paid for each year of the registration period, an additional**
26 **amount as follows:**

27 **“(a) For vehicles that have a rating of 0-19 MPG, \$18.**

28 **“(b) For vehicles that have a rating of 20-39 MPG, \$23.**

29 **“(c) For vehicles that have a rating of 40 MPG or greater, \$33.**

30 **“(d) For electric vehicles, \$110.**

1 **“SECTION 33.** Section 32 of this 2017 Act is amended to read:

2 **“Sec. 32.** (1) As used in this section, ‘miles per gallon’ or ‘MPG’ means
3 the distance traveled in a vehicle powered by one gallon of fuel.

4 “(2) The Department of Transportation shall determine the combined
5 MPG ratings for each motor vehicle pursuant to a method determined by the
6 department.

7 “[(3) *Except as provided in ORS 319.890 (3), in addition to the registration*
8 *fees prescribed under ORS 803.420 (6)(a), during the period beginning on*
9 *January 1, 2018, and ending on December 31, 2019, there shall be paid for each*
10 *year of the registration period an additional amount of \$13.*]

11 “[(4) *Except as provided in ORS 319.890 (3), in addition to the registration*
12 *fees prescribed under ORS 803.420 (6)(a), during the period beginning on*
13 *January 1, 2020, and ending on December 31, 2021, there shall be paid for each*
14 *year of the registration period, an additional amount as follows:*]

15 “[(a) *For vehicles that have a rating of 0-19 MPG, \$18.*]

16 “[(b) *For vehicles that have a rating of 20-39 MPG, \$23.*]

17 “[(c) *For vehicles that have a rating of 40 MPG or greater, \$33.*]

18 “[(d) *For electric vehicles, \$110.*]

19 **“(3) Except as provided in ORS 319.890 (3), in addition to the regis-**
20 **tration fees prescribed under ORS 803.420 (6)(a), there shall be paid for**
21 **each year of the registration period, an additional amount as follows:**

22 **“(a) For vehicles that have a rating of 0-19 MPG, \$20.**

23 **“(b) For vehicles that have a rating of 20-39 MPG, \$25.**

24 **“(c) For vehicles that have a rating of 40 MPG or greater, \$35.**

25 **“(d) For electric vehicles, \$115.**

26 **“SECTION 34.** ORS 803.420 is amended to read:

27 “803.420. [*This section establishes registration fees for vehicles. If there is*
28 *uncertainty as to the classification of a vehicle for purposes of the payment of*
29 *registration fees under the vehicle code, the Department of Transportation may*
30 *classify the vehicle to assure that registration fees for the vehicle are the same*

1 as for vehicles the department determines to be comparable. The registration
2 fees for the vehicle shall be those based on the classification determined by the
3 department. Except as otherwise provided in this section, or unless the vehicle
4 is registered quarterly, the fees described in this section are for an entire reg-
5 istration period for the vehicle as described under ORS 803.415. The depart-
6 ment shall apportion any fee under this section to reflect the number of
7 quarters registered for a vehicle registered for a quarterly registration period
8 under ORS 803.415. The fees are payable when a vehicle is registered and
9 upon renewal of registration. Except as provided in ORS 801.041 (3) and
10 801.042 (7), the fee shall be increased by any amount established by the gov-
11 erning body of a county or by the governing body of a district, as defined in
12 ORS 801.237, under ORS 801.041 or 801.042 as an additional registration fee
13 for the vehicle. The fees for registration of vehicles are as follows:]

14 **“(1) The vehicle registration fees imposed under this section shall**
15 **be based on the classifications determined by the Department of**
16 **Transportation by rule. The department may classify a vehicle to en-**
17 **sure that registration fees for the vehicle are the same as for other**
18 **vehicles the department determines to be comparable.**

19 **“(2) Except as otherwise provided in this section, or unless the ve-**
20 **hicle is registered quarterly, the fees described in this section are for**
21 **an entire registration period for the vehicle as described under ORS**
22 **803.415. For a vehicle registered for a quarterly registration period**
23 **under ORS 803.415, the department shall apportion any fee under this**
24 **section to reflect the number of quarters registered.**

25 **“(3) Vehicle registration fees are due when a vehicle is registered**
26 **and when the registered owner renews the registration.**

27 **“(4) In addition to the registration fees listed in this section, a**
28 **county or a district may impose an additional registration fee as pro-**
29 **vided under ORS 801.041 and 801.042.**

30 **“(5) A rental or leasing company, as defined in ORS 221.275, that**

1 elects to initially register a vehicle for an annual or biennial regis-
2 tration period shall pay a fee of \$2 in addition to the vehicle registra-
3 tion fee provided under this section.

4 “(6) The registration fees for each year of the registration period
5 for vehicles subject to biennial registration are as follows:

6 “[1] (a) **Passenger** vehicles not otherwise provided for in this section
7 or ORS 821.320, \$43 *[for each year of the registration period]*.

8 “(b) **Utility trailers or light trailers, as those terms are defined by**
9 **rule by the department, \$58.**

10 “[2] (c) **Mopeds and motorcycles, [\$24 for each year of the registration**
11 **period.] \$39.**

12 “[3] *Motorcycles, \$24 for each year of the registration period.]*

13 “[4] *Government-owned vehicles registered under ORS 805.040, \$3.50.]*

14 “[5] *State-owned vehicles registered under ORS 805.045, \$3.50 on registra-*
15 *tion or renewal.]*

16 “[6] *Undercover vehicles registered under ORS 805.060, \$3.50 on registra-*
17 *tion or renewal.]*

18 “(d) **Low-speed vehicles, \$58.**

19 “(e) **Medium-speed electric vehicles, \$58.**

20 “(7) The registration fees for vehicles that are subject to biennial
21 registration and that are listed in this subsection are as follows:

22 “(a) **State-owned vehicles registered under ORS 805.045 and under-**
23 **cover vehicles registered under ORS 805.060, \$10 upon registration or**
24 **renewal.**

25 “(b) **Fixed load vehicles:**

26 “(A) **If a declaration of weight described under ORS 803.435 is sub-**
27 **mitted establishing the weight of the vehicle at 3,000 pounds or less,**
28 **\$61.**

29 “(B) **If no declaration of weight is submitted or if the weight of the**
30 **vehicles is in excess of 3,000 pounds, \$82.**

1 “(c) Travel trailers, special use trailers, campers and motor homes,
2 based on length as determined under ORS 803.425:

3 “(A) Trailers or campers that are 6 to 10 feet in length, \$81.

4 “(B) Trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot
5 for each foot of length over the first 10 feet.

6 “(C) Motor homes that are 6 to 14 feet in length, \$86.

7 “(D) Motor homes over 14 feet in length, \$126 plus \$7.50 a foot for
8 each foot of length over the first 10 feet.

9 “(8) The registration fee for trailers for hire that are equipped with
10 pneumatic tires made of an elastic material and that are not travel
11 trailers or trailers registered under permanent registration is \$30.

12 “(9) The registration fees for vehicles subject to ownership regis-
13 tration are as follows:

14 “(a) Government-owned vehicles registered under ORS 805.040, \$5.

15 “(b) Vehicles registered with special registration for disabled veter-
16 ans under ORS 805.100 or for former prisoners of war under ORS
17 805.110, \$15.

18 “(c) School vehicles registered under ORS 805.050, \$5.

19 “(10) The registration fees for vehicles subject to permanent regis-
20 tration are as follows:

21 “[(7)] (a) Antique vehicles registered under ORS 805.010, [54] \$100.

22 “[(8)] (b) Vehicles of special interest registered under ORS 805.020, [81]
23 \$100.

24 “(c) Racing activity vehicles registered under ORS 805.035, \$100.

25 “(d) Trailers, \$10.

26 “(11) The registration fee for trailers registered as part of a fleet
27 under an agreement reached pursuant to ORS 802.500 is the same fee
28 as the fee for vehicles of the same type registered under other pro-
29 visions of the Oregon Vehicle Code.

30 “(12) The registration fee for vehicles with proportional registration

1 under ORS 826.009, or proportional fleet registration under ORS
2 826.011, is the same fee as the fee for vehicles of the same type under
3 this section except that the fees shall be fixed on an apportioned basis
4 as provided under the agreement established under ORS 826.007.

5 “(13) In addition to any other registration fees charged for regis-
6 tration of vehicles in fleets under ORS 805.120, the department may
7 charge the following fees:

8 “(a) Service charge for each vehicle entered into a fleet, \$3.

9 “(b) Service charge for each vehicle in the fleet at the time of re-
10 newal, \$2.

11 “[9] *Electric vehicles and hybrid vehicles that use electricity and another*
12 *source of motive power, as follows:]*

13 “[a] *The registration fee for an electric or hybrid vehicle not otherwise*
14 *described in this subsection is \$43 for each year of the registration period.]*

15 “[b] *The registration fee for electric or hybrid vehicles that have two or*
16 *three wheels is \$43. This paragraph does not apply to electric or hybrid*
17 *mopeds. Electric or hybrid mopeds are subject to the same registration fee as*
18 *otherwise provided for mopeds under this section.]*

19 “[c] *The registration fees for the following electric or hybrid vehicles are*
20 *the same as for comparable nonelectric vehicles described in this section plus*
21 *50 percent of such fee:]*

22 “[A] *Motor homes.]*

23 “[B] *Commercial buses.]*

24 “[C] *Vehicles registered as farm vehicles under ORS 805.300.]*

25 “[D] *Vehicles required to establish registration weight under ORS 803.430*
26 *or 826.013.]*

27 “[10] (14)(a)(A) **For the period beginning January 1, 2018, and end-**
28 **ing December 31, 2019, the registration fee for motor vehicles required**
29 **to establish a registration weight under ORS 803.430 or 826.013, tow vehicles**
30 **used to transport property for hire other than as described in ORS**

1 822.210[,] and commercial buses[,] is as provided in the following chart, based
 2 upon the weight submitted in the declaration of weight prepared under ORS
 3 803.435 or 826.015:

4 “ _____

5	Weight in Pounds	Fee
6	8,000 or less	\$ [55] 63
7	8,001 to 10,000	[344] 396
8	10,001 to 12,000	[391] 450
9	12,001 to 14,000	[438] 504
10	14,001 to 16,000	[485] 558
11	16,001 to 18,000	[532] 612
12	18,001 to 20,000	[593] 682
13	20,001 to 22,000	[640] 736
14	22,001 to 24,000	[703] 808
15	24,001 to 26,000	[764] 879
16	26,001 to 28,000	375
17	28,001 to 30,000	391
18	30,001 to 32,000	422
19	32,001 to 34,000	438
20	34,001 to 36,000	468
21	36,001 to 38,000	485
22	38,001 to 40,000	515
23	40,001 to 42,000	532
24	42,001 to 44,000	562
25	44,001 to 46,000	578
26	46,001 to 48,000	593
27	48,001 to 50,000	625
28	50,001 to 52,000	656
29	52,001 to 54,000	672
30	54,001 to 56,000	686

1	56,001	to	58,000	717
2	58,001	to	60,000	750
3	60,001	to	62,000	780
4	62,001	to	64,000	811
5	64,001	to	66,000	827
6	66,001	to	68,000	857
7	68,001	to	70,000	874
8	70,001	to	72,000	904
9	72,001	to	74,000	921
10	74,001	to	76,000	951
11	76,001	to	78,000	967
12	78,001	to	80,000	998
13	80,001	to	82,000	1,014
14	82,001	to	84,000	1,045
15	84,001	to	86,000	1,061
16	86,001	to	88,000	1,092
17	88,001	to	90,000	1,108
18	90,001	to	92,000	1,139
19	92,001	to	94,000	1,155
20	94,001	to	96,000	1,185
21	96,001	to	98,000	1,202
22	98,001	to	100,000	1,218
23	100,001	to	102,000	1,249
24	102,001	to	104,000	1,265
25	104,001	to	105,500	1,295

26 “

27 **“(B) For the period beginning on January 1, 2020, and ending on**
28 **December 31, 2021, the registration fee for motor vehicles required to**
29 **establish a registration weight under ORS 803.430 or 826.013, tow vehi-**
30 **cles used to transport property for hire other than as described in ORS**

1 **822.210 and commercial buses is as provided in the following chart,**
 2 **based upon the weight submitted in the declaration of weight prepared**
 3 **under ORS 803.435 or 826.015:**

4 “ _____

5	Weight in Pounds	Fee
6	8,000 or less	\$ 70
7	8,001 to 10,000	437
8	10,001 to 12,000	497
9	12,001 to 14,000	556
10	14,001 to 16,000	616
11	16,001 to 18,000	676
12	18,001 to 20,000	753
13	20,001 to 22,000	813
14	22,001 to 24,000	893
15	24,001 to 26,000	970
16	26,001 to 28,000	375
17	28,001 to 30,000	391
18	30,001 to 32,000	422
19	32,001 to 34,000	438
20	34,001 to 36,000	468
21	36,001 to 38,000	485
22	38,001 to 40,000	515
23	40,001 to 42,000	532
24	42,001 to 44,000	562
25	44,001 to 46,000	578
26	46,001 to 48,000	593
27	48,001 to 50,000	625
28	50,001 to 52,000	656
29	52,001 to 54,000	672
30	54,001 to 56,000	686

1	56,001	to	58,000	717
2	58,001	to	60,000	750
3	60,001	to	62,000	780
4	62,001	to	64,000	811
5	64,001	to	66,000	827
6	66,001	to	68,000	857
7	68,001	to	70,000	874
8	70,001	to	72,000	904
9	72,001	to	74,000	921
10	74,001	to	76,000	951
11	76,001	to	78,000	967
12	78,001	to	80,000	998
13	80,001	to	82,000	1,014
14	82,001	to	84,000	1,045
15	84,001	to	86,000	1,061
16	86,001	to	88,000	1,092
17	88,001	to	90,000	1,108
18	90,001	to	92,000	1,139
19	92,001	to	94,000	1,155
20	94,001	to	96,000	1,185
21	96,001	to	98,000	1,202
22	98,001	to	100,000	1,218
23	100,001	to	102,000	1,249
24	102,001	to	104,000	1,265
25	104,001	to	105,500	1,295

26 “

27 “[(11)(a)] (b)(A)(i) For the period beginning January 1, 2018, and
28 ending December 31, 2019, the registration fee for motor vehicles with a
29 registration weight of more than 8,000 pounds that are described in ORS
30 825.015, that are operated by a charitable organization as defined in ORS

1 825.017 (13), is as provided in the following chart:

2 “

3	Weight in Pounds	Fee
4	8,001 to 10,000	\$ [50] 64
5	10,001 to 12,000	[60] 76
6	12,001 to 14,000	[65] 83
7	14,001 to 16,000	[75] 95
8	16,001 to 18,000	[80] 102
9	18,001 to 20,000	[90] 114
10	20,001 to 22,000	[95] 121
11	22,001 to 24,000	[105] 133
12	24,001 to 26,000	[110] 140
13	26,001 to 28,000	[120] 152
14	28,001 to 30,000	[125] 159
15	30,001 to 32,000	[135] 171
16	32,001 to 34,000	[140] 178
17	34,001 to 36,000	[150] 191
18	36,001 to 38,000	[155] 197
19	38,001 to 40,000	[165] 210
20	40,001 to 42,000	[170] 216
21	42,001 to 44,000	[180] 229
22	44,001 to 46,000	[185] 235
23	46,001 to 48,000	[190] 241
24	48,001 to 50,000	[200] 254
25	50,001 to 52,000	[210] 267
26	52,001 to 54,000	[215] 273
27	54,001 to 56,000	[220] 279
28	56,001 to 58,000	[230] 292
29	58,001 to 60,000	[240] 305
30	60,001 to 62,000	[250] 318

1	62,001	to	64,000	[260]	330
2	64,001	to	66,000	[265]	337
3	66,001	to	68,000	[275]	349
4	68,001	to	70,000	[280]	356
5	70,001	to	72,000	[290]	368
6	72,001	to	74,000	[295]	375
7	74,001	to	76,000	[305]	387
8	76,001	to	78,000	[310]	394
9	78,001	to	80,000	[320]	406
10	80,001	to	82,000	[325]	413
11	82,001	to	84,000	[335]	425
12	84,001	to	86,000	[340]	432
13	86,001	to	88,000	[350]	445
14	88,001	to	90,000	[355]	451
15	90,001	to	92,000	[365]	464
16	92,001	to	94,000	[370]	470
17	94,001	to	96,000	[380]	483
18	96,001	to	98,000	[385]	489
19	98,001	to	100,000	[390]	495
20	100,001	to	102,000	[400]	508
21	102,001	to	104,000	[405]	514
22	104,001	to	105,500	[415]	527

23 “ _____

24 **“(ii) For the period beginning on January 1, 2020, and ending on**

25 **December 31, 2021, the registration fee for motor vehicles with a reg-**

26 **istration weight of more than 8,000 pounds that are described in ORS**

27 **825.015, that are operated by a charitable organization as defined in**

28 **ORS 825.017 (13), is as provided in the following chart:**

29 “ _____

30	Weight in Pounds	Fee
----	-------------------------	------------

1	8,001	to	10,000	\$	68
2	10,001	to	12,000		81
3	12,001	to	14,000		88
4	14,001	to	16,000		101
5	16,001	to	18,000		108
6	18,001	to	20,000		122
7	20,001	to	22,000		128
8	22,001	to	24,000		142
9	24,001	to	26,000		149
10	26,001	to	28,000		162
11	28,001	to	30,000		169
12	30,001	to	32,000		182
13	32,001	to	34,000		189
14	34,001	to	36,000		203
15	36,001	to	38,000		209
16	38,001	to	40,000		223
17	40,001	to	42,000		230
18	42,001	to	44,000		243
19	44,001	to	46,000		250
20	46,001	to	48,000		257
21	48,001	to	50,000		270
22	50,001	to	52,000		284
23	52,001	to	54,000		290
24	54,001	to	56,000		297
25	56,001	to	58,000		311
26	58,001	to	60,000		324
27	60,001	to	62,000		338
28	62,001	to	64,000		351
29	64,001	to	66,000		358
30	66,001	to	68,000		371

1	68,001	to	70,000	378
2	70,001	to	72,000	392
3	72,001	to	74,000	398
4	74,001	to	76,000	412
5	76,001	to	78,000	419
6	78,001	to	80,000	432
7	80,001	to	82,000	439
8	82,001	to	84,000	452
9	84,001	to	86,000	459
10	86,001	to	88,000	473
11	88,001	to	90,000	479
12	90,001	to	92,000	493
13	92,001	to	94,000	500
14	94,001	to	96,000	513
15	96,001	to	98,000	520
16	98,001	to	100,000	527
17	100,001	to	102,000	540
18	102,001	to	104,000	547
19	104,001	to	105,500	560

20 “ _____

21 “[*(b)*] **(B)(i) For the period beginning January 1, 2018, and ending**

22 **December 31, 2019, the registration fee for** motor vehicles with a regis-

23 tration weight of more than 8,000 pounds that are certified under ORS

24 822.205, unless the motor [*vehicle is*] **vehicles are** registered under [*sub-*

25 *section (10)*] **paragraph (a)** of this [*section*] **subsection**, or that are used

26 exclusively to transport manufactured structures, **is** as provided in the fol-

27 lowing chart:

28 “ _____

29	Weight in Pounds		Fee
30	8,001 to 10,000	\$	[102] 130

1	10,001	to	12,000	[122] 155
2	12,001	to	14,000	[132] 168
3	14,001	to	16,000	[153] 194
4	16,001	to	18,000	[163] 207
5	18,001	to	20,000	[183] 232
6	20,001	to	22,000	[193] 245
7	22,001	to	24,000	[214] 272
8	24,001	to	26,000	[224] 284
9	26,001	to	28,000	[244] 310
10	28,001	to	30,000	[255] 324
11	30,001	to	32,000	[275] 349
12	32,001	to	34,000	[285] 362
13	34,001	to	36,000	[306] 389
14	36,001	to	38,000	[316] 401
15	38,001	to	40,000	[336] 427
16	40,001	to	42,000	[346] 439
17	42,001	to	44,000	[367] 466
18	44,001	to	46,000	[377] 479
19	46,001	to	48,000	[387] 491
20	48,001	to	50,000	[407] 517
21	50,001	to	52,000	[428] 544
22	52,001	to	54,000	[438] 556
23	54,001	to	56,000	[448] 569
24	56,001	to	58,000	[468] 594
25	58,001	to	60,000	[489] 621
26	60,001	to	62,000	[509] 646
27	62,001	to	64,000	[530] 673
28	64,001	to	66,000	[540] 686
29	66,001	to	68,000	[560] 711
30	68,001	to	70,000	[570] 724

1	70,001	to	72,000	[591]	751
2	72,001	to	74,000	[601]	763
3	74,001	to	76,000	[621]	789
4	76,001	to	78,000	[631]	801
5	78,001	to	80,000	[652]	828
6	80,001	to	82,000	[662]	841
7	82,001	to	84,000	[682]	866
8	84,001	to	86,000	[692]	879
9	86,001	to	88,000	[713]	906
10	88,001	to	90,000	[723]	918
11	90,001	to	92,000	[743]	944
12	92,001	to	94,000	[754]	958
13	94,001	to	96,000	[774]	983
14	96,001	to	98,000	[784]	996
15	98,001	to	100,000	[794]	1,008
16	100,001	to	102,000	[815]	1,035
17	102,001	to	104,000	[825]	1,048
18	104,001	to	105,500	[845]	1,073

19 “

20 **“(ii) For the period beginning on January 1, 2020, and ending on**
21 **December 31, 2021, the registration fee for motor vehicles with a reg-**
22 **istration weight of more than 8,000 pounds that are certified under**
23 **ORS 822.205, unless the motor vehicles are registered under paragraph**
24 **(a) of this subsection, or that are used exclusively to transport man-**
25 **ufactured structures, is as provided in the following chart:**

26 “

27	Weight in Pounds		Fee
28	8,001	to 10,000	\$ 138
29	10,001	to 12,000	165
30	12,001	to 14,000	178

1	14,001	to	16,000	207
2	16,001	to	18,000	220
3	18,001	to	20,000	247
4	20,001	to	22,000	261
5	22,001	to	24,000	289
6	24,001	to	26,000	302
7	26,001	to	28,000	329
8	28,001	to	30,000	344
9	30,001	to	32,000	371
10	32,001	to	34,000	385
11	34,001	to	36,000	413
12	36,001	to	38,000	427
13	38,001	to	40,000	454
14	40,001	to	42,000	467
15	42,001	to	44,000	495
16	44,001	to	46,000	509
17	46,001	to	48,000	522
18	48,001	to	50,000	549
19	50,001	to	52,000	578
20	52,001	to	54,000	591
21	54,001	to	56,000	605
22	56,001	to	58,000	632
23	58,001	to	60,000	660
24	60,001	to	62,000	687
25	62,001	to	64,000	716
26	64,001	to	66,000	729
27	66,001	to	68,000	756
28	68,001	to	70,000	770
29	70,001	to	72,000	798
30	72,001	to	74,000	811

1	74,001	to	76,000	838
2	76,001	to	78,000	852
3	78,001	to	80,000	880
4	80,001	to	82,000	894
5	82,001	to	84,000	921
6	84,001	to	86,000	934
7	86,001	to	88,000	963
8	88,001	to	90,000	976
9	90,001	to	92,000	1,003
10	92,001	to	94,000	1,018
11	94,001	to	96,000	1,045
12	96,001	to	98,000	1,058
13	98,001	to	100,000	1,072
14	100,001	to	102,000	1,100
15	102,001	to	104,000	1,114
16	104,001	to	105,500	1,141

17 “ _____

18 “[*(c)*] (C) The owner of a vehicle described in [*paragraphs (a) and (b) of*
19 *this subsection*] **subparagraph (A) or (B) of this paragraph** must certify
20 at the time of initial registration, in a manner determined by the department
21 by rule, that the motor vehicle will be used exclusively to transport manu-
22 factured structures or exclusively as described in ORS 822.210, unless the
23 motor vehicle is registered under [*subsection (10) of this section*] **paragraph**
24 **(a) of this subsection**, or as described in ORS 825.015 or 825.017 (13). Reg-
25 istration of a vehicle described in [*paragraphs (a) and (b) of this subsection*]
26 **subparagraph (A) or (B) of this paragraph** is invalid if the vehicle is op-
27 erated in any manner other than that described in the certification under
28 this [*paragraph*] **subparagraph**.

29 “(c)(A) For the period beginning on January 1, 2018, and ending on
30 December 31, 2019, subject to paragraph (d) of this subsection, the

1 registration fee for motor vehicles registered as farm vehicles under
 2 ORS 805.300 is as provided in the following chart, based upon the reg-
 3 istration weight given in the declaration of weight submitted under
 4 ORS 803.435:

5 “

Weight in Pounds	Fee
8,000 or less	\$ 44
8,001 to 10,000	58
10,001 to 12,000	67
12,001 to 14,000	86
14,001 to 16,000	97
16,001 to 18,000	116
18,001 to 20,000	126
20,001 to 22,000	145
22,001 to 24,000	154
24,001 to 26,000	174
26,001 to 28,000	183
28,001 to 30,000	202
30,001 to 32,000	212
32,001 to 34,000	231
34,001 to 36,000	241
36,001 to 38,000	260
38,001 to 40,000	271
40,001 to 42,000	290
42,001 to 44,000	298
44,001 to 46,000	319
46,001 to 48,000	328
48,001 to 50,000	347
50,001 to 52,000	357
52,001 to 54,000	366

1	54,001	to	56,000	386
2	56,001	to	58,000	405
3	58,001	to	60,000	414
4	60,001	to	62,000	424
5	62,001	to	64,000	443
6	64,001	to	66,000	462
7	66,001	to	68,000	472
8	68,001	to	70,000	483
9	70,001	to	72,000	502
10	72,001	to	74,000	511
11	74,001	to	76,000	531
12	76,001	to	78,000	540
13	78,001	to	80,000	559
14	80,001	to	82,000	569
15	82,001	to	84,000	588
16	84,001	to	86,000	598
17	86,001	to	88,000	617
18	88,001	to	90,000	626
19	90,001	to	92,000	646
20	92,001	to	94,000	655
21	94,001	to	96,000	674
22	96,001	to	98,000	685
23	98,001	to	100,000	704
24	100,001	to	102,000	714
25	102,001	to	104,000	733
26	104,001	to	105,500	743

27 “ _____

28 **“(B) For the period beginning on January 1, 2020, and ending on**

29 **December 31, 2021, subject to paragraph (d) of this subsection, the**

30 **registration fee for motor vehicles registered as farm vehicles under**

1 **ORS 805.300 is as provided in the following chart, based upon the reg-**
2 **istration weight given in the declaration of weight submitted under**
3 **ORS 803.435:**

4 “ _____

5	Weight in Pounds	Fee
6	8,000 or less	\$ 47
7	8,001 to 10,000	62
8	10,001 to 12,000	72
9	12,001 to 14,000	92
10	14,001 to 16,000	103
11	16,001 to 18,000	123
12	18,001 to 20,000	134
13	20,001 to 22,000	154
14	22,001 to 24,000	163
15	24,001 to 26,000	185
16	26,001 to 28,000	194
17	28,001 to 30,000	215
18	30,001 to 32,000	225
19	32,001 to 34,000	246
20	34,001 to 36,000	257
21	36,001 to 38,000	277
22	38,001 to 40,000	288
23	40,001 to 42,000	308
24	42,001 to 44,000	317
25	44,001 to 46,000	339
26	46,001 to 48,000	348
27	48,001 to 50,000	369
28	50,001 to 52,000	379
29	52,001 to 54,000	389
30	54,001 to 56,000	410

1	56,001 to 58,000	431
2	58,001 to 60,000	440
3	60,001 to 62,000	451
4	62,001 to 64,000	471
5	64,001 to 66,000	491
6	66,001 to 68,000	502
7	68,001 to 70,000	513
8	70,001 to 72,000	533
9	72,001 to 74,000	543
10	74,001 to 76,000	564
11	76,001 to 78,000	574
12	78,001 to 80,000	594
13	80,001 to 82,000	605
14	82,001 to 84,000	625
15	84,001 to 86,000	636
16	86,001 to 88,000	656
17	88,001 to 90,000	666
18	90,001 to 92,000	687
19	92,001 to 94,000	697
20	94,001 to 96,000	717
21	96,001 to 98,000	728
22	98,001 to 100,000	748
23	100,001 to 102,000	759
24	102,001 to 104,000	779
25	104,001 to 105,500	790

26 “

27 **“(d) For any vehicle that is registered under a quarterly registration**
28 **period, the registration fee is a minimum of \$15 for each quarter reg-**
29 **istered plus an additional fee of \$2.**

30 *“[(12) Trailers registered under permanent registration, \$10.]*

1 “[(13) *Fixed load vehicles as follows:*]

2 “[(a) *If a declaration of weight described under ORS 803.435 is submitted*

3 *establishing the weight of the vehicle at 3,000 pounds or less, \$54.*]

4 “[(b) *If no declaration of weight is submitted or if the weight of the vehicle*

5 *is in excess of 3,000 pounds, \$75.*]

6 “[(14) *Trailers for hire that are equipped with pneumatic tires made of an*

7 *elastic material and that are not travel trailers or trailers registered under*

8 *permanent registration, \$27.*]

9 “[(15) *Trailers registered as part of a fleet under an agreement reached*

10 *pursuant to ORS 802.500, the same as the fee for vehicles of the same type*

11 *registered under other provisions of the Oregon Vehicle Code.*]

12 “[(16) *Travel trailers, campers and motor homes as follows, based on length*

13 *as determined under ORS 803.425:*]

14 “[(a) *For travel trailers or campers that are 6 to 10 feet in length, \$81.*]

15 “[(b) *For travel trailers or campers over 10 feet in length, \$81 plus \$6.75 a*

16 *foot for each foot of length over the first 10 feet.*]

17 “[(c) *For motor homes that are 6 to 14 feet in length, \$54.*]

18 “[(d) *For motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each*

19 *foot of length over the first 10 feet.*]

20 “[(17) *Special use trailers as follows, based on length as determined under*

21 *ORS 803.425:*]

22 “[(a) *For lengths 6 to 10 feet, \$54.*]

23 “[(b) *For special use trailers over 10 feet in length, \$54 plus \$3 a foot for*

24 *each foot of length over the first 10 feet.*]

25 “[(18) *Fees for vehicles with proportional registration under ORS 826.009,*

26 *or proportioned fleet registration under ORS 826.011, are as provided for ve-*

27 *hicles of the same type under this section except that the fees shall be fixed*

28 *on an apportioned basis as provided under the agreement established under*

29 *ORS 826.007.*]

30 “[(19) *For any vehicle that is registered under a quarterly registration pe-*

1 *riod, a minimum of \$15 for each quarter registered plus an additional fee of*
2 *\$1.]*

3 *“(20) In addition to any other fees charged for registration of vehicles in*
4 *fleets under ORS 805.120, the department may charge the following fees:]*

5 *“(a) A \$2 service charge for each vehicle entered into a fleet.]*

6 *“(b) A \$1 service charge for each vehicle in the fleet at the time of*
7 *renewal.]*

8 *“(21) The registration fee for vehicles with special registration for disabled*
9 *veterans under ORS 805.100 is a fee of \$15.]*

10 *“(22) Subject to subsection (19) of this section, the registration fee for motor*
11 *vehicles registered as farm vehicles under ORS 805.300 is as follows based*
12 *upon the registration weight given in the declaration of weight submitted un-*
13 *der ORS 803.435:]*

14 *“[_____]*

<i>Weight in Pounds</i>	<i>Fee</i>
<i>8,000 or less</i>	<i>\$ 35</i>
<i>8,001 to 10,000</i>	<i>46</i>
<i>10,001 to 12,000</i>	<i>53</i>
<i>12,001 to 14,000</i>	<i>68</i>
<i>14,001 to 16,000</i>	<i>76</i>
<i>16,001 to 18,000</i>	<i>91</i>
<i>18,001 to 20,000</i>	<i>99</i>
<i>20,001 to 22,000</i>	<i>114</i>
<i>22,001 to 24,000</i>	<i>121</i>
<i>24,001 to 26,000</i>	<i>137</i>
<i>26,001 to 28,000</i>	<i>144</i>
<i>28,001 to 30,000</i>	<i>159</i>
<i>30,001 to 32,000</i>	<i>167</i>
<i>32,001 to 34,000</i>	<i>182</i>
<i>34,001 to 36,000</i>	<i>190</i>

1	36,001	to	38,000	205
2	38,001	to	40,000	213
3	40,001	to	42,000	228
4	42,001	to	44,000	235
5	44,001	to	46,000	251
6	46,001	to	48,000	258
7	48,001	to	50,000	273
8	50,001	to	52,000	281
9	52,001	to	54,000	288
10	54,001	to	56,000	304
11	56,001	to	58,000	319
12	58,001	to	60,000	326
13	60,001	to	62,000	334
14	62,001	to	64,000	349
15	64,001	to	66,000	364
16	66,001	to	68,000	372
17	68,001	to	70,000	380
18	70,001	to	72,000	395
19	72,001	to	74,000	402
20	74,001	to	76,000	418
21	76,001	to	78,000	425
22	78,001	to	80,000	440
23	80,001	to	82,000	448
24	82,001	to	84,000	463
25	84,001	to	86,000	471
26	86,001	to	88,000	486
27	88,001	to	90,000	493
28	90,001	to	92,000	509
29	92,001	to	94,000	516
30	94,001	to	96,000	531

1	96,001 to 98,000	539
2	98,001 to 100,000	554
3	100,001 to 102,000	562
4	102,001 to 104,000	577
5	104,001 to 105,500	585

6 “[_____]

7 “[(23) *The registration fee for school vehicles registered under ORS 805.050*
8 *is \$7.50.*]

9 “[(24) *The registration fee for a low-speed vehicle is \$43, for each year of*
10 *the registration period.*]

11 “[(25) *A rental or leasing company, as defined in ORS 221.275, that elects*
12 *to initially register a vehicle for an annual or biennial registration period*
13 *shall pay a fee of \$1 in addition to the vehicle registration fee provided under*
14 *this section.*]

15 “[(26) *Racing activity vehicles registered under ORS 805.035, \$81.*]

16 “[(27) *Medium-speed electric vehicles, \$43 for each year of the registration*
17 *period.*]

18 “**SECTION 35.** ORS 803.420, as amended by section 34 of this 2017 Act,
19 is amended to read:

20 “803.420. (1) The vehicle registration fees imposed under this section shall
21 be based on the classifications determined by the Department of Transpor-
22 tation by rule. The department may classify a vehicle to ensure that regis-
23 tration fees for the vehicle are the same as for other vehicles the department
24 determines to be comparable.

25 “(2) Except as otherwise provided in this section, or unless the vehicle is
26 registered quarterly, the fees described in this section are for an entire reg-
27 istration period for the vehicle as described under ORS 803.415. For a vehicle
28 registered for a quarterly registration period under ORS 803.415, the depart-
29 ment shall apportion any fee under this section to reflect the number of
30 quarters registered.

1 “(3) Vehicle registration fees are due when a vehicle is registered and
2 when the registered owner renews the registration.

3 “(4) In addition to the registration fees listed in this section, a county
4 or a district may impose an additional registration fee as provided under
5 ORS 801.041 and 801.042.

6 “(5) A rental or leasing company, as defined in ORS 221.275, that elects
7 to initially register a vehicle for an annual or biennial registration period
8 shall pay a fee of \$2 in addition to the vehicle registration fee provided under
9 this section.

10 “(6) The registration fees for each year of the registration period for ve-
11 hicles subject to biennial registration are as follows:

12 “(a) Passenger vehicles not otherwise provided for in this section or ORS
13 821.320, \$43.

14 “(b) Utility trailers or light trailers, as those terms are defined by rule
15 by the department, [~~\$58~~] **\$63**.

16 “(c) Mopeds and motorcycles, [~~\$39~~] **\$44**.

17 “(d) Low-speed vehicles, [~~\$58~~] **\$63**.

18 “(e) Medium-speed electric vehicles, [~~\$58~~] **\$63**.

19 “(7) The registration fees for vehicles that are subject to biennial regis-
20 tration and that are listed in this subsection are as follows:

21 “(a) State-owned vehicles registered under ORS 805.045 and undercover
22 vehicles registered under ORS 805.060, \$10 upon registration or renewal.

23 “(b) Fixed load vehicles:

24 “(A) If a declaration of weight described under ORS 803.435 is submitted
25 establishing the weight of the vehicle at 3,000 pounds or less, \$61.

26 “(B) If no declaration of weight is submitted or if the weight of the ve-
27 hicles is in excess of 3,000 pounds, \$82.

28 “(c) Travel trailers, special use trailers, campers and motor homes, based
29 on length as determined under ORS 803.425:

30 “(A) Trailers or campers that are 6 to 10 feet in length, \$81.

1 “(B) Trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for
2 each foot of length over the first 10 feet.

3 “(C) Motor homes that are 6 to 14 feet in length, \$86.

4 “(D) Motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each
5 foot of length over the first 10 feet.

6 “(8) The registration fee for trailers for hire that are equipped with
7 pneumatic tires made of an elastic material and that are not travel trailers
8 or trailers registered under permanent registration is \$30.

9 “(9) The registration fees for vehicles subject to ownership registration
10 are as follows:

11 “(a) Government-owned vehicles registered under ORS 805.040, \$5.

12 “(b) Vehicles registered with special registration for disabled veterans
13 under ORS 805.100 or for former prisoners of war under ORS 805.110, \$15.

14 “(c) School vehicles registered under ORS 805.050, \$5.

15 “(10) The registration fees for vehicles subject to permanent registration
16 are as follows:

17 “(a) Antique vehicles registered under ORS 805.010, \$100.

18 “(b) Vehicles of special interest registered under ORS 805.020, \$100.

19 “(c) Racing activity vehicles registered under ORS 805.035, \$100.

20 “(d) Trailers, \$10.

21 “(11) The registration fee for trailers registered as part of a fleet under
22 an agreement reached pursuant to ORS 802.500 is the same fee as the fee for
23 vehicles of the same type registered under other provisions of the Oregon
24 Vehicle Code.

25 “(12) The registration fee for vehicles with proportional registration un-
26 der ORS 826.009, or proportional fleet registration under ORS 826.011, is the
27 same fee as the fee for vehicles of the same type under this section except
28 that the fees shall be fixed on an apportioned basis as provided under the
29 agreement established under ORS 826.007.

30 “(13) In addition to any other registration fees charged for registration

1 of vehicles in fleets under ORS 805.120, the department may charge the fol-
2 lowing fees:

3 “(a) Service charge for each vehicle entered into a fleet, \$3.

4 “(b) Service charge for each vehicle in the fleet at the time of renewal,
5 \$2.

6 “[*(14)(a)(A) For the period beginning January 1, 2018, and ending Decem-*
7 *ber 31, 2019, the registration fee for motor vehicles required to establish a*
8 *registration weight under ORS 803.430 or 826.013, tow vehicles used to trans-*
9 *port property for hire other than as described in ORS 822.210 and commercial*
10 *buses is as provided in the following chart, based upon the weight submitted*
11 *in the declaration of weight prepared under ORS 803.435 or 826.015:]*

12 “[_____]

13	<i>Weight in Pounds</i>	<i>Fee</i>
14	<i>8,000 or less</i>	<i>\$ 63</i>
15	<i>8,001 to 10,000</i>	<i>396</i>
16	<i>10,001 to 12,000</i>	<i>450</i>
17	<i>12,001 to 14,000</i>	<i>504</i>
18	<i>14,001 to 16,000</i>	<i>558</i>
19	<i>16,001 to 18,000</i>	<i>612</i>
20	<i>18,001 to 20,000</i>	<i>682</i>
21	<i>20,001 to 22,000</i>	<i>736</i>
22	<i>22,001 to 24,000</i>	<i>808</i>
23	<i>24,001 to 26,000</i>	<i>879</i>
24	<i>26,001 to 28,000</i>	<i>375</i>
25	<i>28,001 to 30,000</i>	<i>391</i>
26	<i>30,001 to 32,000</i>	<i>422</i>
27	<i>32,001 to 34,000</i>	<i>438</i>
28	<i>34,001 to 36,000</i>	<i>468</i>
29	<i>36,001 to 38,000</i>	<i>485</i>
30	<i>38,001 to 40,000</i>	<i>515</i>

1	40,001	to	42,000	532
2	42,001	to	44,000	562
3	44,001	to	46,000	578
4	46,001	to	48,000	593
5	48,001	to	50,000	625
6	50,001	to	52,000	656
7	52,001	to	54,000	672
8	54,001	to	56,000	686
9	56,001	to	58,000	717
10	58,001	to	60,000	750
11	60,001	to	62,000	780
12	62,001	to	64,000	811
13	64,001	to	66,000	827
14	66,001	to	68,000	857
15	68,001	to	70,000	874
16	70,001	to	72,000	904
17	72,001	to	74,000	921
18	74,001	to	76,000	951
19	76,001	to	78,000	967
20	78,001	to	80,000	998
21	80,001	to	82,000	1,014
22	82,001	to	84,000	1,045
23	84,001	to	86,000	1,061
24	86,001	to	88,000	1,092
25	88,001	to	90,000	1,108
26	90,001	to	92,000	1,139
27	92,001	to	94,000	1,155
28	94,001	to	96,000	1,185
29	96,001	to	98,000	1,202
30	98,001	to	100,000	1,218

1	100,001 to 102,000	1,249
2	102,001 to 104,000	1,265
3	104,001 to 105,500	1,295

4 “[_____]

5 “[(B) For the period beginning on January 1, 2020, and ending on Decem-
6 ber 31, 2021, the registration fee for motor vehicles required to establish a
7 registration weight under ORS 803.430 or 826.013, tow vehicles used to trans-
8 port property for hire other than as described in ORS 822.210 and commercial
9 buses is as provided in the following chart, based upon the weight submitted
10 in the declaration of weight prepared under ORS 803.435 or 826.015:]

11 “[_____]

12	Weight in Pounds	Fee
13	8,000 or less	\$ 70
14	8,001 to 10,000	437
15	10,001 to 12,000	497
16	12,001 to 14,000	556
17	14,001 to 16,000	616
18	16,001 to 18,000	676
19	18,001 to 20,000	753
20	20,001 to 22,000	813
21	22,001 to 24,000	893
22	24,001 to 26,000	970
23	26,001 to 28,000	375
24	28,001 to 30,000	391
25	30,001 to 32,000	422
26	32,001 to 34,000	438
27	34,001 to 36,000	468
28	36,001 to 38,000	485
29	38,001 to 40,000	515
30	40,001 to 42,000	532

1	42,001	to	44,000	562
2	44,001	to	46,000	578
3	46,001	to	48,000	593
4	48,001	to	50,000	625
5	50,001	to	52,000	656
6	52,001	to	54,000	672
7	54,001	to	56,000	686
8	56,001	to	58,000	717
9	58,001	to	60,000	750
10	60,001	to	62,000	780
11	62,001	to	64,000	811
12	64,001	to	66,000	827
13	66,001	to	68,000	857
14	68,001	to	70,000	874
15	70,001	to	72,000	904
16	72,001	to	74,000	921
17	74,001	to	76,000	951
18	76,001	to	78,000	967
19	78,001	to	80,000	998
20	80,001	to	82,000	1,014
21	82,001	to	84,000	1,045
22	84,001	to	86,000	1,061
23	86,001	to	88,000	1,092
24	88,001	to	90,000	1,108
25	90,001	to	92,000	1,139
26	92,001	to	94,000	1,155
27	94,001	to	96,000	1,185
28	96,001	to	98,000	1,202
29	98,001	to	100,000	1,218
30	100,001	to	102,000	1,249

1 102,001 to 104,000 1,265
 2 104,001 to 105,500 1,295

3 “[_____]

4 “[(b)(A)(i) For the period beginning January 1, 2018, and ending December
 5 31, 2019, the registration fee for motor vehicles with a registration weight of
 6 more than 8,000 pounds that are described in ORS 825.015, that are operated
 7 by a charitable organization as defined in ORS 825.017 (13), is as provided in
 8 the following chart:]

9 “[_____]

Weight in Pounds	Fee
8,001 to 10,000	\$ 64
10,001 to 12,000	76
12,001 to 14,000	83
14,001 to 16,000	95
16,001 to 18,000	102
18,001 to 20,000	114
20,001 to 22,000	121
22,001 to 24,000	133
24,001 to 26,000	140
26,001 to 28,000	152
28,001 to 30,000	159
30,001 to 32,000	171
32,001 to 34,000	178
34,001 to 36,000	191
36,001 to 38,000	197
38,001 to 40,000	210
40,001 to 42,000	216
42,001 to 44,000	229
44,001 to 46,000	235
46,001 to 48,000	241

1	48,001 to 50,000	254
2	50,001 to 52,000	267
3	52,001 to 54,000	273
4	54,001 to 56,000	279
5	56,001 to 58,000	292
6	58,001 to 60,000	305
7	60,001 to 62,000	318
8	62,001 to 64,000	330
9	64,001 to 66,000	337
10	66,001 to 68,000	349
11	68,001 to 70,000	356
12	70,001 to 72,000	368
13	72,001 to 74,000	375
14	74,001 to 76,000	387
15	76,001 to 78,000	394
16	78,001 to 80,000	406
17	80,001 to 82,000	413
18	82,001 to 84,000	425
19	84,001 to 86,000	432
20	86,001 to 88,000	445
21	88,001 to 90,000	451
22	90,001 to 92,000	464
23	92,001 to 94,000	470
24	94,001 to 96,000	483
25	96,001 to 98,000	489
26	98,001 to 100,000	495
27	100,001 to 102,000	508
28	102,001 to 104,000	514
29	104,001 to 105,500	527
30	“[_____]	

1 “(ii) For the period beginning on January 1, 2020, and ending on December
2 31, 2021, the registration fee for motor vehicles with a registration weight of
3 more than 8,000 pounds that are described in ORS 825.015, that are operated
4 by a charitable organization as defined in ORS 825.017 (13), is as provided in
5 the following chart:]

6 “[_____]

7	Weight in Pounds	Fee
8	8,001 to 10,000	\$ 68
9	10,001 to 12,000	81
10	12,001 to 14,000	88
11	14,001 to 16,000	101
12	16,001 to 18,000	108
13	18,001 to 20,000	122
14	20,001 to 22,000	128
15	22,001 to 24,000	142
16	24,001 to 26,000	149
17	26,001 to 28,000	162
18	28,001 to 30,000	169
19	30,001 to 32,000	182
20	32,001 to 34,000	189
21	34,001 to 36,000	203
22	36,001 to 38,000	209
23	38,001 to 40,000	223
24	40,001 to 42,000	230
25	42,001 to 44,000	243
26	44,001 to 46,000	250
27	46,001 to 48,000	257
28	48,001 to 50,000	270
29	50,001 to 52,000	284
30	52,001 to 54,000	290

1	54,001 to 56,000	297
2	56,001 to 58,000	311
3	58,001 to 60,000	324
4	60,001 to 62,000	338
5	62,001 to 64,000	351
6	64,001 to 66,000	358
7	66,001 to 68,000	371
8	68,001 to 70,000	378
9	70,001 to 72,000	392
10	72,001 to 74,000	398
11	74,001 to 76,000	412
12	76,001 to 78,000	419
13	78,001 to 80,000	432
14	80,001 to 82,000	439
15	82,001 to 84,000	452
16	84,001 to 86,000	459
17	86,001 to 88,000	473
18	88,001 to 90,000	479
19	90,001 to 92,000	493
20	92,001 to 94,000	500
21	94,001 to 96,000	513
22	96,001 to 98,000	520
23	98,001 to 100,000	527
24	100,001 to 102,000	540
25	102,001 to 104,000	547
26	104,001 to 105,500	560

27 “[_____]

28 “[(B)(i) For the period beginning January 1, 2018, and ending December
29 31, 2019, the registration fee for motor vehicles with a registration weight of
30 more than 8,000 pounds that are certified under ORS 822.205, unless the motor

1 *vehicles are registered under paragraph (a) of this subsection, or that are used*
2 *exclusively to transport manufactured structures, is as provided in the follow-*
3 *ing chart:]*

4 “[_____]

5	<i>Weight in Pounds</i>	<i>Fee</i>
6	8,001 to 10,000	\$ 130
7	10,001 to 12,000	155
8	12,001 to 14,000	168
9	14,001 to 16,000	194
10	16,001 to 18,000	207
11	18,001 to 20,000	232
12	20,001 to 22,000	245
13	22,001 to 24,000	272
14	24,001 to 26,000	284
15	26,001 to 28,000	310
16	28,001 to 30,000	324
17	30,001 to 32,000	349
18	32,001 to 34,000	362
19	34,001 to 36,000	389
20	36,001 to 38,000	401
21	38,001 to 40,000	427
22	40,001 to 42,000	439
23	42,001 to 44,000	466
24	44,001 to 46,000	479
25	46,001 to 48,000	491
26	48,001 to 50,000	517
27	50,001 to 52,000	544
28	52,001 to 54,000	556
29	54,001 to 56,000	569
30	56,001 to 58,000	594

1	58,001 to 60,000	621
2	60,001 to 62,000	646
3	62,001 to 64,000	673
4	64,001 to 66,000	686
5	66,001 to 68,000	711
6	68,001 to 70,000	724
7	70,001 to 72,000	751
8	72,001 to 74,000	763
9	74,001 to 76,000	789
10	76,001 to 78,000	801
11	78,001 to 80,000	828
12	80,001 to 82,000	841
13	82,001 to 84,000	866
14	84,001 to 86,000	879
15	86,001 to 88,000	906
16	88,001 to 90,000	918
17	90,001 to 92,000	944
18	92,001 to 94,000	958
19	94,001 to 96,000	983
20	96,001 to 98,000	996
21	98,001 to 100,000	1,008
22	100,001 to 102,000	1,035
23	102,001 to 104,000	1,048
24	104,001 to 105,500	1,073

25 “[_____]

26 “[(ii) For the period beginning on January 1, 2020, and ending on December
27 31, 2021, the registration fee for motor vehicles with a registration weight of
28 more than 8,000 pounds that are certified under ORS 822.205, unless the motor
29 vehicles are registered under paragraph (a) of this subsection, or that are used
30 exclusively to transport manufactured structures, is as provided in the follow-

1 *ing chart:]*

2 “[_____]

3	<i>Weight in Pounds</i>	<i>Fee</i>
4	8,001 to 10,000	\$ 138
5	10,001 to 12,000	165
6	12,001 to 14,000	178
7	14,001 to 16,000	207
8	16,001 to 18,000	220
9	18,001 to 20,000	247
10	20,001 to 22,000	261
11	22,001 to 24,000	289
12	24,001 to 26,000	302
13	26,001 to 28,000	329
14	28,001 to 30,000	344
15	30,001 to 32,000	371
16	32,001 to 34,000	385
17	34,001 to 36,000	413
18	36,001 to 38,000	427
19	38,001 to 40,000	454
20	40,001 to 42,000	467
21	42,001 to 44,000	495
22	44,001 to 46,000	509
23	46,001 to 48,000	522
24	48,001 to 50,000	549
25	50,001 to 52,000	578
26	52,001 to 54,000	591
27	54,001 to 56,000	605
28	56,001 to 58,000	632
29	58,001 to 60,000	660
30	60,001 to 62,000	687

1	62,001 to 64,000	716
2	64,001 to 66,000	729
3	66,001 to 68,000	756
4	68,001 to 70,000	770
5	70,001 to 72,000	798
6	72,001 to 74,000	811
7	74,001 to 76,000	838
8	76,001 to 78,000	852
9	78,001 to 80,000	880
10	80,001 to 82,000	894
11	82,001 to 84,000	921
12	84,001 to 86,000	934
13	86,001 to 88,000	963
14	88,001 to 90,000	976
15	90,001 to 92,000	1,003
16	92,001 to 94,000	1,018
17	94,001 to 96,000	1,045
18	96,001 to 98,000	1,058
19	98,001 to 100,000	1,072
20	100,001 to 102,000	1,100
21	102,001 to 104,000	1,114
22	104,001 to 105,500	1,141

23 “[_____]

24 “(14)(a) The registration fee for motor vehicles required to establish
25 a registration weight under ORS 803.430 or 826.013, tow vehicles used
26 to transport property for hire other than as described in ORS 822.210
27 and commercial buses is as provided in the following chart, based upon
28 the weight submitted in the declaration of weight prepared under ORS
29 803.435 or 826.015:

30 “ _____

1	Weight in Pounds			Fee
2	8,000	or	less	\$ 74
3	8,001	to	10,000	464
4	10,001	to	12,000	528
5	12,001	to	14,000	591
6	14,001	to	16,000	655
7	16,001	to	18,000	718
8	18,001	to	20,000	801
9	20,001	to	22,000	864
10	22,001	to	24,000	949
11	24,001	to	26,000	1,031
12	26,001	to	28,000	375
13	28,001	to	30,000	391
14	30,001	to	32,000	422
15	32,001	to	34,000	438
16	34,001	to	36,000	468
17	36,001	to	38,000	485
18	38,001	to	40,000	515
19	40,001	to	42,000	532
20	42,001	to	44,000	562
21	44,001	to	46,000	578
22	46,001	to	48,000	593
23	48,001	to	50,000	625
24	50,001	to	52,000	656
25	52,001	to	54,000	672
26	54,001	to	56,000	686
27	56,001	to	58,000	717
28	58,001	to	60,000	750
29	60,001	to	62,000	780
30	62,001	to	64,000	811

1	64,001	to	66,000	827
2	66,001	to	68,000	857
3	68,001	to	70,000	874
4	70,001	to	72,000	904
5	72,001	to	74,000	921
6	74,001	to	76,000	951
7	76,001	to	78,000	967
8	78,001	to	80,000	998
9	80,001	to	82,000	1,014
10	82,001	to	84,000	1,045
11	84,001	to	86,000	1,061
12	86,001	to	88,000	1,092
13	88,001	to	90,000	1,108
14	90,001	to	92,000	1,139
15	92,001	to	94,000	1,155
16	94,001	to	96,000	1,185
17	96,001	to	98,000	1,202
18	98,001	to	100,000	1,218
19	100,001	to	102,000	1,249
20	102,001	to	104,000	1,265
21	104,001	to	105,500	1,295

22 “

23 “(b)(A) The registration fee for motor vehicles with a registration
24 weight of more than 8,000 pounds that are described in ORS 825.015,
25 that are operated by a charitable organization as defined in ORS
26 825.017 (13), is as provided in the following chart:

27 “

28	Weight in Pounds	Fee
29	8,001 to 10,000	\$ 71
30	10,001 to 12,000	85

1	12,001	to	14,000	92
2	14,001	to	16,000	107
3	16,001	to	18,000	114
4	18,001	to	20,000	128
5	20,001	to	22,000	135
6	22,001	to	24,000	149
7	24,001	to	26,000	156
8	26,001	to	28,000	170
9	28,001	to	30,000	178
10	30,001	to	32,000	192
11	32,001	to	34,000	199
12	34,001	to	36,000	213
13	36,001	to	38,000	220
14	38,001	to	40,000	234
15	40,001	to	42,000	241
16	42,001	to	44,000	256
17	44,001	to	46,000	263
18	46,001	to	48,000	270
19	48,001	to	50,000	284
20	50,001	to	52,000	298
21	52,001	to	54,000	305
22	54,001	to	56,000	312
23	56,001	to	58,000	327
24	58,001	to	60,000	341
25	60,001	to	62,000	355
26	62,001	to	64,000	369
27	64,001	to	66,000	376
28	66,001	to	68,000	391
29	68,001	to	70,000	398
30	70,001	to	72,000	412

1	72,001	to	74,000	419
2	74,001	to	76,000	433
3	76,001	to	78,000	440
4	78,001	to	80,000	454
5	80,001	to	82,000	462
6	82,001	to	84,000	476
7	84,001	to	86,000	483
8	86,001	to	88,000	497
9	88,001	to	90,000	504
10	90,001	to	92,000	518
11	92,001	to	94,000	525
12	94,001	to	96,000	540
13	96,001	to	98,000	547
14	98,001	to	100,000	554
15	100,001	to	102,000	568
16	102,001	to	104,000	575
17	104,001	to	105,500	589

18 “ _____

19 **“(B) The registration fee for motor vehicles with a registration**

20 **weight of more than 8,000 pounds that are certified under ORS 822.205,**

21 **unless the motor vehicles are registered under paragraph (a) of this**

22 **subsection, or that are used exclusively to transport manufactured**

23 **structures, is as provided in the following chart:**

24 “ _____

25	Weight in Pounds		Fee
26	8,001	to 10,000	\$ 145
27	10,001	to 12,000	173
28	12,001	to 14,000	187
29	14,001	to 16,000	217
30	16,001	to 18,000	231

1	18,001	to	20,000	260
2	20,001	to	22,000	274
3	22,001	to	24,000	304
4	24,001	to	26,000	318
5	26,001	to	28,000	346
6	28,001	to	30,000	362
7	30,001	to	32,000	391
8	32,001	to	34,000	405
9	34,001	to	36,000	435
10	36,001	to	38,000	449
11	38,001	to	40,000	477
12	40,001	to	42,000	491
13	42,001	to	44,000	521
14	44,001	to	46,000	535
15	46,001	to	48,000	550
16	48,001	to	50,000	578
17	50,001	to	52,000	608
18	52,001	to	54,000	622
19	54,001	to	56,000	636
20	56,001	to	58,000	665
21	58,001	to	60,000	694
22	60,001	to	62,000	723
23	62,001	to	64,000	753
24	64,001	to	66,000	767
25	66,001	to	68,000	795
26	68,001	to	70,000	809
27	70,001	to	72,000	839
28	72,001	to	74,000	853
29	74,001	to	76,000	882
30	76,001	to	78,000	896

1	78,001 to 80,000	926
2	80,001 to 82,000	940
3	82,001 to 84,000	968
4	84,001 to 86,000	983
5	86,001 to 88,000	1,012
6	88,001 to 90,000	1,027
7	90,001 to 92,000	1,055
8	92,001 to 94,000	1,071
9	94,001 to 96,000	1,099
10	96,001 to 98,000	1,113
11	98,001 to 100,000	1,127
12	100,001 to 102,000	1,157
13	102,001 to 104,000	1,172
14	104,001 to 105,500	1,200

15 “ _____
16 “(C) The owner of a vehicle described in subparagraph (A) or (B) of this
17 paragraph must certify at the time of initial registration, in a manner de-
18 termined by the department by rule, that the motor vehicle will be used ex-
19 clusively to transport manufactured structures or exclusively as described in
20 ORS 822.210, unless the motor vehicle is registered under paragraph (a) of
21 this subsection, or as described in ORS 825.015 or 825.017 (13). Registration
22 of a vehicle described in subparagraph (A) or (B) of this paragraph is invalid
23 if the vehicle is operated in any manner other than that described in the
24 certification under this subparagraph.

25 “(c)[(A) *For the period beginning on January 1, 2018, and ending on De-*
26 *cember 31, 2019,*] Subject to paragraph (d) of this subsection, the registration
27 fee for motor vehicles registered as farm vehicles under ORS 805.300 is as
28 provided in the following chart, based upon the registration weight given in
29 the declaration of weight submitted under ORS 803.435:

30 “[_____]

1	<i>Weight in Pounds</i>	<i>Fee</i>
2	8,000 or less	\$ 44
3	8,001 to 10,000	58
4	10,001 to 12,000	67
5	12,001 to 14,000	86
6	14,001 to 16,000	97
7	16,001 to 18,000	116
8	18,001 to 20,000	126
9	20,001 to 22,000	145
10	22,001 to 24,000	154
11	24,001 to 26,000	174
12	26,001 to 28,000	183
13	28,001 to 30,000	202
14	30,001 to 32,000	212
15	32,001 to 34,000	231
16	34,001 to 36,000	241
17	36,001 to 38,000	260
18	38,001 to 40,000	271
19	40,001 to 42,000	290
20	42,001 to 44,000	298
21	44,001 to 46,000	319
22	46,001 to 48,000	328
23	48,001 to 50,000	347
24	50,001 to 52,000	357
25	52,001 to 54,000	366
26	54,001 to 56,000	386
27	56,001 to 58,000	405
28	58,001 to 60,000	414
29	60,001 to 62,000	424
30	62,001 to 64,000	443

1	64,001 to 66,000	462
2	66,001 to 68,000	472
3	68,001 to 70,000	483
4	70,001 to 72,000	502
5	72,001 to 74,000	511
6	74,001 to 76,000	531
7	76,001 to 78,000	540
8	78,001 to 80,000	559
9	80,001 to 82,000	569
10	82,001 to 84,000	588
11	84,001 to 86,000	598
12	86,001 to 88,000	617
13	88,001 to 90,000	626
14	90,001 to 92,000	646
15	92,001 to 94,000	655
16	94,001 to 96,000	674
17	96,001 to 98,000	685
18	98,001 to 100,000	704
19	100,001 to 102,000	714
20	102,001 to 104,000	733
21	104,001 to 105,500	743

22 “[_____]

23 “ _____

24	Weight in Pounds	Fee
25	8,000 or less	\$ 50
26	8,001 to 10,000	65
27	10,001 to 12,000	75
28	12,001 to 14,000	97
29	14,001 to 16,000	108
30	16,001 to 18,000	129

1	18,001	to	20,000	141
2	20,001	to	22,000	162
3	22,001	to	24,000	172
4	24,001	to	26,000	195
5	26,001	to	28,000	204
6	28,001	to	30,000	226
7	30,001	to	32,000	237
8	32,001	to	34,000	258
9	34,001	to	36,000	270
10	36,001	to	38,000	291
11	38,001	to	40,000	302
12	40,001	to	42,000	324
13	42,001	to	44,000	334
14	44,001	to	46,000	356
15	46,001	to	48,000	366
16	48,001	to	50,000	388
17	50,001	to	52,000	399
18	52,001	to	54,000	409
19	54,001	to	56,000	432
20	56,001	to	58,000	453
21	58,001	to	60,000	463
22	60,001	to	62,000	474
23	62,001	to	64,000	496
24	64,001	to	66,000	517
25	66,001	to	68,000	528
26	68,001	to	70,000	540
27	70,001	to	72,000	561
28	72,001	to	74,000	571
29	74,001	to	76,000	594
30	76,001	to	78,000	604

1	78,001 to 80,000	625
2	80,001 to 82,000	636
3	82,001 to 84,000	657
4	84,001 to 86,000	669
5	86,001 to 88,000	690
6	88,001 to 90,000	700
7	90,001 to 92,000	723
8	92,001 to 94,000	733
9	94,001 to 96,000	754
10	96,001 to 98,000	765
11	98,001 to 100,000	787
12	100,001 to 102,000	798
13	102,001 to 104,000	819
14	104,001 to 105,500	831

15 “ _____
16 “[(B) For the period beginning on January 1, 2020, and ending on Decem-
17 ber 31, 2021, subject to paragraph (d) of this subsection, the registration fee for
18 motor vehicles registered as farm vehicles under ORS 805.300 is as provided
19 in the following chart, based upon the registration weight given in the decla-
20 ration of weight submitted under ORS 803.435:]
21 “[_____]

22	<i>Weight in Pounds</i>	<i>Fee</i>
23	8,000 or less	\$ 47
24	8,001 to 10,000	62
25	10,001 to 12,000	72
26	12,001 to 14,000	92
27	14,001 to 16,000	103
28	16,001 to 18,000	123
29	18,001 to 20,000	134
30	20,001 to 22,000	154

1	22,001	to	24,000	163
2	24,001	to	26,000	185
3	26,001	to	28,000	194
4	28,001	to	30,000	215
5	30,001	to	32,000	225
6	32,001	to	34,000	246
7	34,001	to	36,000	257
8	36,001	to	38,000	277
9	38,001	to	40,000	288
10	40,001	to	42,000	308
11	42,001	to	44,000	317
12	44,001	to	46,000	339
13	46,001	to	48,000	348
14	48,001	to	50,000	369
15	50,001	to	52,000	379
16	52,001	to	54,000	389
17	54,001	to	56,000	410
18	56,001	to	58,000	431
19	58,001	to	60,000	440
20	60,001	to	62,000	451
21	62,001	to	64,000	471
22	64,001	to	66,000	491
23	66,001	to	68,000	502
24	68,001	to	70,000	513
25	70,001	to	72,000	533
26	72,001	to	74,000	543
27	74,001	to	76,000	564
28	76,001	to	78,000	574
29	78,001	to	80,000	594
30	80,001	to	82,000	605

1	82,001 to 84,000	625
2	84,001 to 86,000	636
3	86,001 to 88,000	656
4	88,001 to 90,000	666
5	90,001 to 92,000	687
6	92,001 to 94,000	697
7	94,001 to 96,000	717
8	96,001 to 98,000	728
9	98,001 to 100,000	748
10	100,001 to 102,000	759
11	102,001 to 104,000	779
12	104,001 to 105,500	790

13 “[_____]

14 “(d) For any vehicle that is registered under a quarterly registration pe-
 15 riod, the registration fee is a minimum of \$15 for each quarter registered plus
 16 an additional fee of \$2.

17 **“SECTION 36. The amendments to ORS 803.420 by section 35 of this**
 18 **2017 Act apply to registration fees imposed on or after January 1, 2022.**

19 **“SECTION 37. (1) As used in this section, ‘miles per gallon’ or**
 20 **‘MPG’ means the distance traveled in a vehicle powered by one gallon**
 21 **of fuel.**

22 **“(2) The Department of Transportation shall determine the com-**
 23 **bined MPG ratings for each motor vehicle pursuant to a method de-**
 24 **termined by the department.**

25 **“(3) In addition to the title fees prescribed under ORS 803.090 (1)(c),**
 26 **during the period beginning on January 1, 2018, and ending on De-**
 27 **cember 31, 2019, there shall be paid an additional amount of \$16.**

28 **“(4) In addition to the title fees prescribed under ORS 803.090 (1)(c),**
 29 **during the period beginning on January 1, 2020, and ending on De-**
 30 **cember 31, 2021, there shall be paid an additional amount as follows:**

1 **“(a) For vehicles that have a rating of 0-19 MPG or nonmotorized**
2 **vehicles, \$21.**

3 **“(b) For vehicles that have a rating of 20-39 MPG, \$26.**

4 **“(c) For vehicles that have a rating of 40 MPG or greater, \$36.**

5 **“(d) For electric vehicles, \$110.**

6 **“SECTION 38.** Section 37 of this 2017 Act is amended to read:

7 **“Sec. 37.** (1) As used in this section, ‘miles per gallon’ or ‘MPG’ means
8 the distance traveled in a vehicle powered by one gallon of fuel.

9 **“(2)** The Department of Transportation shall determine the combined
10 MPG ratings for each motor vehicle pursuant to a method determined by the
11 department.

12 **“[(3)** *In addition to the title fees prescribed under ORS 803.090 (1)(c), dur-*
13 *ing the period beginning on January 1, 2018, and ending on December 31, 2019,*
14 *there shall be paid an additional amount of \$16.]*

15 **“[(4)** *In addition to the title fees prescribed under ORS 803.090 (1)(c), dur-*
16 *ing the period beginning on January 1, 2020, and ending on December 31, 2021,*
17 *there shall be paid an additional amount as follows:]*

18 **“[(a)** *For vehicles that have a rating of 0-19 MPG or nonmotorized vehicles,*
19 *\$21.]*

20 **“[(b)** *For vehicles that have a rating of 20-39 MPG, \$26.]*

21 **“[(c)** *For vehicles that have a rating of 40 MPG or greater, \$36.]*

22 **“[(d)** *For electric vehicles, \$110.]*

23 **“(3)** **In addition to the title fees prescribed under ORS 803.090 (1)(c),**
24 **there shall be paid an additional amount as follows:**

25 **“(a) For vehicles that have a rating of 0-19 MPG or nonmotorized**
26 **vehicles, \$24.**

27 **“(b) For vehicles that have a rating of 20-39 MPG, \$29.**

28 **“(c) For vehicles that have a rating of 40 MPG or greater, \$39.**

29 **“(d) For electric vehicles, \$115.**

30 **“SECTION 39.** The amendments to section 32 of this 2017 Act by

1 **section 33 of this 2017 Act, and the amendments to section 37 of this**
2 **2017 Act by section 38 of this 2017 Act, apply to fees imposed on or after**
3 **January 1, 2022.**

4 **“SECTION 39a.** ORS 803.090 is amended to read:

5 “803.090. *[The following fees are the fees for the transaction described:]*

6 “[*(1) The transfer fee under ORS 803.092:*]

7 “[*(a) For a salvage title, \$27.*]

8 “[*(b) For trailers eligible for permanent registration under ORS 803.415 (1)*
9 *and motor vehicles with a gross vehicle weight rating over 26,000 pounds, ex-*
10 *cluding motor homes, \$90.*]

11 “[*(c) For vehicles other than vehicles for which the title fee is described in*
12 *paragraph (b) of this subsection, \$77.*]

13 “[*(2) The fee for issuance of a certificate of title under ORS 803.045:*]

14 “[*(a) For trailers eligible for permanent registration under ORS 803.415 (1)*
15 *and motor vehicles with a gross vehicle weight rating over 26,000 pounds, ex-*
16 *cluding motor homes, \$90.*]

17 “[*(b) For vehicles other than vehicles for which the title fee is described in*
18 *paragraph (a) of this subsection, \$77.*]

19 “[*(3) The fee for issuance of a salvage title certificate under ORS 803.140,*
20 *\$27.*]

21 “[*(4) The fee for issuance of a duplicate or replacement certificate of title*
22 *under ORS 803.065:*]

23 “[*(a) For a duplicate or replacement salvage title certificate, \$27.*]

24 “[*(b) For trailers eligible for permanent registration under ORS 803.415 (1)*
25 *and motor vehicles with a gross vehicle weight rating over 26,000 pounds, ex-*
26 *cluding motor homes, \$90.*]

27 “[*(c) For vehicles other than vehicles for which the title fee is described in*
28 *paragraph (b) of this subsection, \$77.*]

29 “[*(5) The fee under subsection (4) of this section may not be paid at the*
30 *same time as a transfer fee under this section if application is made at the*

1 *same time as application for transfer.]*

2 *“(6) The fee for issuance of a new certificate of title under ORS 803.220*
3 *indicating a change of name or address:]*

4 *“(a) For a new salvage title certificate, \$27.]*

5 *“(b) For trailers eligible for permanent registration under ORS 803.415 (1)*
6 *and motor vehicles with a gross vehicle weight rating over 26,000 pounds, ex-*
7 *cluding motor homes, \$90.]*

8 *“(c) For vehicles other than vehicles for which the title fee is described in*
9 *paragraph (b) of this subsection, \$77.]*

10 **“(1) Except as provided in subsection (2) of this section, the fee to**
11 **issue a certificate of title under ORS 803.045 or 803.140, to transfer title**
12 **under ORS 803.092, to issue a duplicate or replacement certificate of**
13 **title under ORS 803.065 or to issue a new title due to name or address**
14 **change under ORS 803.220 is as follows:**

15 **“(a) For a salvage title, \$27.**

16 **“(b) For a vehicle title for trailers eligible for permanent registra-**
17 **tion under ORS 803.415 (1) and motor vehicles with a gross vehicle**
18 **weight rating over 26,000 pounds, excluding motor homes, \$90.**

19 **“(c) For a vehicle title for vehicles other than those vehicles de-**
20 **scribed in paragraph (b) of this subsection, \$77.**

21 **“(2) If an application for a duplicate or replacement certificate of**
22 **title is filed at the same time as an application for a transfer of title**
23 **for the same vehicle, the applicant is required to pay only the transfer**
24 **of title fee.**

25 *“[(7)] (3) The fee for late presentation of certificate of title under ORS*
26 *803.105[,] is \$25 from the 31st day after the transfer through the 60th day*
27 *after the transfer and \$50 thereafter.*

28 *“[(8)] (4) The fees for title transactions involving a form of title other*
29 *than a certificate shall be the amounts established by the Department of*
30 *Transportation by rule under ORS 803.012.*

1 **“CONFORMING AMENDMENTS**

2
3 **“SECTION 39b.** ORS 801.041 is amended to read:

4 “801.041. The following apply to the authority granted to counties by ORS
5 801.040 to establish registration fees for vehicles:

6 “(1) An ordinance establishing registration fees under this section must
7 be enacted by the county imposing the registration fee and filed with the
8 Department of Transportation. Notwithstanding ORS 203.055 or any pro-
9 vision of a county charter, the governing body of a county with a population
10 of 350,000 or more may enact an ordinance establishing registration fees. The
11 governing body of a county with a population of less than 350,000 may enact
12 an ordinance establishing registration fees after submitting the ordinance to
13 the electors of the county for their approval. The governing body of the
14 county imposing the registration fee shall enter into an intergovernmental
15 agreement under ORS 190.010 with the department by which the department
16 shall collect the registration fees, pay them over to the county and, if nec-
17 essary, allow the credit or credits described in ORS 803.445 (5). The inter-
18 governmental agreement must state the date on which the department shall
19 begin collecting registration fees for the county.

20 “(2) The authority granted by this section allows the establishment of
21 registration fees in addition to those described in ORS 803.420. There is no
22 authority under this section to affect registration periods, qualifications,
23 cards, plates, requirements or any other provision relating to vehicle regis-
24 tration under the vehicle code.

25 “(3) Except as otherwise provided for in this subsection, when registration
26 fees are imposed under this section, they must be imposed on all vehicle
27 classes. Registration fees as provided under this section may not be imposed
28 on the following:

29 “(a) Snowmobiles and Class I all-terrain vehicles.

30 “(b) Fixed load vehicles.

1 “(c) Vehicles registered under ORS 805.100 to disabled veterans.
2 “(d) Vehicles registered as antique vehicles under ORS 805.010.
3 “(e) Vehicles registered as vehicles of special interest under ORS 805.020.
4 “(f) Government-owned or operated vehicles registered under ORS 805.040
5 or 805.045.
6 “(g) School buses or school activity vehicles registered under ORS 805.050.
7 “(h) Law enforcement undercover vehicles registered under ORS 805.060.
8 “(i) Vehicles registered on a proportional basis for interstate operation.
9 “(j) Vehicles with a registration weight of 26,001 pounds or more de-
10 scribed in ORS 803.420 [(10) or (11)] **(14)(a) or (b)**.
11 “(k) Vehicles registered as farm vehicles under the provisions of ORS
12 805.300.
13 “(L) Travel trailers, campers and motor homes.
14 “(m) Vehicles registered to an employment address as provided in ORS
15 802.250 when the eligible public employee or household member’s residence
16 address is not within the county of the employment address. The department
17 may adopt rules it considers necessary for the administration of this para-
18 graph.
19 “(4) Any registration fee imposed by a county must be a fixed amount not
20 to exceed, with respect to any vehicle class, the registration fee established
21 under ORS 803.420 [(1)] **(6)(a)**. For vehicles on which a flat fee is imposed
22 under ORS 803.420, the fee must be a whole dollar amount.
23 “(5) Moneys from registration fees established under this section must be
24 paid to the county establishing the registration fees as provided in ORS
25 802.110. The county ordinance shall provide for payment of at least 40 per-
26 cent of the moneys to cities within the county unless a different distribution
27 is agreed upon by the county and the cities within the jurisdiction of the
28 county. The moneys for the cities and the county shall be used for any pur-
29 pose for which moneys from registration fees may be used, including the
30 payment of debt service and costs related to bonds or other obligations is-

1 sued for such purposes.

2 “(6) Two or more counties may act jointly to impose a registration fee
3 under this section. The ordinance of each county acting jointly with another
4 under this subsection must provide for the distribution of moneys collected
5 through a joint registration fee.

6 **“SECTION 39c.** ORS 801.042 is amended to read:

7 “801.042. The following apply to the authority granted to a district by
8 ORS 801.040 to establish registration fees for vehicles:

9 “(1) Before the governing body of a district can impose a registration fee
10 under this section, it must submit the proposal to the electors of the district
11 for their approval and, if the proposal is approved, enter into an intergov-
12 ernmental agreement under ORS 190.010 with the governing bodies of all
13 counties, other districts and cities with populations of over 300,000 that
14 overlap the district. The intergovernmental agreement must state the regis-
15 tration fees and, if necessary, how the revenue from the fees shall be appor-
16 tioned among counties and the districts. Before the governing body of a
17 county can enter into such an intergovernmental agreement, the county shall
18 consult with the cities in its jurisdiction.

19 “(2) If a district raises revenues from a registration fee for purposes re-
20 lated to highways, roads, streets and roadside rest areas, the governing body
21 of that district shall establish a Regional Arterial Fund and shall deposit in
22 the Regional Arterial Fund all such registration fees.

23 “(3) Interest received on moneys credited to the Regional Arterial Fund
24 shall accrue to and become a part of the Regional Arterial Fund.

25 “(4) The Regional Arterial Fund must be administered by the governing
26 body of the district referred to in subsection (2) of this section and such
27 governing body by ordinance may disburse moneys in the Regional Arterial
28 Fund. Moneys within the Regional Arterial Fund may be disbursed only for
29 a program of projects recommended by a joint policy advisory committee on
30 transportation consisting of local officials and state agency representatives

1 designated by the district referred to in subsection (2) of this section. The
2 projects for which the joint policy advisory committee on transportation can
3 recommend funding must concern arterials, collectors or other improvements
4 designated by the joint policy advisory committee on transportation.

5 “(5) Ordinances establishing registration fees under this section must be
6 filed with the Department of Transportation. The governing body of the dis-
7 trict imposing the registration fee shall enter into an intergovernmental
8 agreement under ORS 190.010 with the department by which the department
9 shall collect the registration fees, pay them over to the district and, if nec-
10 essary, allow the credit or credits described in ORS 803.445 (5). The inter-
11 governmental agreement must state the date on which the department shall
12 begin collecting registration fees for the district.

13 “(6) The authority granted by this section allows the establishment of
14 registration fees in addition to those described in ORS 803.420. There is no
15 authority under this section to affect registration periods, qualifications,
16 cards, plates, requirements or any other provision relating to vehicle regis-
17 tration under the vehicle code.

18 “(7) Except as otherwise provided for in this subsection, when registration
19 fees are imposed under this section, the fees must be imposed on all vehicle
20 classes. Registration fees as provided under this section may not be imposed
21 on the following:

22 “(a) Snowmobiles and Class I all-terrain vehicles.

23 “(b) Fixed load vehicles.

24 “(c) Vehicles registered under ORS 805.100 to disabled veterans.

25 “(d) Vehicles registered as antique vehicles under ORS 805.010.

26 “(e) Vehicles registered as vehicles of special interest under ORS 805.020.

27 “(f) Government-owned or operated vehicles registered under ORS 805.040
28 or 805.045.

29 “(g) School buses or school activity vehicles registered under ORS 805.050.

30 “(h) Law enforcement undercover vehicles registered under ORS 805.060.

1 “(i) Vehicles registered on a proportional basis for interstate operation.

2 “(j) Vehicles with a registration weight of 26,001 pounds or more de-
3 scribed in ORS 803.420 [(10) or (11)] **(14)(a) or (b)**.

4 “(k) Vehicles registered as farm vehicles under the provisions of ORS
5 805.300.

6 “(L) Travel trailers, campers and motor homes.

7 “(m) Vehicles registered to an employment address as provided in ORS
8 802.250 when the eligible public employee or household member’s residence
9 address is not within the county of the employment address. The department
10 may adopt rules it considers necessary for the administration of this para-
11 graph.

12 “(8) Any registration fee imposed by the governing body of a district must
13 be a fixed amount not to exceed, with respect to any vehicle class, the reg-
14 istration fee established under ORS 803.420 [(1)] **(6)(a)**. For vehicles on which
15 a flat fee is imposed under ORS 803.420, the fee must be a whole dollar
16 amount.

17 **“SECTION 39d.** ORS 803.350 is amended to read:

18 “803.350. This section establishes the requirements for qualification for
19 registration. The Department of Transportation shall not issue registration
20 to a vehicle if the requirements under this section are not met. The depart-
21 ment, in the absence of just cause for refusing to register a vehicle upon
22 application, shall assign a distinctive number or other distinctive means of
23 identification and shall issue registration for a vehicle if all of the following
24 requirements are met:

25 “(1) The applicant applies for and is granted title in the applicant’s name
26 at the same time the person makes application for registration, or presents
27 satisfactory evidence that title covering the vehicle has been previously is-
28 sued to the applicant.

29 “(2) The applicant completes an application described under ORS 803.370.
30 If the vehicle is a reconstructed or assembled vehicle or a replica, the person

1 must indicate that fact in the application or be subject to ORS 803.225.

2 “(3) The applicant pays the department the registration fee established
3 under ORS 803.420 and any applicable fees for issuance of registration plates.

4 “(4) For motor vehicles, proof of compliance with pollution control
5 equipment requirements is provided to the department. Proof required to
6 comply with this subsection is described under ORS 815.310. This subsection
7 does not apply if the vehicle is exempt from the requirements for proof of
8 compliance under ORS 815.300.

9 “(5) The applicant is domiciled in this state, as described in ORS 803.355,
10 if required by ORS 803.360 to be domiciled in the state in order to register
11 a vehicle. If the department has reason to believe that the applicant is not
12 domiciled in this state and is required to be in order to register a vehicle,
13 the department may require the person to submit proof of domicile. The de-
14 partment shall determine by rule what constitutes proof of domicile.

15 “(6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for
16 registration in this state, if the owner is not domiciled in this state and is
17 not required by ORS 803.200, or any other provision of law, to register the
18 vehicle in this state.

19 “(7) The applicant surrenders all evidence of any former registration or
20 title as required by ORS 803.380.

21 “(8)(a) Beginning with 2009 model year new motor vehicles, the applicant
22 provides proof of compliance with low emission motor vehicle standards
23 adopted pursuant to ORS 468A.360. The department shall determine by rule
24 what constitutes proof of compliance with low emission motor vehicle stan-
25 dards.

26 “(b) The department shall determine by rule which new motor vehicles
27 are exempt from the requirements of this subsection. Any rules adopted
28 pursuant to this paragraph shall be consistent with the Environmental
29 Quality Commission standards adopted pursuant to ORS 468A.360.

30 “(c) For purposes of this subsection, ‘new motor vehicle’ means a motor

1 vehicle with 7,500 miles or less on the odometer when the vehicle is initially
2 registered under ORS 803.420 [(1)] **(6)(a)**, 805.100 or 805.120.

3 “(9) If required to do so by the department, the applicant provides the
4 department with satisfactory proof that the vehicle was designed to be op-
5 erated on highways and meets equipment requirements imposed by statute
6 or rule for the lawful operation of a vehicle on highways. The department
7 may adopt rules specifying the kinds of vehicles that are subject to this
8 subsection and what constitutes satisfactory proof under this subsection.

9 **“SECTION 39e.** ORS 803.415 is amended to read:

10 “803.415. This section establishes registration periods for vehicles. The
11 registration periods are periods described under ORS 803.400. Except as pro-
12 vided in the following, the registration period for any vehicle registered in
13 this state by the Department of Transportation is a biennial registration
14 period:

15 “(1) The following vehicles have permanent registration:

16 “(a) Antique vehicles registered under ORS 805.010.

17 “(b) Vehicles of special interest registered under ORS 805.020.

18 “(c) Trailers that will be operated on the highways at a loaded weight of
19 more than 8,000 pounds and are not travel trailers, fixed load vehicles or
20 special use trailers.

21 “(2) Government-owned vehicles registered under ORS 805.040 have own-
22 ership registration.

23 “(3) The following vehicles may be registered under annual or quarterly
24 registration unless the vehicles are registered under proportional registra-
25 tion under ORS 826.009 or proportional fleet registration under ORS 826.011:

26 “(a) Vehicles required to establish a registration weight under ORS
27 803.430.

28 “(b) Commercial buses.

29 “(c) Vehicles registered as farm vehicles under ORS 805.300.

30 “(4) Snowmobiles are registered as provided in ORS 821.080.

1 “(5) Vehicles operated by dealers who hold certificates under ORS 822.020
2 are as provided under ORS 822.040.

3 “(6) Trailers for hire that will be operated at a loaded weight of 8,000
4 pounds or less may be registered as follows:

5 “(a) Annual registration; or

6 “(b) If registered under an agreement pursuant to ORS 802.500, for a pe-
7 riod of time determined as specified in the agreement or as determined by
8 the department.

9 “(7) Except as otherwise provided in subsection (10) of this section, the
10 registration period for electric vehicles and hybrid vehicles that use elec-
11 tricity and another source of motive power is a biennial registration period
12 except that the registration period for the following electric or hybrid vehi-
13 cles is an annual registration period:

14 “(a) Commercial buses.

15 “(b) Electric or hybrid vehicles registered as farm vehicles under ORS
16 805.300.

17 “(c) Vehicles required to establish registration weight under ORS 803.430.

18 “(8) Vehicles registered under ORS 805.100 have an ownership registration
19 period.

20 “(9) School vehicles registered under ORS 805.050 have ownership regis-
21 tration except that the registration shall continue to be valid if ownership
22 of the vehicle is transferred to a person who continues to use the vehicle for
23 purposes authorized by ORS 805.050.

24 “(10) The following vehicles have a four-year registration period:

25 “(a) New vehicles registered under ORS 803.420 [(1)] **(6)(a)** for which new
26 registration plates will be issued;

27 “(b) New mopeds **or motorcycles** registered under ORS 803.420 [(2)] **(6)(c)**
28 for which new registration plates will be issued; **and**

29 “(c) **New trailers registered under ORS 803.420 (6)(b), for which new**
30 **registration plates will be issued.**

1 “[(c) *New motorcycles registered under ORS 803.420 (3) for which new*
2 *registration plates will be issued; and]*

3 “[(d) *New vehicles registered under ORS 803.420 (9)(a) for which new reg-*
4 *istration plates will be issued.*]

5 “(11) A rental or leasing company, as defined in ORS 221.275, may elect
6 an annual, a biennial or a four-year registration period for the initial regis-
7 tration of a new vehicle registered under ORS 803.420 [(1) or (9)(a)] **(6)(a)** for
8 which new registration plates will be issued if the company owns the vehicle
9 that is being registered. The subsequent renewal or reregistration periods for
10 the vehicle are biennial.

11 “**SECTION 39f.** ORS 803.445 is amended to read:

12 “803.445. (1) The governing body of a county may impose registration fees
13 for vehicles as provided in ORS 801.041.

14 “(2) The governing body of a district may impose registration fees for
15 vehicles as provided in ORS 801.042.

16 “(3) The Department of Transportation shall provide by rule for the ad-
17 ministration of laws authorizing county and district registration fees and for
18 the collection of those fees.

19 “(4) Any registration fee imposed under this section shall be imposed in
20 a manner consistent with ORS 803.420.

21 “(5) No county or district may impose a vehicle registration fee that
22 would by itself, or in combination with any other vehicle registration fee
23 imposed under this section, exceed the amount of the fee imposed under ORS
24 803.420 [(1)] **(6)(a)**. The owner of any vehicle subject to multiple fees under
25 this section shall be allowed a credit or credits with respect to one or more
26 of such fees so that the total of such fees does not exceed the amount of the
27 fee imposed under ORS 803.420 [(1)] **(6)(a)**.

28 “**SECTION 39g.** ORS 805.047 is amended to read:

29 “805.047. (1) Upon request of any county, the Department of Transporta-
30 tion may issue registration plates or other evidence of registration from any

1 regular series rather than from any specially designed government series for
2 a vehicle owned or operated by the county. The registration period for a
3 vehicle described under this section shall be the same as the regular regis-
4 tration period for the type of vehicle registered. The fee for registration or
5 renewal of registration of a vehicle under this section shall be the fee es-
6 tablished under ORS 803.420 [(1) or (9)] **(6)(a)**.

7 “(2) Any vehicle registered under this section and not exempted under
8 ORS 815.300 must meet the requirements for certification of compliance with
9 pollution control under ORS 815.310.

10 **“SECTION 39h.** ORS 805.103 is amended to read:

11 “805.103. (1) The Department of Transportation shall provide for issuance
12 of registration plates for a motor vehicle registered under ORS 803.420 [(1)
13 or (9)(a)] **(6)(a)**, in a manner consistent with this section, to motor vehicle
14 owners who qualify for the plates as Congressional Medal of Honor recipi-
15 ents under subsection (2) this section.

16 “(2) A person who is a Congressional Medal of Honor recipient qualifies
17 for registration plates under this section if the person provides the depart-
18 ment with a certificate from the United States Department of Veterans Af-
19 fairs attesting to the person’s status as a Congressional Medal of Honor
20 recipient.

21 “(3) Registration plates issued under this section shall be considered
22 customized registration plates for purposes of the fee required in ORS
23 805.250. The department may waive the fee required in ORS 805.250.

24 “(4) The department may not issue registration plates for a motor vehicle
25 under this section if another motor vehicle owned by the applicant has been
26 issued registration plates under this section.

27 “(5) The registration plates issued under this section shall:

28 “(a) Be issued with a unique background design determined by the de-
29 partment;

30 “(b) Be issued with a specific configuration as determined by the depart-

1 ment;

2 “(c) Contain the words ‘Medal of Honor’;

3 “(d) Contain the image of the Congressional Medal of Honor; and

4 “(e) Meet the requirements for registration plates under ORS 803.535.

5 “(6) If there is a transfer of interest in the motor vehicle to which the
6 registration plate under this section is assigned, or if the motor vehicle is
7 totaled and not reconstructed, the motor vehicle owner shall remove the
8 registration plate. The Congressional Medal of Honor recipient may retain
9 the registration plate, but the registration plate may not be placed on any
10 other motor vehicle unless the registration plate is transferred as set forth
11 in subsection (7) of this section.

12 “(7) If the motor vehicle owner qualifies for the registration plates under
13 subsection (2) of this section, the department may transfer registration plates
14 issued under this section to another motor vehicle registered under ORS
15 803.420 [(1) or (9)(a)] **(6)(a)**, as set forth in ORS 805.242.

16 “(8) The department shall cancel any registration plates issued under this
17 section if the department determines that the motor vehicle is owned by a
18 person who does not qualify for the registration plates under subsection (2)
19 of this section or that the motor vehicle is not registered under ORS 803.420
20 [(1) or (9)(a)] **(6)(a)**.

21 “(9) The department may adopt rules necessary to carry out the provisions
22 of this section.

23 **“SECTION 39i.** ORS 805.105 is amended to read:

24 “805.105. (1) The Department of Transportation shall establish a veterans’
25 recognition registration plate program to issue registration plates called
26 ‘veterans’ recognition registration plates’ upon request to an owner of any
27 motor vehicle registered under ORS 803.420 [(1) or (9)(a)] **(6)(a)** if the owner
28 of the motor vehicle qualifies for the plates. Rules adopted under this section
29 shall include, but need not be limited to, rules that:

30 “(a) Describe general qualifications to be met by any veterans’ group in

1 order to be eligible for a veterans' recognition registration plate issued under
2 this section.

3 “(b) Specify circumstances under which the department may cease to issue
4 veterans' recognition registration plates.

5 “(c) Specify what constitutes proof of veteran status for issuance of a
6 veterans' recognition registration plate, if such proof is required by a
7 veterans' group or by the Director of Veterans' Affairs.

8 “(d) Specify what constitutes proof that a person is a surviving family
9 member of a person who was killed in action during an armed conflict while
10 serving in the Armed Forces of the United States. The department may only
11 issue a veteran's recognition registration plate displaying a gold star decal
12 and the words 'Gold Star Family' to a person who is a parent, sibling, spouse
13 or dependent of a person who was killed in action during an armed conflict
14 while serving in the Armed Forces of the United States.

15 “(2)(a) In addition to any other fee authorized by law, upon issuance of
16 a veterans' recognition registration plate under this section and upon re-
17 newal of registration for a vehicle that has plates issued under this section,
18 the department shall collect a surcharge of \$2.50 per plate for each year of
19 the registration period for the vehicle as described under ORS 803.415.

20 “(b) Except as otherwise provided in paragraph (c) of this subsection, net
21 proceeds of the surcharge collected by the department for the veterans' re-
22 cognition registration plate shall be deposited in the trust fund established
23 under ORS 406.050 for paying the expenses of operating the Oregon Veterans'
24 Home.

25 “(c) If the department issues a veterans' recognition registration plate
26 that names, describes or represents a veterans' group, that veterans' group
27 may designate an account into which the net proceeds of the surcharge col-
28 lected by the department under this section are to be deposited. The depart-
29 ment shall keep accurate records of the number of plates issued under this
30 paragraph for each veterans' group and, after payment of administrative ex-

1 penses of the department, shall deposit moneys collected under this sub-
2 section into the specified account.

3 “(d) Deposits under this subsection shall be made quarterly.

4 “(3)(a) In consultation with the Department of Transportation, the Direc-
5 tor of Veterans’ Affairs shall design the veterans’ recognition registration
6 plate.

7 “(b) If the department issues a veterans’ recognition registration plate to
8 recognize a veterans’ group, the department shall, in consultation with the
9 requesting veterans’ group, add words or a military-related decal to the
10 veterans’ recognition registration plate that names, describes or represents
11 the veterans’ group.

12 “(c) The department shall add a gold star decal and the words ‘Gold Star
13 Family’ to a veterans’ recognition registration plate background to recognize
14 surviving family members of persons killed in action during an armed con-
15 flict while serving in the Armed Forces of the United States.

16 “(d) Except as otherwise required by the design, veterans’ recognition
17 registration plates must comply with the requirements of ORS 803.535.

18 “(4) The department shall determine how many sets of veterans’ recogni-
19 tion registration plates will be manufactured. If the department does not sell
20 or issue renewal for 500 sets of veterans’ recognition registration plates in
21 any one year, the department shall cease production of veterans’ recognition
22 registration plates. For the purposes of this section, veterans’ recognition
23 registration plates that name, describe or represent a veterans’ group are
24 included in the total number of veterans’ recognition registration plates is-
25 sued.

26 “(5) For the purposes of this section, ‘sibling’ includes siblings of the
27 whole or half blood and siblings by adoption, marriage or domestic partner-
28 ship.

29 **“SECTION 39j.** ORS 805.115 is amended to read:

30 “805.115. (1) In the absence of just cause for refusal, the Department of

1 Transportation shall provide for registration in a manner consistent with
2 this section for persons who qualify under this section as active members of
3 the Oregon National Guard. The special registration provisions under this
4 section are subject to the following:

5 “(a) The fee to register or renew registration under this section shall be
6 the regular registration fee for the vehicle.

7 “(b) Any motor vehicle registered under ORS 803.420 [(1) and (16)(c) and
8 (d)] **(6)(a) or (7)(c)(C) or (D)** may be registered under this section.

9 “(2) A person is eligible for registration under this section if the person
10 is issued a certificate by the Oregon Military Department certifying that the
11 person is an active member of the Oregon National Guard.

12 “(3) The department may suspend, revoke or refuse to renew any regis-
13 tration issued under this section if the department determines that the ve-
14 hicle is owned by a person not qualified for registration under this section
15 or that the vehicle is not eligible for registration under this section.

16 “(4) The Oregon Military Department shall notify the Department of
17 Transportation within 30 days if a person issued a certificate described in
18 subsection (2) of this section ceases to be an active member of the Oregon
19 National Guard.

20 **“SECTION 39k.** ORS 805.205 is amended to read:

21 “805.205. (1) Except as provided in subsection (7) of this section, the De-
22 partment of Transportation shall provide for issuance of registration plates
23 described in this section for nonprofit groups meeting the qualifications for
24 tax exempt status under section 501(c)(3) of the Internal Revenue Code and
25 for institutions of higher education. Plates issued under this section may be
26 issued to owners of motor vehicles registered under the provisions of ORS
27 803.420 [(1)] **(6)(a)**. Plates issued under this section may not contain ex-
28 pressions of political opinion or religious belief. Rules adopted under this
29 section shall include, but need not be limited to, rules that:

30 “(a) Specify circumstances under which the department may cease to issue

1 plates for any particular group.

2 “(b) Require each group for which plates are issued to file an annual
3 statement on a form designed by the department showing that the group is
4 a nonprofit group or is an institution of higher education and that the group
5 or institution otherwise meets the qualifications imposed for eligibility for
6 plates issued under this section. The statement shall include names and ad-
7 dresses of current directors or officers of the group or institution or of other
8 persons authorized to speak for the group or institution on matters affecting
9 plates issued under this section.

10 “(2)(a) Except as otherwise provided in paragraphs (b) and (c) of this
11 subsection, in addition to any other fee authorized by law, upon issuance of
12 a plate under this section and upon renewal of registration for a vehicle that
13 has plates issued under this section, the department shall collect a surcharge
14 for each year of the registration period. The surcharge shall be determined
15 by the department by rule and may not be less than \$2.50 per plate or more
16 than \$16 per plate. In setting the amount of the surcharge, the department
17 shall consult with the nonprofit group for which the plates are issued.

18 “(b) In addition to any other fee authorized by law, upon issuance of a
19 plate under this section that recognizes an institution of higher education
20 in this state, and upon renewal of registration for a vehicle that has such
21 plates, the department shall collect a surcharge of \$8 per plate for each year
22 of the registration period.

23 “(c) In addition to any other fee authorized by law, upon issuance of a
24 Share the Road registration plate the department shall collect a surcharge
25 of \$5 per year of registration.

26 “(3) Plates issued under this section shall be from the current regular
27 issue of plates except that:

28 “(a) If the group requesting the plates is an institution of higher educa-
29 tion, the plates shall, upon request, contain words that indicate the plates
30 are issued to recognize the institution or shall contain the institution’s logo

1 or an image of the institution's mascot; or

2 “(b) If the group requesting the plates is a group that recognizes fallen
3 public safety officers, the plates shall, upon request, contain a decal that
4 indicates the plates are issued to recognize fallen public safety officers.

5 “(4) Except as otherwise required by the design chosen, the plates shall
6 comply with the requirements of ORS 803.535. The department shall deter-
7 mine how many sets of plates shall be manufactured for each group approved
8 under this section. If the department does not sell or issue renewal for 500
9 sets of plates for a particular group in any one year, the department shall
10 cease production of those plates.

11 “(5) Except as otherwise provided in subsection (6) of this section, each
12 group that is found by the department to be eligible for plates issued under
13 this section may designate an account into which the net proceeds of the
14 surcharge collected by the department under subsection (2) of this section
15 are to be deposited. The department shall keep accurate records of the
16 number of plates issued for each group that qualifies. After payment of ad-
17 ministrative expenses of the department, moneys collected under this section
18 for each group shall be deposited by the department into an account specified
19 by that group. If any group does not specify an account for the moneys col-
20 lected from the sale of plates issued under this section, the department shall
21 deposit moneys collected for those plates into the Passenger Rail Transpor-
22 tation Account established under ORS 802.100 to be used as other moneys in
23 the account are used. Deposits under this subsection shall be made at least
24 quarterly.

25 “(6)(a) Each institution of higher education that requests a plate under
26 this section shall designate an account in the general fund of the institution,
27 and the proceeds in the account shall be used for the purpose of academic
28 enrichment at the institution.

29 “(b) Net proceeds of the surcharge collected by the department for Share
30 the Road registration plates shall be deposited into two accounts designated

1 by the Bicycle Transportation Alliance and Cycle Oregon. The department
2 shall evenly distribute the net proceeds to each account. Deposits under this
3 paragraph shall be made at least quarterly. At any time that the department
4 determines that the accounts designated by the Bicycle Transportation Alli-
5 ance and Cycle Oregon cease to exist, the department may deposit the pro-
6 ceeds into the Passenger Rail Transportation Account established under ORS
7 802.100.

8 “(c) Net proceeds of the surcharge collected by the department for Keep
9 Kids Safe registration plates shall be deposited into an account designated
10 by the Children’s Trust Fund of Oregon Foundation to fund strategies and
11 approaches shown to prevent or reduce child abuse. Deposits made under this
12 paragraph shall be made at least quarterly. At any time that the department
13 determines that the account designated by the Children’s Trust Fund of
14 Oregon Foundation ceases to exist, the department shall deposit the proceeds
15 into the Keep Kids Safe Registration Plate Account established in ORS
16 805.207. At the beginning of each biennium, the Early Learning Council shall
17 evenly distribute the moneys in the Keep Kids Safe Registration Plate Ac-
18 count to the counties in this state, until each county receives \$1,000. After
19 each county has received \$1,000, the council shall distribute any remaining
20 moneys to each county in an amount equal to the percentage of Keep Kids
21 Safe registration plates sold in that county. Each county shall use the mon-
22 eys received under this paragraph solely for the purpose of funding strategies
23 and approaches shown to prevent or reduce child abuse.

24 “(7) The department may not accept applications to create new group
25 registration plates on or after August 12, 2015.

26 **“SECTION 39L.** ORS 805.222 is amended to read:

27 “805.222. (1) The Department of Transportation shall establish a special
28 registration program and provide for issuance of special registration plates
29 for nonprofit groups meeting the qualifications for tax exempt status under
30 section 501(c)(3) of the Internal Revenue Code, for institutions of higher ed-

1 ucation and for public bodies, as defined in ORS 174.109.

2 “(2) Plates issued under this section may be issued to owners of motor
3 vehicles registered under the provisions of ORS 803.420 [(1)] **(6)(a)**. In addi-
4 tion, the department may adopt rules for issuance of special registration
5 plates issued pursuant to this section for vehicles not registered under ORS
6 803.420 [(1)] **(6)(a)**.

7 “(3) Plates issued under this section may not contain expressions of poli-
8 tical opinion or religious belief.

9 “(4) Rules adopted under this section shall include, but need not be lim-
10 ited to, rules that:

11 “(a) Describe general qualifications to be met by any nonprofit group,
12 institution of higher education or public body in order to be eligible for
13 plates issued under this section.

14 “(b) Specify circumstances under which the department may cease to issue
15 plates under this section.

16 “(c) Require each nonprofit group, institution of higher education or
17 public body for which plates are issued to file an annual statement on a form
18 designed by the department showing that the group is a nonprofit group,
19 institution of higher education or public body and that the nonprofit group,
20 institution of higher education or public body otherwise meets the quali-
21 fications imposed for eligibility for plates issued under this section. The
22 statement shall include names and addresses of current directors or officers
23 of the nonprofit group, institution of higher education or public body or of
24 other persons authorized to speak for the nonprofit group, institution of
25 higher education or public body on matters affecting plates issued under this
26 section.

27 “(d) Specify the manner in which a nonprofit group, institution of higher
28 education or public body may apply for a special registration plate.

29 “(5) In addition to any other fee authorized by law, for each set of special
30 registration plates issued pursuant to this section, the department shall col-

1 lect a surcharge of \$40 payable when the plates are issued and upon each
2 subsequent renewal of registration of a vehicle bearing the plates. The de-
3 partment shall distribute the moneys from the surcharge as provided in
4 subsection (8) of this section.

5 “(6) The department, in consultation with the nonprofit group, institution
6 of higher education or public body requesting the special registration plate,
7 shall develop a unique design for each plate issued under this section. Any
8 design must comply with requirements described under ORS 803.535.

9 “(7) The department shall determine how many sets of plates shall be
10 manufactured for each plate approved under this section. If the department
11 does not issue 2,000 sets of plates for a particular nonprofit group, institution
12 of higher education or public body in any one year, the department shall
13 cease production of those plates.

14 “(8) Each nonprofit group, institution of higher education or public body
15 that is found by the department to be eligible for plates issued under this
16 section may designate an account into which the net proceeds of the sur-
17 charge collected by the department under subsection (5) of this section are
18 to be deposited. The department shall keep accurate records of the number
19 of plates issued for each nonprofit group, institution of higher education or
20 public body that qualifies. After payment of administrative expenses of the
21 department, moneys collected under this section for a nonprofit group, in-
22 stitution of higher education or public body shall be deposited by the de-
23 partment into an account specified by that nonprofit group, institution of
24 higher education or public body. If any nonprofit group, institution of higher
25 education or public body does not specify an account for the moneys col-
26 lected from the sale of plates issued under this section, the department shall
27 deposit moneys collected for those plates into the Passenger Rail Transpor-
28 tation Account established under ORS 802.100 to be used as other moneys in
29 the account are used. Deposits under this subsection shall be made at least
30 quarterly.

1 **SECTION 39m.** ORS 805.255 is amended to read:

2 “805.255. (1) The Department of Transportation shall establish a salmon
3 registration plate program to issue special registration plates called ‘salmon
4 registration plates’ upon request to owners of motor vehicles registered un-
5 der the provisions of ORS 803.420 [(1)] **(6)(a)** to observe the importance of
6 salmonid to Oregon. In addition, the department may adopt rules for issuance
7 of salmon registration plates for vehicles not registered under the provisions
8 of ORS 803.420 [(1)] **(6)(a)**.

9 “(2) In addition to any other fee authorized by law, for each salmon reg-
10 istration plate issued under subsection (1) of this section, the department
11 shall collect a surcharge of \$7.50 for each year of the registration period,
12 payable when the plate is issued and upon each subsequent renewal of reg-
13 istration of a vehicle bearing the plate. The department shall distribute the
14 surcharge as provided in ORS 805.256.

15 **SECTION 39n.** ORS 805.260 is amended to read:

16 “805.260. (1) The Department of Transportation shall establish a cultural
17 registration plate program to issue special registration plates called ‘cultural
18 registration plates’ upon request to owners of motor vehicles registered un-
19 der the provisions of ORS 803.420 [(1)] **(6)(a)** to observe the importance of
20 culture to Oregon. In addition, the department may adopt rules for issuance
21 of cultural registration plates for vehicles not registered under the pro-
22 visions of ORS 803.420 [(1)] **(6)(a)**.

23 “(2) In addition to any other fee authorized by law, for each cultural
24 registration plate issued under subsection (1) of this section, the department
25 shall collect a surcharge of \$15 payable when the plate is issued and upon
26 each subsequent renewal of registration of a vehicle bearing the plate. The
27 department shall distribute the surcharge as provided in ORS 805.261.

28 “(3) The department, in consultation with the Trust for Cultural Devel-
29 opment Board, shall design the cultural registration plates. The plates shall
30 meet the requirements for registration plates described in ORS 803.535.

1 **SECTION 39o.** ORS 805.263 is amended to read:

2 “805.263. (1) The Department of Transportation shall establish a Crater
3 Lake National Park registration plate program to issue special registration
4 plates called ‘Crater Lake National Park registration plates’ upon request
5 to owners of motor vehicles registered under the provisions of ORS 803.420
6 [(1)] **(6)(a)** to commemorate the 100th anniversary of Crater Lake National
7 Park. The department may adopt rules for issuance of Crater Lake National
8 Park registration plates for vehicles that are not registered under the pro-
9 visions of ORS 803.420 [(1)] **(6)(a)**.

10 “(2) In addition to any other fee authorized by law, for each Crater Lake
11 National Park registration plate issued under subsection (1) of this section,
12 the department shall collect a surcharge of \$10 payable when the plate is
13 issued. The department shall distribute the surcharge as provided in ORS
14 805.264.

15 **SECTION 39p.** ORS 805.266 is amended to read:

16 “805.266. (1) The Department of Transportation shall establish a wine
17 country registration plate program to issue special registration plates called
18 ‘wine country registration plates’ upon request to owners of motor vehicles
19 registered under the provisions of ORS 803.420 [(1)] **(6)(a)**.

20 “(2) In addition to any other fee authorized by law, for each set of wine
21 country registration plates issued under subsection (1) of this section, the
22 department shall collect a surcharge of \$30 payable when the plates are is-
23 sued and upon each subsequent renewal of registration of a vehicle bearing
24 the plates. The department shall transfer the moneys from the surcharge as
25 provided in ORS 805.272.

26 **SECTION 39q.** ORS 805.278 is amended to read:

27 “805.278. (1) The Department of Transportation shall establish a Portland
28 Trail Blazers registration plate program to issue special registration plates
29 to support charitable initiatives through the Trail Blazers Foundation es-
30 tablished by the Portland Trail Blazers. The special registration plates shall

1 be issued upon request to owners of motor vehicles registered under ORS
2 803.420 [(1)] (6)(a). In addition, the department may adopt rules for issuance
3 of Portland Trail Blazers registration plates for vehicles not registered under
4 ORS 803.420 [(1)] (6)(a).

5 “(2) In addition to any other fee authorized by law, for each set of
6 Portland Trail Blazers registration plates issued under subsection (1) of this
7 section, the department shall collect a surcharge of \$40 payable when the
8 plates are issued and upon each subsequent renewal of registration of a ve-
9 hicle bearing the plates. The department shall distribute the moneys from the
10 surcharge as provided in ORS 805.279.

11 “(3) Notwithstanding ORS 803.530, Portland Trail Blazers registration
12 plates may be transferred from vehicle to vehicle if the department stops is-
13 suing the plates, as long as the plates are not too old, damaged, mutilated
14 or otherwise rendered illegible to be useful for purposes of identification.

15 “(4) The Portland Trail Blazers registration plate must include the name
16 or logo of the Portland Trail Blazers basketball team. The department shall
17 design the plate in consultation with the Portland Trail Blazers. The final
18 design of the plate is subject to approval by the Portland Trail Blazers. The
19 department may enter into agreements necessary for the use of the logo,
20 name, marks or slogans associated with the Portland Trail Blazers or the
21 National Basketball Association.

22 “(5) Except as otherwise required by the design approved by the depart-
23 ment, Portland Trail Blazers registration plates must comply with the re-
24 quirements of ORS 803.535.

25 **“SECTION 39r.** ORS 805.283 is amended to read:

26 “805.283. (1) The Department of Transportation shall establish a breast
27 cancer awareness registration plate program to issue special registration
28 plates called ‘breast cancer awareness registration plates’ upon request to
29 owners of motor vehicles registered under ORS 803.420 [(1)] (6)(a). In addi-
30 tion, the department may adopt rules for issuance of breast cancer awareness

1 registration plates for vehicles not registered under ORS 803.420 [(1)] **(6)(a)**.

2 “(2) In addition to any other fee authorized by law, for each set of breast
3 cancer awareness registration plates issued under subsection (1) of this sec-
4 tion, the department shall collect a surcharge of \$40 payable when the plates
5 are issued and upon each subsequent renewal of registration of a vehicle
6 bearing the plates. The department shall distribute the surcharge as provided
7 in ORS 805.285.

8 “(3) Notwithstanding ORS 803.530, breast cancer awareness registration
9 plates may be transferred from vehicle to vehicle if the department stops is-
10 suing the plates, as long as the plates are not too old, damaged, mutilated
11 or otherwise rendered illegible to be useful for purposes of identification.

12 **“SECTION 39s.** Section 2, chapter 823, Oregon Laws 2009, as amended
13 by section 8, chapter 709, Oregon Laws 2011, section 1, chapter 390, Oregon
14 Laws 2015, and section 18, chapter 806, Oregon Laws 2015, is amended to
15 read:

16 **“Sec. 2.** (1) The Department of Transportation shall establish a Pacific
17 Wonderland registration plate program to issue special registration plates
18 called ‘Pacific Wonderland registration plates’ upon request to owners of
19 motor vehicles registered under the provisions of ORS 803.420 [(1)] **(6)(a)**. In
20 addition, the department may adopt rules for issuance of Pacific Wonderland
21 registration plates for vehicles not registered under the provisions of ORS
22 803.420 [(1)] **(6)(a)**.

23 “(2) In addition to any other fee authorized by law, for each set of Pacific
24 Wonderland registration plates issued under subsection (1) of this section,
25 the department shall collect a surcharge of \$100 payable when the plates are
26 issued. The department shall transfer the moneys from the surcharge as
27 provided in section 3, chapter 823, Oregon Laws 2009.

28 “(3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates
29 may be transferred from vehicle to vehicle if the department stops issuing
30 the plates, as long as the plates are not so old, damaged, mutilated or oth-

1 erwise rendered illegible as to be not useful for purposes of identification.

2 “(4) The department shall limit the total number of Pacific Wonderland
3 registration plates to 80,000 sets of plates.

4 **“SECTION 39t.** ORS 822.213 is amended to read:

5 “822.213. (1) In addition to the privileges described under ORS 822.210, the
6 holder of a current, valid towing business certificate issued under ORS
7 822.205 may use a tow vehicle to transport property for hire other than as
8 described in ORS 822.210 if:

9 “(a) The tow vehicle is used primarily for the purposes described in ORS
10 822.210 in a manner specified by the department by rule;

11 “(b) The tow vehicle has a combined weight of 26,001 pounds or more;

12 “(c) The holder of the towing business certificate has submitted a decla-
13 ration of weight under ORS 803.435 and has registered the tow vehicle under
14 ORS 803.420 [(10)] (14)(a); and

15 “(d) The holder of the towing business certificate operates in accordance
16 with the provisions of ORS chapter 825.

17 “(2) A tow vehicle that is used to transport property for hire other than
18 as described in ORS 822.210 is subject to the weight-mile tax imposed under
19 ORS 825.474.

20 **“SECTION 40.** ORS 319.020 is amended to read:

21 “319.020. (1) Subject to subsections (2) to (4) of this section, in addition
22 to the taxes otherwise provided for by law, every dealer engaging in the
23 dealer’s own name, or in the name of others, in the first sale, use or dis-
24 tribution of motor vehicle fuel or aircraft fuel or withdrawal of motor vehi-
25 cle fuel or aircraft fuel for sale, use or distribution within areas in this state
26 within which the state lacks the power to tax the sale, use or distribution
27 of motor vehicle fuel or aircraft fuel, shall:

28 “(a) Not later than the 25th day of each calendar month, render a state-
29 ment to the Department of Transportation of all motor vehicle fuel or air-
30 craft fuel sold, used, distributed or so withdrawn by the dealer in the State

1 of Oregon as well as all such fuel sold, used or distributed in this state by
2 a purchaser thereof upon which sale, use or distribution the dealer has as-
3 sumed liability for the applicable license tax during the preceding calendar
4 month. The dealer shall render the statement to the department in the man-
5 ner provided by the department by rule.

6 “(b) Except as provided in ORS 319.270, pay a license tax computed on the
7 basis of [30] **34** cents per gallon on the first sale, use or distribution of such
8 motor vehicle fuel or aircraft fuel so sold, used, distributed or withdrawn as
9 shown by such statement in the manner and within the time provided in ORS
10 319.010 to 319.430.

11 “(2) When aircraft fuel is sold, used or distributed by a dealer, the license
12 tax shall be computed on the basis of 11 cents per gallon of fuel so sold, used
13 or distributed, except that when aircraft fuel usable in aircraft operated by
14 turbine engines (turbo-prop or jet) is sold, used or distributed, the tax rate
15 shall be three cents per gallon.

16 “(3) In lieu of claiming refund of the tax paid on motor vehicle fuel con-
17 sumed by such dealer in nonhighway use as provided in ORS 319.280, 319.290
18 and 319.320, or of any prior erroneous payment of license tax made to the
19 state by such dealer, the dealer may show such motor vehicle fuel as a credit
20 or deduction on the monthly statement and payment of tax.

21 “(4) The license tax computed on the basis of the sale, use, distribution
22 or withdrawal of motor vehicle or aircraft fuel may not be imposed wherever
23 such tax is prohibited by the Constitution or laws of the United States with
24 respect to such tax.

25 **“SECTION 41.** ORS 319.020, as amended by section 4, chapter 700, Oregon
26 Laws 2015, is amended to read:

27 “319.020. (1) Subject to subsections (2) to (4) of this section, in addition
28 to the taxes otherwise provided for by law, every dealer engaging in the
29 dealer’s own name, or in the name of others, in the first sale, use or dis-
30 tribution of motor vehicle fuel or aircraft fuel or withdrawal of motor vehi-

1 cle fuel or aircraft fuel for sale, use or distribution within areas in this state
2 within which the state lacks the power to tax the sale, use or distribution
3 of motor vehicle fuel or aircraft fuel, shall:

4 “(a) Not later than the 25th day of each calendar month, render a state-
5 ment to the Department of Transportation of all motor vehicle fuel or air-
6 craft fuel sold, used, distributed or so withdrawn by the dealer in the State
7 of Oregon as well as all such fuel sold, used or distributed in this state by
8 a purchaser thereof upon which sale, use or distribution the dealer has as-
9 sumed liability for the applicable license tax during the preceding calendar
10 month. The dealer shall render the statement to the department in the man-
11 ner provided by the department by rule.

12 “(b) Except as provided in ORS 319.270, pay a license tax computed on the
13 basis of [30] ~~34~~ cents per gallon on the first sale, use or distribution of such
14 motor vehicle fuel or aircraft fuel so sold, used, distributed or withdrawn as
15 shown by such statement in the manner and within the time provided in ORS
16 319.010 to 319.430.

17 “(2) When aircraft fuel is sold, used or distributed by a dealer, the license
18 tax shall be computed on the basis of nine cents per gallon of fuel so sold,
19 used or distributed, except that when aircraft fuel usable in aircraft operated
20 by turbine engines (turbo-prop or jet) is sold, used or distributed, the tax rate
21 shall be one cent per gallon.

22 “(3) In lieu of claiming refund of the tax paid on motor vehicle fuel con-
23 sumed by such dealer in nonhighway use as provided in ORS 319.280, 319.290
24 and 319.320, or of any prior erroneous payment of license tax made to the
25 state by such dealer, the dealer may show such motor vehicle fuel as a credit
26 or deduction on the monthly statement and payment of tax.

27 “(4) The license tax computed on the basis of the sale, use, distribution
28 or withdrawal of motor vehicle or aircraft fuel may not be imposed wherever
29 such tax is prohibited by the Constitution or laws of the United States with
30 respect to such tax.

1 **SECTION 42.** ORS 319.530 is amended to read:

2 “319.530. (1) To compensate this state partially for the use of its highways,
3 an excise tax hereby is imposed at the rate of [30] **34** cents per gallon on the
4 use of fuel in a motor vehicle.

5 “(2) Except as otherwise provided in subsections (3) and (4) of this sec-
6 tion, 100 cubic feet of fuel used or sold in a gaseous state, measured at 14.73
7 pounds per square inch of pressure at 60 degrees Fahrenheit, is taxable at
8 the same rate as a gallon of liquid fuel.

9 “(3) One hundred twenty cubic feet of compressed natural gas used or sold
10 in a gaseous state, measured at 14.73 pounds per square inch of pressure at
11 60 degrees Fahrenheit, is taxable at the same rate as a gallon of liquid fuel.

12 “(4) One and three-tenths liquid gallons of propane at 60 degrees
13 Fahrenheit is taxable at the same rate as a gallon of other liquid fuel.

14 “(5)(a) Except as provided in paragraph (b) of this subsection, the excise
15 tax imposed under subsection (1) of this section does not apply to diesel fuel
16 blended with a minimum of 20 percent biodiesel that is derived from used
17 cooking oil.

18 “(b) The exemption provided under paragraph (a) of this subsection does
19 not apply to fuel:

20 “(A) Used in motor vehicles that have a gross vehicle weight rating of
21 26,001 pounds or more;

22 “(B) That is not sold in retail operations; or

23 “(C) That is sold in operations involving fleet fueling or bulk sales.

24 **SECTION 43.** ORS 319.530, as amended by section 3, chapter 648, Oregon
25 Laws 2013, is amended to read:

26 “319.530. (1) To compensate this state partially for the use of its highways,
27 an excise tax hereby is imposed at the rate of [30] **34** cents per gallon on the
28 use of fuel in a motor vehicle.

29 “(2) Except as otherwise provided in subsections (3) and (4) of this sec-
30 tion, 100 cubic feet of fuel used or sold in a gaseous state, measured at 14.73

1 pounds per square inch of pressure at 60 degrees Fahrenheit, is taxable at
2 the same rate as a gallon of liquid fuel.

3 “(3) One hundred twenty cubic feet of compressed natural gas used or sold
4 in a gaseous state, measured at 14.73 pounds per square inch of pressure at
5 60 degrees Fahrenheit, is taxable at the same rate as a gallon of liquid fuel.

6 “(4) One and three-tenths liquid gallons of propane at 60 degrees
7 Fahrenheit is taxable at the same rate as a gallon of other liquid fuel.

8 **SECTION 44. (1) The amendments to ORS 319.020 by sections 40 and**
9 **41 of this 2017 Act apply to motor vehicle fuel sold, used, distributed**
10 **or withdrawn on or after January 1, 2018.**

11 **(2) The amendments to ORS 319.530 by sections 42 and 43 of this 2017**
12 **Act apply to fuel used in motor vehicles on or after January 1, 2018.**

13 **SECTION 45. Fuel tax increases conditional on Oregon Transpor-**
14 **tation Commission reports. (1)(a) For calendar years beginning on or**
15 **after January 1, 2020, the rates determined under ORS 319.020 (1)(b)**
16 **and 319.530 (1) shall each be increased by two cents only if the Oregon**
17 **Transportation Commission submits a report in the manner provided**
18 **by ORS 192.245 on or before December 1, 2019, to the Joint Committee**
19 **on Transportation established under section 26 of this 2017 Act stating**
20 **that:**

21 **“(A) The commission has identified sufficient shovel-ready highway**
22 **projects and highway maintenance or operational uses of the increased**
23 **fuel tax revenue to justify the increase;**

24 **“(B) The set of uniform standards required under section 11 (1) of**
25 **this 2017 Act has been developed and the standards are being followed;**

26 **“(C) The reports required from cities and counties under section 11**
27 **(2) of this 2017 Act have been submitted and posted by the commission**
28 **as required under section 11 (3) of this 2017 Act;**

29 **“(D) The Department of Transportation is implementing the regis-**
30 **tration fees and title fees described in sections 32 and 37 of this 2017**

1 **Act; and**

2 **“(E) The Interstate 205 Active Traffic Management Project and the**
3 **Interstate 205 Corridor Bottleneck Project have been completed.**

4 **“(b) In addition to the facts stated in the report required under**
5 **paragraph (a) of this subsection, the Oregon Transportation Commis-**
6 **sion shall also submit with the report:**

7 **“(A) A list of the shovel-ready highway projects the commission**
8 **expects to undertake with the revenue that will become available as**
9 **a result of the increase;**

10 **“(B) The amount of bonds the commission considers necessary to**
11 **be issued to complete shovel-ready highway projects scheduled to be**
12 **commenced after January 1, 2020;**

13 **“(C) The construction and financial status of uncompleted in-**
14 **progress projects exceeding \$20 million identified in this 2017 Act;**

15 **“(D) The status of the Treasure Valley Intermodal Facility Project**
16 **and the Value Pricing Set-Up Project;**

17 **“(E) Design, cost analysis and construction option packages for the**
18 **Interstate 5 Rose Quarter Project for consideration by the Legislative**
19 **Assembly; and**

20 **“(F) The design, construction, financial status and progress of**
21 **projects costing more than \$20 million that are identified in this 2017**
22 **Act, including, but not limited to, the Interstate 205 Abernethy Bridge**
23 **Project, the Interstate 205 Freeway Widening Project, the State High-**
24 **way 217 Northbound Project and the State Highway 217 Southbound**
25 **Project, and any other state transportation projects implemented after**
26 **the effective date of this 2017 Act.**

27 **“(2)(a) For calendar years beginning on or after January 1, 2022, the**
28 **rates determined under ORS 319.020 (1)(b) and 319.530 (1) and sub-**
29 **section (1) of this section shall each be increased by two cents only if**
30 **the Oregon Transportation Commission submits a report in the man-**

1 ner provided by ORS 192.245 on or before December 1, 2021, to the Joint
2 Committee on Transportation established under section 26 of this 2017
3 Act stating that:

4 “(A) The Continuous Improvement Advisory Committee appointed
5 under section 10 of this 2017 Act has reviewed and reported to the
6 commission on all transportation projects costing \$50 million or more
7 and completed not less than six months prior to the date of the report
8 required under this paragraph;

9 “(B) The recommendations for improvement reported by the Con-
10 tinuous Improvement Advisory Committee to the commission at least
11 six months prior to the date of the report required under this para-
12 graph have been implemented;

13 “(C) The commission has identified sufficient shovel-ready highway
14 projects and highway maintenance or operational uses of the increased
15 fuel tax revenue to justify the increase;

16 “(D) The set of uniform standards required under section 11 (1) of
17 this 2017 Act has been developed and are being followed;

18 “(E) The reports required from cities and counties under section 11
19 (2) of this 2017 Act have been submitted and posted by the commission
20 as required under section 11 (3) of this 2017 Act;

21 “(F) Under section 11 (4) of this 2017 Act, payments from the State
22 Highway Fund have been withheld from cities and counties that failed
23 to submit reports as required under section 11 (2) of this 2017 Act;

24 “(G) To the best knowledge of the commission, all bodies scheduled
25 to receive fuel tax revenue pursuant to this 2017 Act after the opera-
26 tive date of the increase are in compliance with ORS 279C.305 or under
27 review by the Bureau of Labor and Industries for compliance with ORS
28 279C.305, or the commission has requested from the bureau confirma-
29 tion of such compliance; and

30 “(H) The Department of Transportation is implementing the regis-

1 **tration fees and title fees described in sections 32 and 37 of this 2017**
2 **Act.**

3 **“(b) In addition to the facts stated in the report required under**
4 **paragraph (a) of this subsection, the Oregon Transportation Commis-**
5 **sion shall also identify in the report:**

6 **“(A) A list of the shovel-ready highway projects the commission**
7 **expects to undertake with the revenue that will become available as**
8 **a result of the increase;**

9 **“(B) The amount of bonds the commission considers necessary to**
10 **be issued to complete shovel-ready highway projects scheduled to be**
11 **commenced after January 1, 2022; and**

12 **“(C) The construction and financial status of uncompleted in-**
13 **progress projects exceeding \$50 million identified in this 2017 Act; and**

14 **“(D) The design, construction, financial status and progress of**
15 **projects costing more than \$20 million that are identified in this 2017**
16 **Act, including, but not limited to, the Interstate 5 Rose Quarter**
17 **Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205**
18 **Freeway Widening Project, the State Highway 217 Northbound Project**
19 **and the State Highway 217 Southbound Project, and any other state**
20 **transportation projects implemented after the effective date of this**
21 **2017 Act.**

22 **“(3)(a) For calendar years beginning on or after January 1, 2024, the**
23 **rates determined under ORS 319.020 (1)(b) and 319.530 (1) and sub-**
24 **sections (1) and (2) of this section shall each be increased by two cents**
25 **only if the Oregon Transportation Commission submits a report in the**
26 **manner provided by ORS 192.245 on or before December 1, 2023, to the**
27 **Joint Committee on Transportation established under section 26 of this**
28 **2017 Act stating that:**

29 **“(A) The Continuous Improvement Advisory Committee appointed**
30 **under section 10 of this 2017 Act has reviewed and reported to the**

1 **commission on all transportation projects costing \$50 million or more**
2 **and completed not less than six months prior to the date of the report**
3 **required under this paragraph;**

4 **“(B) The recommendations for improvement reported by the Con-**
5 **tinuous Improvement Advisory Committee to the commission at least**
6 **six months prior to the date of the report required under this para-**
7 **graph have been implemented;**

8 **“(C) The commission has identified sufficient shovel-ready highway**
9 **projects and highway maintenance or operational uses of the increased**
10 **fuel tax revenue to justify the increase;**

11 **“(D) The set of uniform standards required under section 11 (1) of**
12 **this 2017 Act has been developed and are being followed;**

13 **“(E) The reports required from cities and counties under section 11**
14 **(2) of this 2017 Act have been submitted and posted by the commission**
15 **as required under section 11 (3) of this 2017 Act;**

16 **“(F) Under section 11 (4) of this 2017 Act, payments from the State**
17 **Highway Fund have been withheld from cities and counties that failed**
18 **to submit reports as required under section 11 (2) of this 2017 Act; and**

19 **“(G) To the best knowledge of the commission, all bodies scheduled**
20 **to receive fuel tax revenue pursuant to this 2017 Act after the opera-**
21 **tive date of the increase are in compliance with ORS 279C.305 or under**
22 **review by the Bureau of Labor and Industries for compliance with ORS**
23 **279C.305, or the commission has requested from the bureau confirma-**
24 **tion of such compliance.**

25 **“(b) In addition to the facts stated in the report required under**
26 **paragraph (a) of this subsection, the Oregon Transportation Commis-**
27 **sion shall also submit with the report:**

28 **“(A) A list of the shovel-ready highway projects the commission**
29 **expects to undertake with the revenue that will become available as**
30 **a result of the increase;**

1 **“(B) The amount of bonds the commission considers necessary to**
2 **be issued to complete shovel-ready highway projects scheduled to be**
3 **commenced after January 1, 2024; and**

4 **“(C) The design, construction, financial status and progress of**
5 **projects costing more than \$20 million that are identified in this 2017**
6 **Act, including, but not limited to, the Interstate 5 Rose Quarter**
7 **Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205**
8 **Freeway Widening Project, the State Highway 217 Northbound Project**
9 **and the State Highway 217 Southbound Project, and any other state**
10 **transportation projects implemented after the effective date of this**
11 **2017 Act.**

12 **“NOTE:** Sections 46 and 47 were deleted by amendment. Subsequent
13 sections were not renumbered.

14
15 **“(Fees Related to Heavy Trucks)”**

16
17 **“SECTION 48.** ORS 803.645 is amended to read:

18 **“803.645. (1) For the period beginning on January 1, 2018, and ending**
19 **on December 31, 2019, fees for trip permits issued under ORS 803.600 are**
20 **as follows:**

21 **“[(1)] (a) For a heavy motor vehicle trip permit, \$43.**

22 **“[(2)] (b) For a heavy trailer trip permit, \$10.**

23 **“[(3)] (c) For a light vehicle trip permit, [~~\$30~~] **\$32.****

24 **“[(4)] (d) For a recreational vehicle trip permit, [~~\$30~~] **\$32.****

25 **“[(5)] (e) For a registration weight trip permit, \$5.**

26 **“[(6)] (f) For a registered vehicle trip permit, \$7.50.**

27 **“[(7)] (g) For a 10-day trip permit issued under ORS 803.600 (2) by a per-**
28 **son with a vehicle dealer certificate or a towing business certificate, \$15.**

29 **“(2) For the period beginning on January 1, 2020, and ending on**
30 **December 31, 2021, fees for trip permits issued under ORS 803.600 are**

1 as follows:

2 “(a) For a heavy motor vehicle trip permit, \$43.

3 “(b) For a heavy trailer trip permit, \$10.

4 “(c) For a light vehicle trip permit, \$33.

5 “(d) For a recreational vehicle trip permit, \$33.

6 “(e) For a registration weight trip permit, \$5.

7 “(f) For a registered vehicle trip permit, \$7.50.

8 “(g) For a 10-day trip permit issued under ORS 803.600 (2) by a per-
9 son with a vehicle dealer certificate or a towing business certificate,
10 \$15.

11 “(3) For the period beginning on January 1, 2022, and ending on
12 December 31, 2023, fees for trip permits issued under ORS 803.600 are
13 as follows:

14 “(a) For a heavy motor vehicle trip permit, \$43.

15 “(b) For a heavy trailer trip permit, \$10.

16 “(c) For a light vehicle trip permit, \$34.

17 “(d) For a recreational vehicle trip permit, \$34.

18 “(e) For a registration weight trip permit, \$5.

19 “(f) For a registered vehicle trip permit, \$7.50.

20 “(g) For a 10-day trip permit issued under ORS 803.600 (2) by a per-
21 son with a vehicle dealer certificate or a towing business certificate,
22 \$15.

23 “SECTION 49. ORS 803.645, as amended by section 48 of this 2017 Act,
24 is amended to read:

25 “803.645. (1) *[For the period beginning on January 1, 2018, and ending on*
26 *December 31, 2019,]* Fees for trip permits issued under ORS 803.600 are as
27 follows:

28 “(1) For a heavy motor vehicle trip permit, \$43.

29 “(2) For a heavy trailer trip permit, \$10.

30 “(3) For a light vehicle trip permit, \$35.

1 **“(4) For a recreational vehicle trip permit, \$35.**

2 **“(5) For a registration weight trip permit, \$5.**

3 **“(6) For a registered vehicle trip permit, \$7.50.**

4 **“(7) For a 10-day trip permit issued under ORS 803.600 (2) by a per-**
5 **son with a vehicle dealer certificate or a towing business certificate,**
6 **\$15.**

7 *“(a) For a heavy motor vehicle trip permit, \$43.]*

8 *“(b) For a heavy trailer trip permit, \$10.]*

9 *“(c) For a light vehicle trip permit, \$32.]*

10 *“(d) For a recreational vehicle trip permit, \$32.]*

11 *“(e) For a registration weight trip permit, \$5.]*

12 *“(f) For a registered vehicle trip permit, \$7.50.]*

13 *“(g) For a 10-day trip permit issued under ORS 803.600 (2) by a person*
14 *with a vehicle dealer certificate or a towing business certificate, \$15.]*

15 *“(2) For the period beginning on January 1, 2020, and ending on December*
16 *31, 2021, fees for trip permits issued under ORS 803.600 are as follows:]*

17 *“(a) For a heavy motor vehicle trip permit, \$43.]*

18 *“(b) For a heavy trailer trip permit, \$10.]*

19 *“(c) For a light vehicle trip permit, \$33.]*

20 *“(d) For a recreational vehicle trip permit, \$33.]*

21 *“(e) For a registration weight trip permit, \$5.]*

22 *“(f) For a registered vehicle trip permit, \$7.50.]*

23 *“(g) For a 10-day trip permit issued under ORS 803.600 (2) by a person*
24 *with a vehicle dealer certificate or a towing business certificate, \$15.]*

25 *“(3) For the period beginning on January 1, 2022, and ending on December*
26 *31, 2023, fees for trip permits issued under ORS 803.600 are as follows:]*

27 *“(a) For a heavy motor vehicle trip permit, \$43.]*

28 *“(b) For a heavy trailer trip permit, \$10.]*

29 *“(c) For a light vehicle trip permit, \$34.]*

30 *“(d) For a recreational vehicle trip permit, \$34.]*

1 “[e] For a registration weight trip permit, \$5.]

2 “[f] For a registered vehicle trip permit, \$7.50.]

3 “[g] For a 10-day trip permit issued under ORS 803.600 (2) by a person
4 with a vehicle dealer certificate or a towing business certificate, \$15.]

5 **“SECTION 50. The amendments to ORS 803.645 by section 49 of this**
6 **2017 Act apply to fees imposed on or after January 1, 2024.**

7 **“SECTION 51. ORS 818.225 is amended to read:**

8 **“818.225. (1) As used in this section, ‘equivalent single-axle load’**
9 **means the relationship between actual or requested weight and an**
10 **18,000 pound single-axle load as determined by the American Associ-**
11 **ation of State Highway and Transportation Officials Road Tests re-**
12 **ported at the Proceedings Conference of 1962.**

13 **“[(1)(a)] (2)(a)** In addition to any fee for a single-trip nondivisible load
14 permit, a person who is issued the permit or who operates a vehicle in a
15 manner that requires the permit is liable for payment of a road use assess-
16 ment fee *[of seven and one-tenths cents]* **computed on the basis of the fol-**
17 **lowing rates** per equivalent single-axle load mile traveled[.]:

18 **“(A) For the period beginning on January 1, 2018, and ending on**
19 **December 31, 2019, eight and five-tenths cents.**

20 **“(B) For the period beginning on January 1, 2020, and ending on**
21 **December 31, 2021, nine and five-tenths cents.**

22 **“(C) For the period beginning on January 1, 2022, and ending on**
23 **December 31, 2023, ten and five-tenths cents.** *[As used in this subsection,*
24 *‘equivalent single-axle load’ means the relationship between actual or requested*
25 *weight and an 18,000 pound single-axle load as determined by the American*
26 *Association of State Highway and Transportation Officials Road Tests re-*
27 *ported at the Proceedings Conference of 1962. The Department of Transporta-*
28 *tion may adopt rules to standardize the determination of equivalent single-axle*
29 *load computation based on average highway conditions.]*

30 **“(b)** If the road use assessment fee is not collected at the time of issuance

1 of the permit, the department shall bill the permittee for the amount due.
2 The account shall be considered delinquent if not paid within 60 days of
3 billing.

4 “(c) The miles of travel authorized by a single-trip nondivisible load per-
5 mit shall be exempt from taxation under ORS chapter 825.

6 “[*(2) The department by rule may establish procedures for payment, col-
7 lection and enforcement of the fees and assessments established by this
8 chapter.*]

9 “**(3) The department may adopt rules:**

10 “**(a) To standardize the determination of equivalent single-axle load
11 computation based on average highway conditions; and**

12 “**(b) To establish procedures for payment, collection and enforce-
13 ment of the fees and assessments established by this chapter.**

14 “**SECTION 52.** ORS 818.225, as amended by section 51 of this 2017 Act,
15 is amended to read:

16 “818.225. (1) As used in this section, ‘equivalent single-axle load’ means
17 the relationship between actual or requested weight and an 18,000 pound
18 single-axle load as determined by the American Association of State Highway
19 and Transportation Officials Road Tests reported at the Proceedings Con-
20 ference of 1962.

21 “(2)(a) In addition to any fee for a single-trip nondivisible load permit, a
22 person who is issued the permit or who operates a vehicle in a manner that
23 requires the permit is liable for payment of a road use assessment fee **of**
24 **eleven and eight-tenths cents** [*computed on the basis of the following*
25 *rates*] per equivalent single-axle load mile traveled[:].

26 “[*(A) For the period beginning on January 1, 2018, and ending on Decem-
27 ber 31, 2019, eight and five-tenths cents.*]

28 “[*(B) For the period beginning on January 1, 2020, and ending on Decem-
29 ber 31, 2021, nine and five-tenths cents.*]

30 “[*(C) For the period beginning on January 1, 2022, and ending on December*

1 31, 2023, ten and five-tenths cents.]

2 “(b) If the road use assessment fee is not collected at the time of issuance
3 of the permit, the department shall bill the permittee for the amount due.
4 The account shall be considered delinquent if not paid within 60 days of
5 billing.

6 “(c) The miles of travel authorized by a single-trip nondivisible load per-
7 mit shall be exempt from taxation under ORS chapter 825.

8 “(3) The department may adopt rules:

9 “(a) To standardize the determination of equivalent single-axle load com-
10 putation based on average highway conditions; and

11 “(b) To establish procedures for payment, collection and enforcement of
12 the fees and assessments established by this chapter.

13 **“SECTION 53. The amendments to ORS 818.225 by section 52 of this**
14 **2017 Act apply to road use assessment fees imposed on or after January**
15 **1, 2024.**

16 **“SECTION 54. ORS 818.270 is amended to read:**

17 **“818.270. (1) For the period beginning on January 1, 2018, and ending**
18 **on December 31, 2019:**

19 “[1] (a) The fee for issuance of a variance permit under ORS 818.200
20 may be any amount determined by a road authority, not to exceed [\$8]
21 **\$8.50.** If the variance permit is issued by a private contractor, the contractor
22 may charge an additional fee not to exceed [\$5] **\$5.50.**

23 “[2] (b) The fee for issuance of a sifting or leaking load permit under
24 ORS 818.230 is [\$8] **\$8.50.**

25 “[3] (c) The fee for issuance of a dragging permit under ORS 818.240 is
26 [\$8] **\$8.50.**

27 **“(2) For the period beginning on January 1, 2020, and ending on**
28 **December 31, 2021:**

29 **“(a) The fee for issuance of a variance permit under ORS 818.200**
30 **may be any amount determined by a road authority, not to exceed \$9.**

1 **If the variance permit is issued by a private contractor, the contractor**
2 **may charge an additional fee not to exceed \$6.**

3 **“(b) The fee for issuance of a sifting or leaking load permit under**
4 **ORS 818.230 is \$9.**

5 **“(c) The fee for issuance of a dragging permit under ORS 818.240 is**
6 **\$9.**

7 **“(3) For the period beginning on January 1, 2022, and ending on**
8 **December 31, 2023:**

9 **“(a) The fee for issuance of a variance permit under ORS 818.200**
10 **may be any amount determined by a road authority, not to exceed**
11 **\$9.50. If the variance permit is issued by a private contractor, the**
12 **contractor may charge an additional fee not to exceed \$6.50.**

13 **“(b) The fee for issuance of a sifting or leaking load permit under**
14 **ORS 818.230 is \$9.50.**

15 **“(c) The fee for issuance of a dragging permit under ORS 818.240 is**
16 **\$9.50.**

17 **“(4) The fee for issuance of a permit under ORS 818.260 for the use of bus**
18 **safety lights is a fee established by rule by the Department of Transporta-**
19 **tion. Any fee established for purposes of this subsection [shall] may not ex-**
20 **ceed the actual costs of issuing the permit.**

21 **“SECTION 55. ORS 818.270, as amended by section 54 of this 2017 Act,**
22 **is amended to read:**

23 **“818.270. [(1) For the period beginning on January 1, 2018, and ending on**
24 **December 31, 2019:]**

25 **“[(a) The fee for issuance of a variance permit under ORS 818.200 may be**
26 **any amount determined by a road authority, not to exceed \$8.50. If the variance**
27 **permit is issued by a private contractor, the contractor may charge an addi-**
28 **tional fee not to exceed \$5.50.]**

29 **“[(b) The fee for issuance of a sifting or leaking load permit under ORS**
30 **818.230 is \$8.50.]**

1 “[(c) The fee for issuance of a dragging permit under ORS 818.240 is
2 \$8.50.]

3 “[(2) For the period beginning on January 1, 2020, and ending on December
4 31, 2021:]

5 “[(a) The fee for issuance of a variance permit under ORS 818.200 may be
6 any amount determined by a road authority, not to exceed \$9. If the variance
7 permit is issued by a private contractor, the contractor may charge an addi-
8 tional fee not to exceed \$6.]

9 “[(b) The fee for issuance of a sifting or leaking load permit under ORS
10 818.230 is \$9.]

11 “[(c) The fee for issuance of a dragging permit under ORS 818.240 is \$9.]

12 “[(3) For the period beginning on January 1, 2022, and ending on December
13 31, 2023:]

14 “[(a) The fee for issuance of a variance permit under ORS 818.200 may be
15 any amount determined by a road authority, not to exceed \$9.50. If the variance
16 permit is issued by a private contractor, the contractor may charge an addi-
17 tional fee not to exceed \$6.50.]

18 “[(b) The fee for issuance of a sifting or leaking load permit under ORS
19 818.230 is \$9.50.]

20 “[(c) The fee for issuance of a dragging permit under ORS 818.240 is
21 \$9.50.]

22 **“(1) The fee for issuance of a variance permit under ORS 818.200**
23 **may be any amount determined by a road authority, not to exceed \$10.**
24 **If the variance permit is issued by a private contractor, the contractor**
25 **may charge an additional fee not to exceed \$7.**

26 **“(2) The fee for issuance of a sifting or leaking load permit under**
27 **ORS 818.230 is \$10.**

28 **“(3) The fee for issuance of a dragging permit under ORS 818.240 is**
29 **\$10.**

30 “(4) The fee for issuance of a permit under ORS 818.260 for the use of bus

1 safety lights is a fee established by rule by the Department of Transporta-
2 tion. Any fee established for purposes of this subsection may not exceed the
3 actual costs of issuing the permit.

4 **“SECTION 56. The amendments to ORS 818.270 by section 55 of this**
5 **2017 Act apply to fees imposed on or after January 1, 2024.**

6 **“SECTION 57.** ORS 825.450 is amended to read:

7 “825.450. (1) Except as otherwise permitted under ORS 825.470, the De-
8 partment of Transportation shall issue a receipt stating the combined weight
9 of each self-propelled or motor-driven vehicle and any train or combination
10 of vehicles to be used [*therewith*] **with the self-propelled or motor-driven**
11 **vehicle.**

12 “(2) A person may not load any motor vehicle in excess of its combined
13 weight permit rating [*thus*] determined **under subsection (1) of this section**
14 except as variations may necessarily result in passenger loading. [A *fee of*
15 *\$8*] **The following fee** shall be paid to the department for each weight re-
16 ceipt issued[.]:

17 **“(a) For the period beginning on January 1, 2018, and ending on**
18 **December 31, 2019, \$8.50.**

19 **“(b) For the period beginning on January 1, 2020, and ending on**
20 **December 31, 2021, \$9.**

21 **“(c) For the period beginning on January 1, 2022, and ending on**
22 **December 31, 2023, \$9.50.**

23 “(3) Receipts issued under this section [*shall be*] **are** valid from the first
24 day of any calendar quarter to the last day of the fourth consecutive calen-
25 dar quarter. Each carrier may select the calendar quarter in which the pe-
26 riod will begin except that, if necessary for administrative convenience, the
27 department may require a carrier to adopt a starting date chosen by the de-
28 partment.

29 “(4) All vehicles operating under the carrier’s authority shall have the
30 same four-quarter period of receipt validity. The department may allow a

1 carrier to operate with expired receipts for up to one extra quarter if the
2 renewal application has been submitted and the required fees have been paid
3 on or before the last day of the period of validity of the receipt. The exten-
4 sion of time allowed by this subsection shall be granted only if the depart-
5 ment determines that the extension is necessary for the administrative
6 convenience of the department.

7 “(5) The department may adopt rules necessary to administer the pro-
8 visions of this section.

9 “**SECTION 58.** ORS 825.450, as amended by section 57 of this 2017 Act,
10 is amended to read:

11 “825.450. (1) Except as otherwise permitted under ORS 825.470, the De-
12 partment of Transportation shall issue a receipt stating the combined weight
13 of each self-propelled or motor-driven vehicle and any train or combination
14 of vehicles to be used with the self-propelled or motor-driven vehicle.

15 “(2) A person may not load any motor vehicle in excess of its combined
16 weight permit rating determined under subsection (1) of this section except
17 as variations may necessarily result in passenger loading. [*The following*
18 *fee*] **A fee of \$10** shall be paid to the department for each weight receipt is-
19 sued.[:]

20 “[*(a) For the period beginning on January 1, 2018, and ending on December*
21 *31, 2019, \$8.50.*]

22 “[*(b) For the period beginning on January 1, 2020, and ending on December*
23 *31, 2021, \$9.*]

24 “[*(c) For the period beginning on January 1, 2022, and ending on December*
25 *31, 2023, \$9.50.*]

26 “(3) Receipts issued under this section are valid from the first day of any
27 calendar quarter to the last day of the fourth consecutive calendar quarter.
28 Each carrier may select the calendar quarter in which the period will begin
29 except that, if necessary for administrative convenience, the department may
30 require a carrier to adopt a starting date chosen by the department.

1 “(4) All vehicles operating under the carrier’s authority shall have the
2 same four-quarter period of receipt validity. The department may allow a
3 carrier to operate with expired receipts for up to one extra quarter if the
4 renewal application has been submitted and the required fees have been paid
5 on or before the last day of the period of validity of the receipt. The exten-
6 sion of time allowed by this subsection shall be granted only if the depart-
7 ment determines that the extension is necessary for the administrative
8 convenience of the department.

9 “(5) The department may adopt rules necessary to administer the pro-
10 visions of this section.

11 **“SECTION 59. The amendments to ORS 825.450 by section 58 of this**
12 **2017 Act apply to fees imposed on or after January 1, 2024.**

13 **“NOTE:** Sections 60 to 62 were deleted by amendment. Subsequent
14 sections were not renumbered.

15 **“SECTION 63. ORS 825.476 is amended to read:**

16 **“825.476. (1) For the period beginning on January 1, 2018, and ending**
17 **on December 31, 2019:**

18 “ _____

19 **MILEAGE TAX RATE TABLE “A”**

20 Declared Combined	21 Fee Rates	
22 Weight Groups	23 Per Mile	
(Pounds)	(Mills)	
24 26,001 to 28,000	[49.8]	62.3
25 28,001 to 30,000	[52.8]	66.0
26 30,001 to 32,000	[55.2]	68.9
27 32,001 to 34,000	[57.6]	72.1
28 34,001 to 36,000	[59.9]	74.9
29 36,001 to 38,000	[63.0]	78.7
30 38,001 to 40,000	[65.4]	81.7
40,001 to 42,000	[67.7]	84.7

1	42,001 to 44,000	[70.2]	87.8
2	44,001 to 46,000	[72.6]	90.7
3	46,001 to 48,000	[74.9]	93.7
4	48,001 to 50,000	[77.4]	96.8
5	50,001 to 52,000	[80.3]	100.4
6	52,001 to 54,000	[83.3]	104.1
7	54,001 to 56,000	[86.4]	108.0
8	56,001 to 58,000	[90.0]	112.5
9	58,001 to 60,000	[94.1]	117.7
10	60,001 to 62,000	[99.0]	123.7
11	62,001 to 64,000	[104.5]	130.6
12	64,001 to 66,000	[110.4]	138.0
13	66,001 to 68,000	[118.3]	147.8
14	68,001 to 70,000	[126.6]	158.3
15	70,001 to 72,000	[135.0]	168.7
16	72,001 to 74,000	[142.7]	178.3
17	74,001 to 76,000	[150.0]	187.5
18	76,001 to 78,000	[157.2]	196.6
19	78,001 to 80,000	[163.8]	204.8

20 “ _____

21 **AXLE-WEIGHT MILEAGE**

22 **TAX RATE TABLE “B”**

23	Declared Combined	Number of Axles				
24	Weight Groups	5	6	7	8	9 or
25	(Pounds)	(Mills)				
26	80,001 to 82,000	[169.2	154.8	144.7	137.4	129.6]
27		211.5	193.4	180.8	171.8	162.0
28	82,001 to 84,000	[174.7	157.2	147.0	139.2	131.3]
29		218.3	196.6	183.8	174.0	164.2
30	84,001 to 86,000	[179.9	160.9	149.4	140.9	133.2]

1		224.9	201.1	186.8	176.2	166.5
2	86,001 to 88,000	[186.0	164.3	151.8	143.4	135.0]
3		232.5	205.4	189.7	179.3	168.7
4	88,001 to 90,000	[193.2	168.6	154.3	145.8	137.4]
5		241.5	210.7	192.8	182.2	171.8
6	90,001 to 92,000	[201.6	173.4	156.5	148.2	139.8]
7		252.0	216.8	195.6	185.2	174.8
8	92,001 to 94,000	[210.7	178.2	159.0	150.5	141.7]
9		263.3	222.7	198.7	188.2	177.1
10	94,001 to 96,000	[220.2	183.6	162.0	153.0	143.9]
11		275.3	229.5	202.5	191.3	179.9
12	96,001 to 98,000	[230.4	190.2	165.6	155.5	146.4]
13		288.1	237.8	207.0	194.4	183.0
14	98,001 to 100,000	[197.3	169.2	158.4	148.8]	
15		246.7	211.5	198.0	186.0	
16	100,001 to 102,000		[172.8	162.0	151.3]	
17			216.0	202.5	189.1	
18	102,001 to 104,000		[176.4	165.6	154.3]	
19			220.5	207.0	192.8	
20	104,001 to 105,500		[181.1	169.2	157.2]	
21			226.4	211.5	196.6	

22 “ _____
 23 “(2) For the period beginning on January 1, 2020, and ending on
 24 December 31, 2021:
 25 “ _____

26 **MILEAGE TAX RATE TABLE “A”**

27	Declared Combined	Fee Rates
28	Weight Groups	Per Mile
29	(Pounds)	(Mills)
30	26,001 to 28,000	65.4

1	28,001 to 30,000	69.3
2	30,001 to 32,000	72.4
3	32,001 to 34,000	75.7
4	34,001 to 36,000	78.6
5	36,001 to 38,000	82.7
6	38,001 to 40,000	85.8
7	40,001 to 42,000	88.9
8	42,001 to 44,000	92.2
9	44,001 to 46,000	95.3
10	46,001 to 48,000	98.4
11	48,001 to 50,000	101.6
12	50,001 to 52,000	105.4
13	52,001 to 54,000	109.3
14	54,001 to 56,000	113.4
15	56,001 to 58,000	118.1
16	58,001 to 60,000	123.5
17	60,001 to 62,000	129.9
18	62,001 to 64,000	137.1
19	64,001 to 66,000	144.9
20	66,001 to 68,000	155.2
21	68,001 to 70,000	166.2
22	70,001 to 72,000	177.1
23	72,001 to 74,000	187.3
24	74,001 to 76,000	196.9
25	76,001 to 78,000	206.4
26	78,001 to 80,000	215.0

27 “

**AXLE-WEIGHT MILEAGE
TAX RATE TABLE “B”**

30 **Declared Combined Number of Axles**

1	Weight Groups	5	6	7	8	9 or
2	(Pounds)			(Mills)		more
3	80,001 to 82,000	222.1	203.1	189.9	180.4	170.1
4	82,001 to 84,000	229.3	206.4	193.0	182.7	172.4
5	84,001 to 86,000	236.1	211.1	196.1	185.0	174.8
6	86,001 to 88,000	244.1	215.7	199.2	188.2	177.1
7	88,001 to 90,000	253.6	221.3	202.5	191.3	180.4
8	90,001 to 92,000	264.6	227.6	205.4	194.5	183.5
9	92,001 to 94,000	276.5	233.8	208.7	197.6	186.0
10	94,001 to 96,000	289.1	241.0	212.6	200.8	188.9
11	96,001 to 98,000	302.5	249.7	217.3	204.1	192.2
12	98,001 to 100,000		259.0	222.1	207.9	195.3
13	100,001 to 102,000			226.8	212.6	198.5
14	102,001 to 104,000			231.5	217.3	202.5
15	104,001 to 105,500			237.8	222.1	206.4

16 “
 17 “(3) For the period beginning on January 1, 2022, and ending on
 18 December 31, 2023:
 19 “

20 **MILEAGE TAX RATE TABLE “A”**

21	Declared Combined	Fee Rates
22	Weight Groups	Per Mile
23	(Pounds)	(Mills)
24	26,001 to 28,000	72.0
25	28,001 to 30,000	76.4
26	30,001 to 32,000	79.8
27	32,001 to 34,000	83.4
28	34,001 to 36,000	86.6
29	36,001 to 38,000	91.1
30	38,001 to 40,000	94.5

1	40,001 to 42,000	98.0
2	42,001 to 44,000	101.6
3	44,001 to 46,000	105.0
4	46,001 to 48,000	108.4
5	48,001 to 50,000	112.0
6	50,001 to 52,000	116.1
7	52,001 to 54,000	120.5
8	54,001 to 56,000	125.0
9	56,001 to 58,000	130.2
10	58,001 to 60,000	136.1
11	60,001 to 62,000	143.2
12	62,001 to 64,000	151.1
13	64,001 to 66,000	159.7
14	66,001 to 68,000	171.1
15	68,001 to 70,000	183.1
16	70,001 to 72,000	195.2
17	72,001 to 74,000	206.4
18	74,001 to 76,000	217.0
19	76,001 to 78,000	227.4
20	78,001 to 80,000	237.0

21 “

**AXLE-WEIGHT MILEAGE
TAX RATE TABLE “B”**

24	Declared Combined	Number of Axles				
25	Weight Groups	5	6	7	8	9 or
26	(Pounds)			(Mills)		more
27	80,001 to 82,000	244.7	223.8	209.2	198.8	187.5
28	82,001 to 84,000	252.6	227.4	212.7	201.3	190.0
29	84,001 to 86,000	260.2	232.7	216.1	203.8	192.7
30	86,001 to 88,000	269.0	237.7	219.5	207.4	195.2

1	88,001 to 90,000	279.5	243.8	223.1	210.9	198.8
2	90,001 to 92,000	291.5	250.8	226.4	214.3	202.2
3	92,001 to 94,000	304.7	257.7	230.0	217.7	204.9
4	94,001 to 96,000	318.6	265.6	234.3	221.3	208.2
5	96,001 to 98,000	333.3	275.2	239.5	224.9	211.8
6	98,001 to 100,000		285.4	244.7	229.1	215.2
7	100,001 to 102,000			249.9	234.3	218.8
8	102,001 to 104,000			255.2	239.5	223.1
9	104,001 to 105,500			262.0	244.7	227.4

10 “ _____

11 **“SECTION 64.** ORS 825.476, as amended by section 63 of this 2017 Act,

12 is amended to read:

13 “825.476. [(1) *For the period beginning on January 1, 2018, and ending on*

14 *December 31, 2019:*]

15 “[_____]

16 *MILEAGE TAX RATE TABLE “A”*

17	<i>Declared Combined</i>	<i>Fee Rates</i>
18	<i>Weight Groups</i>	<i>Per Mile</i>
19	<i>(Pounds)</i>	<i>(Mills)</i>
20	26,001 to 28,000	62.3
21	28,001 to 30,000	66.0
22	30,001 to 32,000	68.9
23	32,001 to 34,000	72.1
24	34,001 to 36,000	74.9
25	36,001 to 38,000	78.7
26	38,001 to 40,000	81.7
27	40,001 to 42,000	84.7
28	42,001 to 44,000	87.8
29	44,001 to 46,000	90.7
30	46,001 to 48,000	93.7

1	48,001 to 50,000	96.8
2	50,001 to 52,000	100.4
3	52,001 to 54,000	104.1
4	54,001 to 56,000	108.0
5	56,001 to 58,000	112.5
6	58,001 to 60,000	117.7
7	60,001 to 62,000	123.7
8	62,001 to 64,000	130.6
9	64,001 to 66,000	138.0
10	66,001 to 68,000	147.8
11	68,001 to 70,000	158.3
12	70,001 to 72,000	168.7
13	72,001 to 74,000	178.3
14	74,001 to 76,000	187.5
15	76,001 to 78,000	196.6
16	78,001 to 80,000	204.8

17 “[_____]

18 *AXLE-WEIGHT MILEAGE*

19 *TAX RATE TABLE “B”*

20	<i>Declared Combined</i>	<i>Number of Axles</i>				
21	<i>Weight Groups</i>	5	6	7	8	9 or
22	<i>(Pounds)</i>			<i>(Mills)</i>		<i>more</i>
23	80,001 to 82,000	211.5	193.4	180.8	171.8	162.0
24	82,001 to 84,000	218.3	196.6	183.8	174.0	164.2
25	84,001 to 86,000	224.9	201.1	186.8	176.2	166.5
26	86,001 to 88,000	232.5	205.4	189.7	179.3	168.7
27	88,001 to 90,000	241.5	210.7	192.8	182.2	171.8
28	90,001 to 92,000	252.0	216.8	195.6	185.2	174.8
29	92,001 to 94,000	263.3	222.7	198.7	188.2	177.1
30	94,001 to 96,000	275.3	229.5	202.5	191.3	179.9

1	96,001 to 98,000	288.1	237.8	207.0	194.4	183.0
2	98,001 to 100,000		246.7	211.5	198.0	186.0
3	100,001 to 102,000			216.0	202.5	189.1
4	102,001 to 104,000			220.5	207.0	192.8
5	104,001 to 105,500			226.4	211.5	196.6

6 “[_____]

7 “[(2) For the period beginning on January 1, 2020, and ending on December
8 31, 2021:]

9 “[_____]

10 *MILEAGE TAX RATE TABLE “A”*

11	<i>Declared Combined</i>	<i>Fee Rates</i>
12	<i>Weight Groups</i>	<i>Per Mile</i>
13	<i>(Pounds)</i>	<i>(Mills)</i>
14	26,001 to 28,000	65.4
15	28,001 to 30,000	69.3
16	30,001 to 32,000	72.4
17	32,001 to 34,000	75.7
18	34,001 to 36,000	78.6
19	36,001 to 38,000	82.7
20	38,001 to 40,000	85.8
21	40,001 to 42,000	88.9
22	42,001 to 44,000	92.2
23	44,001 to 46,000	95.3
24	46,001 to 48,000	98.4
25	48,001 to 50,000	101.6
26	50,001 to 52,000	105.4
27	52,001 to 54,000	109.3
28	54,001 to 56,000	113.4
29	56,001 to 58,000	118.1
30	58,001 to 60,000	123.5

1	60,001 to 62,000	129.9
2	62,001 to 64,000	137.1
3	64,001 to 66,000	144.9
4	66,001 to 68,000	155.2
5	68,001 to 70,000	166.2
6	70,001 to 72,000	177.1
7	72,001 to 74,000	187.3
8	74,001 to 76,000	196.9
9	76,001 to 78,000	206.4
10	78,001 to 80,000	215.0

11 “[_____]

12 **AXLE-WEIGHT MILEAGE**

13 **TAX RATE TABLE “B”**

14	<i>Declared Combined</i>	<i>Number of Axles</i>				
15	<i>Weight Groups</i>	5	6	7	8	9 or
16	<i>(Pounds)</i>			<i>(Mills)</i>		<i>more</i>
17	80,001 to 82,000	222.1	203.1	189.9	180.4	170.1
18	82,001 to 84,000	229.3	206.4	193.0	182.7	172.4
19	84,001 to 86,000	236.1	211.1	196.1	185.0	174.8
20	86,001 to 88,000	244.1	215.7	199.2	188.2	177.1
21	88,001 to 90,000	253.6	221.3	202.5	191.3	180.4
22	90,001 to 92,000	264.6	227.6	205.4	194.5	183.5
23	92,001 to 94,000	276.5	233.8	208.7	197.6	186.0
24	94,001 to 96,000	289.1	241.0	212.6	200.8	188.9
25	96,001 to 98,000	302.5	249.7	217.3	204.1	192.2
26	98,001 to 100,000		259.0	222.1	207.9	195.3
27	100,001 to 102,000			226.8	212.6	198.5
28	102,001 to 104,000			231.5	217.3	202.5
29	104,001 to 105,500			237.8	222.1	206.4

30 “[_____]

1 “[(3) For the period beginning on January 1, 2022, and ending on December
2 31, 2023:]

3 “[_____]

4 *MILEAGE TAX RATE TABLE “A”*

5 <i>Declared Combined</i>	<i>Fee Rates</i>
6 <i>Weight Groups</i>	<i>Per Mile</i>
7 <i>(Pounds)</i>	<i>(Mills)</i>
8 26,001 to 28,000	72.0
9 28,001 to 30,000	76.4
10 30,001 to 32,000	79.8
11 32,001 to 34,000	83.4
12 34,001 to 36,000	86.6
13 36,001 to 38,000	91.1
14 38,001 to 40,000	94.5
15 40,001 to 42,000	98.0
16 42,001 to 44,000	101.6
17 44,001 to 46,000	105.0
18 46,001 to 48,000	108.4
19 48,001 to 50,000	112.0
20 50,001 to 52,000	116.1
21 52,001 to 54,000	120.5
22 54,001 to 56,000	125.0
23 56,001 to 58,000	130.2
24 58,001 to 60,000	136.1
25 60,001 to 62,000	143.2
26 62,001 to 64,000	151.1
27 64,001 to 66,000	159.7
28 66,001 to 68,000	171.1
29 68,001 to 70,000	183.1
30 70,001 to 72,000	195.2

1	72,001 to 74,000	206.4
2	74,001 to 76,000	217.0
3	76,001 to 78,000	227.4
4	78,001 to 80,000	237.0

5 “[_____]

6 **AXLE-WEIGHT MILEAGE**

7 **TAX RATE TABLE “B”**

8	Declared Combined	Number of Axles				
9	Weight Groups	5	6	7	8	9 or
10	(Pounds)	(Mills)			more	
11	80,001 to 82,000	244.7	223.8	209.2	198.8	187.5
12	82,001 to 84,000	252.6	227.4	212.7	201.3	190.0
13	84,001 to 86,000	260.2	232.7	216.1	203.8	192.7
14	86,001 to 88,000	269.0	237.7	219.5	207.4	195.2
15	88,001 to 90,000	279.5	243.8	223.1	210.9	198.8
16	90,001 to 92,000	291.5	250.8	226.4	214.3	202.2
17	92,001 to 94,000	304.7	257.7	230.0	217.7	204.9
18	94,001 to 96,000	318.6	265.6	234.3	221.3	208.2
19	96,001 to 98,000	333.3	275.2	239.5	224.9	211.8
20	98,001 to 100,000		285.4	244.7	229.1	215.2
21	100,001 to 102,000			249.9	234.3	218.8
22	102,001 to 104,000			255.2	239.5	223.1
23	104,001 to 105,500			262.0	244.7	227.4

24 “[_____]

25 “ _____

26 **MILEAGE TAX RATE TABLE “A”**

27	Declared Combined	Fee Rates
28	Weight Groups	Per Mile
29	(Pounds)	(Mills)
30	26,001 to 28,000	76.4

1	28,001 to 30,000	80.9
2	30,001 to 32,000	84.6
3	32,001 to 34,000	88.4
4	34,001 to 36,000	91.8
5	36,001 to 38,000	96.6
6	38,001 to 40,000	100.2
7	40,001 to 42,000	103.8
8	42,001 to 44,000	107.7
9	44,001 to 46,000	111.3
10	46,001 to 48,000	114.9
11	48,001 to 50,000	118.7
12	50,001 to 52,000	123.1
13	52,001 to 54,000	127.7
14	54,001 to 56,000	132.5
15	56,001 to 58,000	138.0
16	58,001 to 60,000	144.3
17	60,001 to 62,000	151.7
18	62,001 to 64,000	160.1
19	64,001 to 66,000	169.3
20	66,001 to 68,000	181.3
21	68,001 to 70,000	194.1
22	70,001 to 72,000	206.9
23	72,001 to 74,000	218.7
24	74,001 to 76,000	230.0
25	76,001 to 78,000	241.1
26	78,001 to 80,000	251.2

27 “



**AXLE-WEIGHT MILEAGE
TAX RATE TABLE “B”**

30 **Declared Combined Number of Axles**

1	Weight Groups	5	6	7	8	9 or
2	(Pounds)			(Mills)		more
3	80,001 to 82,000	259.4	237.3	221.8	210.7	198.7
4	82,001 to 84,000	267.8	241.1	225.4	213.4	201.4
5	84,001 to 86,000	275.8	246.6	229.1	216.1	204.2
6	86,001 to 88,000	285.2	252.0	232.7	219.9	206.9
7	88,001 to 90,000	296.2	258.4	236.5	223.5	210.7
8	90,001 to 92,000	309.0	265.9	239.9	227.1	214.4
9	92,001 to 94,000	323.0	273.1	243.8	230.8	217.2
10	94,001 to 96,000	337.7	281.5	248.3	234.6	220.7
11	96,001 to 98,000	353.3	291.7	253.9	238.4	224.5
12	98,001 to 100,000		302.5	259.4	242.8	228.1
13	100,001 to 102,000			264.9	248.3	231.9
14	102,001 to 104,000			270.5	253.9	236.5
15	104,001 to 105,500			277.7	259.4	241.1

16 “

17 **“SECTION 65. The amendments to ORS 825.476 by section 64 of this**
18 **2017 Act apply to taxes imposed on or after January 1, 2024.**

19 **“SECTION 66. ORS 825.480 is amended to read:**

20 “825.480. (1)(a) In lieu of other fees provided in ORS 825.474, carriers en-
21 gaged in operating motor vehicles in the transportation of logs, poles, peeler
22 cores or piling may pay annual fees for such operation computed at the
23 **following** rate [*of seven dollars and fifty-nine cents*] for each 100 pounds of
24 declared combined weight[.]:

25 **“(A) For the period beginning on January 1, 2018, and ending on**
26 **December 31, 2019, \$9.10.**

27 **“(B) For the period beginning on January 1, 2020, and ending on**
28 **December 31, 2021, \$10.20.**

29 **“(C) For the period beginning on January 1, 2022, and ending on**
30 **December 31, 2023, \$11.30.**

1 “(b) Any carrier electing to pay fees under this method may, as to vehicles
2 otherwise exempt from taxation, elect to be taxed on the mileage basis for
3 movements of such empty vehicles over public highways whenever operations
4 are for the purpose of repair, maintenance, servicing or moving from one
5 exempt highway operation to another.

6 “(2) The annual fees provided in subsections (1), (4) and (5) of this section
7 may be paid on a monthly basis. Any carrier electing to pay fees under this
8 method may not change an election during the same calendar year in which
9 the election is made, but may be relieved from the payment due for any
10 month *[on]* **during which** a motor vehicle *[which]* is not operated. A carrier
11 electing to pay fees under this method shall report and pay these fees on or
12 before the 10th of each month for the preceding month’s operations. A
13 monthly report shall be made on all vehicles on the annual fee basis in-
14 cluding any vehicle not operated for the month.

15 “(3)(a) In lieu of the fees provided in ORS 825.470 to 825.474, motor vehi-
16 cles described in ORS 825.024 with a combined weight of less than 46,000
17 pounds that are being operated under a permit issued under ORS 825.102 may
18 pay annual fees for such operation computed at the **following** rate *[of six*
19 *dollars and twenty-three cents]* for each 100 pounds of declared combined
20 weight[.]:

21 **“(A) For the period beginning on January 1, 2018, and ending on**
22 **December 31, 2019, \$7.50.**

23 **“(B) For the period beginning on January 1, 2020, and ending on**
24 **December 31, 2021, \$8.30.**

25 **“(C) For the period beginning on January 1, 2022, and ending on**
26 **December 31, 2023, \$9.30.**

27 “(b) The annual fees provided in this subsection shall be paid in advance
28 but may be paid on a monthly basis on or before the first day of the month.
29 A carrier may be relieved from the fees due for any month during which the
30 motor vehicle is not operated for hire if a statement to that effect is filed

1 with the Department of Transportation on or before the fifth day of the first
2 month for which relief is sought.

3 “(4)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
4 the operation of motor vehicles equipped with dump bodies and used in the
5 transportation of sand, gravel, rock, dirt, debris, cinders, asphaltic concrete
6 mix, metallic ores and concentrates or raw nonmetallic products, whether
7 crushed or otherwise, moving from mines, pits or quarries may pay annual
8 fees for such operation computed at the **following** rate [*of seven dollars and*
9 *fifty-three cents*] for each 100 pounds of declared combined weight[.]:

10 **“(A) For the period beginning on January 1, 2018, and ending on**
11 **December 31, 2019, \$9.10.**

12 **“(B) For the period beginning on January 1, 2020, and ending on**
13 **December 31, 2021, \$10.20.**

14 **“(C) For the period beginning on January 1, 2022, and ending on**
15 **December 31, 2023, \$11.30.**

16 “(b) Any carrier electing to pay fees under this method may, as to vehicles
17 otherwise exempt for taxation, elect to be taxed on the mileage basis for
18 movements of such empty vehicles over public highways whenever operations
19 are for the purpose of repair, maintenance, servicing or moving from one
20 exempt highway operation to another.

21 “(5)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
22 operating motor vehicles in the transportation of wood chips, sawdust,
23 barkdust, hog fuel or shavings may pay annual fees for such operation com-
24 puted at the **following** rate [*of thirty dollars and sixty-five cents*] for each
25 100 pounds of declared combined weight[.]:

26 **“(A) For the period beginning on January 1, 2018, and ending on**
27 **December 31, 2019, \$36.80.**

28 **“(B) For the period beginning on January 1, 2020, and ending on**
29 **December 31, 2021, \$41.00.**

30 **“(C) For the period beginning on January 1, 2022, and ending on**

1 **December 31, 2023, \$45.50.**

2 “(b) Any carrier electing to pay under this method may, as to vehicles
3 otherwise exempt from taxation, elect to be taxed on the mileage basis for
4 movement of such empty vehicles over public highways whenever operations
5 are for the purpose of repair, maintenance, service or moving from one ex-
6 empt highway operation to another.

7 **“SECTION 67.** ORS 825.480, as amended by section 66 of this 2017 Act,
8 is amended to read:

9 “825.480. (1)(a) In lieu of other fees provided in ORS 825.474, carriers en-
10 gaged in operating motor vehicles in the transportation of logs, poles, peeler
11 cores or piling may pay annual fees for such operation computed at the
12 [following] rate **of \$12.60** for each 100 pounds of declared combined
13 weight.[.]

14 “[A] For the period beginning on January 1, 2018, and ending on Decem-
15 ber 31, 2019, \$9.10.]

16 “[B] For the period beginning on January 1, 2020, and ending on Decem-
17 ber 31, 2021, \$10.20.]

18 “[C] For the period beginning on January 1, 2022, and ending on December
19 31, 2023, \$11.30.]

20 “(b) Any carrier electing to pay fees under this method may, as to vehicles
21 otherwise exempt from taxation, elect to be taxed on the mileage basis for
22 movements of such empty vehicles over public highways whenever operations
23 are for the purpose of repair, maintenance, servicing or moving from one
24 exempt highway operation to another.

25 “(2) The annual fees provided in subsections (1), (4) and (5) of this section
26 may be paid on a monthly basis. Any carrier electing to pay fees under this
27 method may not change an election during the same calendar year in which
28 the election is made, but may be relieved from the payment due for any
29 month during which a motor vehicle is not operated. A carrier electing to
30 pay fees under this method shall report and pay these fees on or before the

1 10th of each month for the preceding month's operations. A monthly report
2 shall be made on all vehicles on the annual fee basis including any vehicle
3 not operated for the month.

4 “(3)(a) In lieu of the fees provided in ORS 825.470 to 825.474, motor vehi-
5 cles described in ORS 825.024 with a combined weight of less than 46,000
6 pounds that are being operated under a permit issued under ORS 825.102 may
7 pay annual fees for such operation computed at the *[following]* rate **of \$10.30**
8 for each 100 pounds of declared combined weight.[.]

9 “[A] *For the period beginning on January 1, 2018, and ending on Decem-*
10 *ber 31, 2019, \$7.50.*]

11 “[B] *For the period beginning on January 1, 2020, and ending on Decem-*
12 *ber 31, 2021, \$8.30.*]

13 “[C] *For the period beginning on January 1, 2022, and ending on December*
14 *31, 2023, \$9.30.*]

15 “(b) The annual fees provided in this subsection shall be paid in advance
16 but may be paid on a monthly basis on or before the first day of the month.
17 A carrier may be relieved from the fees due for any month during which the
18 motor vehicle is not operated for hire if a statement to that effect is filed
19 with the Department of Transportation on or before the fifth day of the first
20 month for which relief is sought.

21 “(4)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
22 the operation of motor vehicles equipped with dump bodies and used in the
23 transportation of sand, gravel, rock, dirt, debris, cinders, asphaltic concrete
24 mix, metallic ores and concentrates or raw nonmetallic products, whether
25 crushed or otherwise, moving from mines, pits or quarries may pay annual
26 fees for such operation computed at the *[following]* rate **of \$12.60** for each
27 100 pounds of declared combined weight.[.]

28 “[A] *For the period beginning on January 1, 2018, and ending on Decem-*
29 *ber 31, 2019, \$9.10.*]

30 “[B] *For the period beginning on January 1, 2020, and ending on Decem-*

1 *ber 31, 2021, \$10.20.]*

2 *“(C) For the period beginning on January 1, 2022, and ending on December*
3 *31, 2023, \$11.30]*

4 *“(b) Any carrier electing to pay fees under this method may, as to vehicles*
5 *otherwise exempt for taxation, elect to be taxed on the mileage basis for*
6 *movements of such empty vehicles over public highways whenever operations*
7 *are for the purpose of repair, maintenance, servicing or moving from one*
8 *exempt highway operation to another.*

9 *“(5)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in*
10 *operating motor vehicles in the transportation of wood chips, sawdust,*
11 *barkdust, hog fuel or shavings may pay annual fees for such operation com-*
12 *puted at the [following] rate of \$50.80 for each 100 pounds of declared com-*
13 *bined weight.[:]*

14 *“(A) For the period beginning on January 1, 2018, and ending on Decem-*
15 *ber 31, 2019, \$36.80.]*

16 *“(B) For the period beginning on January 1, 2020, and ending on Decem-*
17 *ber 31, 2021, \$41.00.]*

18 *“(C) For the period beginning on January 1, 2022, and ending on December*
19 *31, 2023, \$45.50.]*

20 *“(b) Any carrier electing to pay under this method may, as to vehicles*
21 *otherwise exempt from taxation, elect to be taxed on the mileage basis for*
22 *movement of such empty vehicles over public highways whenever operations*
23 *are for the purpose of repair, maintenance, service or moving from one ex-*
24 *empt highway operation to another.*

25 **“SECTION 68. The amendments to ORS 825.480 by section 67 of this**
26 **2017 Act apply to fees imposed on or after January 1, 2024.**

27 **“NOTE:** Section 69 was deleted by amendment. Subsequent sections were
28 not renumbered.

29 **“SECTION 70.** ORS 826.023 is amended to read:

30 **“826.023. (1) The fee for issuance of a duplicate or replacement registra-**

1 tion card is [~~\$2.50~~] **\$3**.

2 “(2) The fee for issuance of each original, replacement or duplicate reg-
3 istration plate is [~~\$2.50~~] **\$3** and includes a registration card and sticker.

4 “(3) The fee for renewal of a registration plate is [~~\$2.50~~] **\$3** and includes
5 a registration card and sticker.

6 “(4) The fee for issuance of replacement registration stickers is [~~\$2.50~~]
7 **\$3**.

8 “(5) If a second plate is required for one vehicle, the fee for the plate or
9 for a sticker for the plate is [~~\$2.50~~] **\$3**.

10 **“SECTION 71. The amendments to ORS 826.023 by section 70 of this**
11 **2017 Act apply to fees imposed on or after January 1, 2020.**

12

13 **“(Tax and Fee Distribution and Projects)**

14

15 **“SECTION 71a. (1) The following amounts shall be distributed in the**
16 **manner prescribed in this section:**

17 **“(a) The amount attributable to the increase in tax rates by section**
18 **45 of this 2017 Act and the amendments to ORS 319.020 and 319.530 by**
19 **sections 40 to 43 of this 2017 Act.**

20 **“(b) The amount attributable to the vehicle registration and title**
21 **fees imposed under sections 32, 33, 37 and 38 of this 2017 Act.**

22 **“(c) The amount attributable to the increase in taxes and fees by**
23 **the amendments to ORS 803.420, 803.645, 818.225, 818.270, 825.450, 825.476,**
24 **825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64,**
25 **66, 67 and 70 of this 2017 Act.**

26 **“(2) The amounts described in subsection (1) of this section shall**
27 **be distributed in the following order and for the following purposes:**

28 **“(a) For calendar years beginning on or after January 1, 2022, \$30**
29 **million shall be used for the Interstate 5 Rose Quarter Project. This**
30 **amount shall be used for the Interstate 5 Rose Quarter Project only**

1 until the later of the date on which the project is completed or on
2 which all bonds issued to fund the project have been repaid.

3 “(b) \$10 million per year shall be deposited into the Safe Routes to
4 Schools Fund for the purpose of providing Safe Routes to Schools
5 matching grants under section 123 of this 2017 Act. The remainder of
6 the moneys shall be distributed as described in subsection (3) of this
7 section.

8 “(3) The moneys described in subsection (1) of this section that re-
9 main after the allocation of moneys described in subsection (2) of this
10 section shall be allocated as follows:

11 “(a) 50 percent to the Department of Transportation.

12 “(b) 30 percent to counties for distribution as provided in ORS
13 366.762.

14 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

15 “(4) The moneys described in subsection (3)(a) of this section or
16 equivalent amounts that become available to the Department of
17 Transportation shall be allocated as follows:

18 “(a) \$10 million for safety.

19 “(b) Of the remaining balance:

20 “(A) Forty percent for bridges.

21 “(B) Thirty percent for seismic improvements related to highways
22 and bridges.

23 “(C) Twenty-four percent for state highway pavement preservation
24 and culverts.

25 “(D) Six percent for state highway maintenance and safety im-
26 provements.

27 “SECTION 71b. Section 71a of this 2017 Act is amended to read:

28 “**Sec. 71a.** (1) The following amounts shall be distributed in the manner
29 prescribed in this section:

30 “(a) The amount attributable to the increase in tax rates by section 45

1 of this 2017 Act and the amendments to ORS 319.020 and 319.530 by sections
2 40 to 43 of this 2017 Act.

3 “(b) The amount attributable to the vehicle registration and title fees
4 imposed under sections 32, 33, 37 and 38 of this 2017 Act.

5 “(c) The amount attributable to the increase in taxes and fees by the
6 amendments to ORS 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480
7 and 826.023 by sections 34, 35, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and
8 70 of this 2017 Act.

9 “(2) The amounts described in subsection (1) of this section shall be dis-
10 tributed in the following order and for the following purposes:

11 “(a) [*For calendar years beginning on or after January 1, 2022,*] \$30 million
12 shall be used for the Interstate 5 Rose Quarter Project. This amount shall
13 be used for the Interstate 5 Rose Quarter Project only until the later of the
14 date on which the project is completed or on which all bonds issued to fund
15 the project have been repaid.

16 “(b) [~~\$10~~] **\$15** million per year shall be deposited into the Safe Routes to
17 Schools Fund for the purpose of providing Safe Routes to Schools matching
18 grants under section 123 of this 2017 Act. The remainder of the moneys shall
19 be distributed as described in subsection (3) of this section.

20 “(3) The moneys described in subsection (1) of this section that remain
21 after the allocation of moneys described in subsection (2) of this section shall
22 be allocated as follows:

23 “(a) 50 percent to the Department of Transportation.

24 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

25 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

26 “(4) The moneys described in subsection (3)(a) of this section or equiv-
27 alent amounts that become available to the Department of Transportation
28 shall be allocated as follows:

29 “(a) \$10 million for safety.

30 “(b) Of the remaining balance:

1 “(A) Forty percent for bridges.

2 “(B) Thirty percent for seismic improvements related to highways and
3 bridges.

4 “(C) Twenty-four percent for state highway pavement preservation and
5 culverts.

6 “(D) Six percent for state highway maintenance and safety improvements.

7 **“SECTION 71c. The amendments to section 71a of this 2017 Act by
8 section 71b of this 2017 Act become operative on January 1, 2023.**

9 **“SECTION 71d. (1) The Oregon Transportation Commission shall
10 use the proceeds of bonds, as defined in ORS 367.010, authorized under
11 ORS 367.620 (3)(d) to finance the transportation projects listed in this
12 section. The commission shall determine the order of completion for
13 the projects listed in subsection (2) of this section.**

14 **“(2) No later than January 1, 2024, the commission shall allocate the
15 following amounts to each region, as described in ORS 366.805, for the
16 projects listed below, provided that the commission determines that
17 the projects could constitutionally be funded by revenues described in
18 Article IX, section 3a, of the Oregon Constitution:**

19 “ _____

20 (a) Region one: \$ 249,700,000

21 (A) State Highway 211
22 improvements beginning where
23 the highway intersects with
24 State Highway 213 and ending
25 where the highway intersects
26 Molalla Avenue in the
27 City of Molalla

28 (B) WaNaPa Street improvements
29 in the City of Cascade
30 Locks

- 1 **(C) Port of Hood River bridge**
- 2 **replacement environmental**
- 3 **impact study**
- 4 **(D) Columbia Boulevard**
- 5 **pedestrian safety**
- 6 **(E) Southeast Powell**
- 7 **Boulevard jurisdiction**
- 8 **transfer as described**
- 9 **under section 134**
- 10 **of this 2017 Act**
- 11 **(F) Interstate 205 active traffic**
- 12 **management project**
- 13 **(G) Interstate 205 corridor**
- 14 **bottleneck project**
- 15 **(H) State Highway 217**
- 16 **Northbound project**
- 17 **(I) State Highway 217**
- 18 **Southbound project**
- 19 **(J) Improvements to Graham**
- 20 **Road where it intersects**
- 21 **with Interstate 84 in**
- 22 **the City of Troutdale**
- 23 **(b) Region 2: \$ 201,950,000**
- 24 **(A) Oregon Manufacturing**
- 25 **Innovation Center**
- 26 **Access Roads in Columbia**
- 27 **County**
- 28 **(B) Interstate 5 at the**
- 29 **Aurora-Donald interchange,**
- 30 **Phase I**

- 1 **(C) State Highway 99E in**
2 **the City of Halsey**
- 3 **(D) State Highway 214**
4 **pedestrian safety**
5 **improvements at the**
6 **intersection with**
7 **Jefferson Street in the**
8 **City of Silverton**
- 9 **(E) Territorial Highway**
10 **jurisdiction transfer**
11 **as described under**
12 **section 134 of this**
13 **this 2017 Act**
- 14 **(F) U.S. Highway 20 safety**
15 **upgrades from the**
16 **City of Albany to the**
17 **City of Corvallis**
- 18 **(G) State Highway 58, adding**
19 **passing lanes west of the**
20 **City of Oakridge**
- 21 **(H) State Highway 22 and Center**
22 **Street Bridge, seismic**
23 **retrofit in the City**
24 **of Salem**
- 25 **(I) State Highway 99 in**
26 **City of Eugene**
27 **jurisdiction transfer**
28 **as described**
29 **under section 134 of**
30 **this 2017 Act**

- 1 **(J) State Highway 126**
- 2 **Florence-Eugene**
- 3 **Highway for**
- 4 **environmental impact study**
- 5 **(K) 42nd Street in the City**
- 6 **of Springfield**
- 7 **(L) Newberg and Dundee Bypass,**
- 8 **State Highway 99W,**
- 9 **Phase II, design only**
- 10 **(c) Region 3: \$ 75 million**
- 11 **(A) Scottsburg Bridge on**
- 12 **State Highway 38 in**
- 13 **Douglas County**
- 14 **(B) Southern Oregon seismic**
- 15 **triage transportation**
- 16 **project**
- 17 **(d) Region 4: \$ 76,493,000**
- 18 **(A) U.S. Highway 97 Cooley**
- 19 **Road mid-term**
- 20 **improvements**
- 21 **(B) U.S. Highway 97 at**
- 22 **Terrabonne**
- 23 **(C) Improvements to Alder**
- 24 **Creek Road in**
- 25 **Wheeler County**
- 26 **(D) Pedestrian safety**
- 27 **improvements**
- 28 **in the City of Dufur**
- 29 **(E) Pedestrian safety**
- 30 **improvements in the**

1 **City of Prineville**
 2 **(F) Tom McCall Road**
 3 **roundabout**
 4 **(G) Pedestrian safety**
 5 **improvements**
 6 **in the City of Arlington**
 7 **(e) Region 5:..... \$ 43,647,000**
 8 **(A) Port of Umatilla Road**
 9 **(B) Hermiston North First**
 10 **Place Project in the**
 11 **City of Hermiston**
 12 **(C) State Highway 30 and**
 13 **Hughes Lane intersection**
 14 **in Baker County**
 15 **(D) Eastern Oregon Trade and**
 16 **Event Center access road**
 17 **(E) Pedestrian safety**
 18 **improvements in the**
 19 **City of Heppner**
 20 **(F) Pedestrian safety**
 21 **improvements in the**
 22 **City of Milton-Freewater**
 23 **(G) Columbia Development**
 24 **Authority Access Road**
 25 **(H) Pedestrian safety**
 26 **improvements**
 27 **in the City of Burns**
 28 **(I) Pedestrian safety**
 29 **improvements**
 30 **in the City of Irrigon**

1 (J) U.S. Highway 20 freight
2 mobility enhancements

3 (K) Cedar Street and Hughes
4 Lane enhancements in
5 Baker County

6 “
7 **“(3)(a) When the commission determines that a project described in
8 this section is completed, the commission shall reallocate any amount
9 remaining from the allocation made under this section to another
10 project described in the same region.**

11 **“(b) When the commission determines that all of the projects
12 within a region are completed, the commission shall reallocate any
13 amount remaining from the allocation made under this section to any
14 other project listed in this section.**

15 **“(4) The amounts described in this section for jurisdiction transfers
16 described in section 134 of this 2017 Act may not be allocated until af-
17 ter the transfer for which the allocation is dedicated occurs.**

18 **“NOTE:** Section 71e was deleted by amendment. Subsequent sections were
19 not renumbered.

20 **“SECTION 71f. Multimodal projects. (1) Notwithstanding ORS
21 367.080 to 367.086 and subject to subsection (3) of this section and the
22 availability of funds, the Department of Transportation shall first
23 distribute the moneys in the Connect Oregon Fund, other than moneys
24 dedicated for purposes described in Article XV, section 4a, of the
25 Oregon Constitution, for the projects listed in subsection (2) of this
26 section.**

27 **“(2) The department shall distribute the following amounts for the
28 projects listed below:**

29 “
30 (a) Mid-Willamette Valley

1	Intermodal Facility	\$	25 million
2	(b) Treasure Valley		
3	Intermodal Facility	\$	26 million
4	(c) Rail expansion in		
5	East Beach Industrial		
6	Park at the		
7	Port of Morrow	\$	6.55 million
8	(d) Extend Brooks rail		
9	siding	\$	2.6 million

10 “

11 **“(3) No later than January 1, 2020, to receive a distribution under**
12 **this section, a potential recipient of moneys shall prepare and submit**
13 **a plan to the Oregon Transportation Commission. At a minimum, the**
14 **plan submitted must certify when and how the potential recipient**
15 **plans to spend the moneys for the project with no more than five**
16 **percent of the allocated funds to be available to recipients for devel-**
17 **opment of the plan. The commission shall promptly review any sub-**
18 **mitted plans and if the commission approves the plan, the Department**
19 **of Transportation shall distribute the moneys after adopting an**
20 **agreement with the recipient. The agreement shall follow rules**
21 **adopted by the commission for projects that receive grants from the**
22 **Connect Oregon Fund.**

23 **“(4) After the distributions, if any, are made under this section, the**
24 **remainder of the moneys in the Connect Oregon Fund shall be dis-**
25 **tributed as described in ORS 367.080 to 367.086.**

26 **“NOTE:** Section 71g was deleted by amendment. Subsequent sections were
27 not renumbered.

28 **“SECTION 71h. (1) Notwithstanding section 71a (4) of this 2017 Act,**
29 **the Department of Transportation may use amounts available under**
30 **section 71a of this 2017 Act to pay debt service for the purposes de-**

1 **scribed in 367.620 (3)(d).**

2 **“(2) Any amounts remaining after the payment of debt service shall**
3 **be used as described in section 71a (4) of this 2017 Act.**

4 **“SECTION 71i.** ORS 367.620 is amended to read:

5 “367.620. (1) The principal amount of Highway User Tax Bonds issued
6 under ORS 367.615 shall be subject to the provisions of ORS 286A.035.

7 “(2) Highway User Tax Bonds may be issued under ORS 367.615 for the
8 purposes described in ORS 367.622 in an aggregate principal amount suffi-
9 cient to produce net proceeds of not more than \$500 million.

10 “(3)(a) Highway User Tax Bonds may be issued under ORS 367.615 for
11 bridge purposes described in section 10 (1), chapter 618, Oregon Laws 2003,
12 in an aggregate principal amount sufficient to produce net proceeds of not
13 more than \$1.6 billion.

14 “(b) Highway User Tax Bonds may be issued under ORS 367.615 for mod-
15 ernization purposes described in sections 10 (2) and 11, chapter 618, Oregon
16 Laws 2003, in an aggregate principal amount sufficient to produce net pro-
17 ceeds of not more than \$300 million.

18 “(c) Highway User Tax Bonds may be issued under ORS 367.615 for the
19 purposes described section 64, chapter 865, Oregon Laws 2009, in an aggre-
20 gate principal amount sufficient to produce net proceeds of not more than
21 \$840 million. The proceeds from bonds issued as described in this paragraph
22 that are not required for the purposes described in section 64, chapter 865,
23 Oregon Laws 2009, shall be allocated to transportation projects, as defined
24 in ORS 367.010, that are approved by the Legislative Assembly by law.

25 **“(d) Highway User Tax Bonds may be issued under ORS 367.615 for**
26 **purposes described in section 71d of this 2017 Act in an aggregate**
27 **principal amount sufficient to produce net proceeds of not more than**
28 **\$480 million.**

29 “[*d*] (e) The Department of Transportation, with the approval of the
30 State Treasurer, may designate the extent to which a series of bonds au-

1 thorized under this subsection is secured and payable on a parity of lien or
2 on a subordinate basis to existing or future Highway User Tax Bonds.

3 **“SECTION 71j. The amendments to ORS 367.620 by section 71i of**
4 **this 2017 Act do not impair the interest of the holders of Highway User**
5 **Tax Bonds that are outstanding on the effective date of this 2017 Act**
6 **or any obligations of the agreements of the Department of Transpor-**
7 **tation under its Amended and Restated Master Highway User Tax**
8 **Revenue Bond Declaration dated June 1, 2006, as amended and sup-**
9 **plemented.**

10 **“SECTION 71k. Sections 71h and 71j of this 2017 Act and the**
11 **amendments to ORS 367.620 by section 71i of this 2017 Act become op-**
12 **erative on January 1, 2020.**

13 **“SECTION 71L. Section 18, chapter 30, Oregon Laws 2010, is amended**
14 **to read:**

15 **“Sec. 18. (1) The Department of Transportation shall report quarterly to**
16 **the legislative committees on revenue if the Legislative Assembly is in ses-**
17 **sion or, if the Legislative Assembly is not in session, to the Legislative**
18 **Revenue Officer. The department’s report shall include an estimate of the**
19 **amounts received in the previous quarter from the increased taxes and fees**
20 **established in chapter 865, Oregon Laws 2009, and an estimate of the**
21 **projected revenue in the current quarter from the increased taxes and fees**
22 **established in chapter 865, Oregon Laws 2009.**

23 **“(2) In addition to the report described in subsection (1) of this**
24 **section, the Department of Transportation shall report quarterly to**
25 **the legislative committees on revenue if the Legislative Assembly is**
26 **in session or, if the Legislative Assembly is not in session, to the**
27 **Legislative Revenue Officer. The department’s report shall include:**

28 **“(a) An estimate of the amounts received in the previous quarter**
29 **from the increased taxes and fees established in sections 32, 33, 37, 38**
30 **and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530,**

1 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by
2 sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70
3 of this 2017 Act, and an estimate of the projected revenue in the cur-
4 rent quarter from the increased taxes and fees established in sections
5 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS
6 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480
7 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63,
8 64, 66, 67 and 70 of this 2017 Act.

9 “(b) An estimate of the amounts received in the previous biennium
10 to date from the increased taxes and fees established in sections 32,
11 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS 319.020,
12 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and
13 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66,
14 67 and 70 of this 2017 Act, and an estimate of the projected revenue in
15 the remaining current biennium from the increased taxes and fees
16 established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the
17 amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270,
18 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51,
19 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act.

20 “(c) Information about the expenditures and distributions made
21 under section 71a of this 2017 Act, including but not limited to:

22 “(A) Information about the department’s total funds as well as the
23 funds raised separately by the increased taxes and fees established in
24 sections 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to
25 ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476,
26 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57,
27 58, 63, 64, 66, 67 and 70 of this 2017 Act and expended as described in
28 section 71a (3)(c) of this 2017 Act.

29 “(B) Quarterly amounts that include all the actual and forecasted
30 expenditures and distributions made under section 71a of this 2017 Act

1 **for each quarter of the current biennium and the forecasted expendi-**
2 **tures and distributions for the following biennium.**

3
4 **“(Small Cities and Counties)”**

5
6 **“SECTION 72.** ORS 366.805 is amended to read:

7 “366.805. (1) Except as provided in subsection (2) of this section, the ap-
8 propriation specified in ORS 366.800 shall be allocated to the cities as pro-
9 vided in this subsection. The moneys subject to allocation under this
10 subsection shall be distributed by the Department of Transportation accord-
11 ing to the following:

12 “(a) The moneys shall be distributed to all the cities.

13 “(b) Each city shall receive such share of the moneys as its population
14 bears to the total population of the cities.

15 “(2) Each year, the sum of [*\$500,000*] **\$2,500,000** shall be withdrawn from
16 the appropriation specified in ORS 366.800 and [*\$500,000*] **\$2,500,000** shall be
17 withdrawn from moneys available to the Department of Transportation from
18 the State Highway Fund. [*and set up in*] **The sums withdrawn shall be**
19 **transferred to** a separate account to be administered by the Department of
20 Transportation. The following apply to the account described in this sub-
21 section:

22 “(a) Money from the account shall [*only*] be used **only** upon streets:

23 “(A) That are not a part of the state highway system;

24 “(B) That are within cities with populations of 5,000 or fewer persons; and

25 “(C) That are inadequate for the capacity [*they*] **the streets** serve or are
26 in a condition detrimental to safety.

27 “(b) All moneys in the account shall be allotted each year.

28 “(c) Subject to paragraph (d) of this subsection, the department shall de-
29 termine the distribution of the expenditures after considering applications
30 [*made to it therefor*] from the cities **submitted to the department.**

1 “(d) The department may enter into agreements with cities upon the ad-
2 vice and counsel of organizations representing cities to establish:

3 “(A) The method of allotting moneys from the account; or

4 “(B) The method of considering applications from cities and determining
5 distribution based on the applications.

6 “(3) **The Director of Transportation shall establish a small city ad-
7 visory committee. The advisory committee shall review applications
8 submitted by small cities and shall recommend applications for ap-
9 proval to the director. In consultation with the League of Oregon
10 Cities, the director shall appoint to the advisory committee one rep-
11 resentative of a small city in each of the five regions of this state.**

12 “(4) For purposes of this section:

13 “(a) **Region one consists of Clackamas, Hood River, Multnomah and
14 Washington Counties.**

15 “(b) **Region two consists of Benton, Clatsop, Columbia, Lane,
16 Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.**

17 “(c) **Region three consists of Coos, Curry, Douglas, Jackson and
18 Josephine Counties.**

19 “(d) **Region four consists of Crook, Deschutes, Gilliam, Jefferson,
20 Klamath, Lake, Sherman, Wasco and Wheeler Counties.**

21 “(e) **Region five consists of Baker, Grant, Harney, Malheur,
22 Morrow, Umatilla, Union and Wallowa Counties.**

23 “**SECTION 73.** ORS 366.772 is amended to read:

24 “366.772. (1) Not later than July 31 in each calendar year, the sum of
25 [\$500,000] **\$5,500,000** shall be withdrawn from the appropriation specified in
26 ORS 366.762[,] and the sum of \$250,000 shall be withdrawn from moneys
27 available to the Department of Transportation from the State Highway Fund.
28 The sums withdrawn shall be [*set up in*] **transferred to** a separate account
29 to be administered by the Department of Transportation.

30 “(2) Not later than July 31 in each calendar year, the sum of [\$750,000]

1 **\$5,750,000** shall be withdrawn from the separate account described in sub-
2 section (1) of this section and distributed to counties [*that had a county road*
3 *base funding deficit in the prior fiscal year. A county's share of the \$750,000*
4 *shall be based on the ratio of the amount of the county's road base funding*
5 *deficit to the total amount of county road base funding deficits of all*
6 *counties.*] **as follows:**

7 **“(a) An amount of \$750,000 shall be distributed to the following**
8 **counties in the following amounts:**

- 9 (A) Harney County..... \$ 271,909
- 10 (B) Malheur County \$ 187,947
- 11 (C) Morrow County \$ 108,073
- 12 (D) Gilliam County \$ 94,036
- 13 (E) Sherman County \$ 79,700
- 14 (F) Wheeler County \$ 8,335

15 **“(b) An amount of \$5,000,000 shall be distributed proportionally to**
16 **counties with fewer than 200,000 registered vehicles based on a ratio**
17 **of registered vehicles to road miles maintained by each county.**

18 **“(3) Moneys allocated as provided in this section may be used only for**
19 **maintenance, repair and improvement of existing roads that are[.]:**

- 20 **“(a) Not a part of the state highway system;**
- 21 **“(b) Within counties with fewer than 200,000 registered vehicles; and**
- 22 **“(c) Inadequate for the capacity the roads serve or are in a condi-**
23 **tion detrimental to safety.**

24 **“(4) All moneys in the account shall be allotted each year.**

25 “[*(4) As used in this section:*]

26 “[*(a) ‘Arterial highway’ has the meaning given that term in ORS 801.127.*]

27 “[*(b) ‘Collector highway’ has the meaning given that term in ORS*
28 *801.197.*]

29 “[*(c) ‘County road base funding deficit’ means the amount of a county’s*
30 *minimum county road base funding minus the amount of that county’s dedi-*

1 cated county road funding. A county has a county road base funding deficit
2 only if the amount of the dedicated county road funding is less than the
3 amount of the minimum county road base funding.]

4 “[*(d)* ‘Dedicated county road funding’ for a county means:]

5 “[*(A)* Moneys received from federal forest reserves and apportioned to the
6 county road fund in accordance with ORS 294.060;]

7 “[*(B)* State Highway Fund moneys distributed to the county, other than
8 moneys distributed under this section and not including moneys allocated un-
9 der section 15, chapter 911, Oregon Laws 2007; and]

10 “[*(C)* Federal Highway Administration revenues allocated by formula to the
11 county annually under the federal-aid highway program authorized by 23
12 U.S.C. chapter 1. These moneys do not include federal funds received by the
13 county through a competitive grant process.]

14 “[*(e)* ‘Minimum county road base funding’ means \$4,500 per mile of county
15 roads that are arterial and collector highways beginning on July 1, 2008, and
16 thereafter means \$4,500 per mile of county roads that are arterial and collector
17 highways as adjusted annually on the basis of the Portland-Salem, OR-WA,
18 Consumer Price Index for All Urban Consumers for All Items, as published
19 by the Bureau of Labor Statistics of the United States Department of Labor.]

20 **“SECTION 74.** ORS 366.155 is amended to read:

21 “366.155. (1) The Department of Transportation shall, among other things:

22 “(a) So far as practicable, compile statistics relative to the public high-
23 ways of the state and collect all information in regard thereto which the
24 Director of Transportation may deem important or of value in connection
25 with highway location, construction, maintenance, improvement or opera-
26 tion.

27 “(b) Keep on file in the office of the department copies of all plans,
28 specifications and estimates prepared by the department.

29 “(c) Make all necessary surveys for the location or relocation of highways
30 and cause to be made and kept in the department a general highway plan

1 of the state.

2 “(d) Collect and compile information and statistics relative to the mile-
3 age, character and condition of highways and bridges in the different coun-
4 ties in the state, both with respect to state and county highways.

5 “(e) Investigate and determine the methods of road construction best
6 adapted in the various counties or sections of the state, giving due regard
7 to the topography, natural character and availability of road-building mate-
8 rials and the cost of building and maintaining roads under this Act.

9 “(f) Prepare surveys, plans, specifications and estimates for the con-
10 struction, reconstruction, improvement, maintenance and repair of any
11 bridge, street, road and highway. In advertising for bids on any such project
12 the director shall invite bids in conformity with such plans and specifica-
13 tions.

14 “(g) Keep an accurate and detailed account of all moneys expended in the
15 location, survey, construction, reconstruction, improvement, maintenance or
16 operation of highways, roads and streets, including costs for rights of way,
17 under this Act, and keep a record of the number of miles so located, con-
18 structed, maintained or operated in each county, the date of construction, the
19 width of such highways and the cost per mile for the construction and
20 maintenance of the highways.

21 “(h) Upon request of a county governing body, assist the county on mat-
22 ters relating to road location, construction or maintenance. Plans and spec-
23 ifications for bridges or culverts that are provided under this paragraph shall
24 be provided without cost to the 10 counties with the lowest [*dedicated county*
25 *road funding, as defined in ORS 366.772*] **ratio of registered vehicles to**
26 **road miles maintained by each county**. Standard specifications for road
27 projects shall be provided without cost to all counties. The Department of
28 Transportation shall determine an amount to be charged for assistance under
29 this paragraph in establishing specifications and standards for roads under
30 ORS 368.036. The costs of assistance not specifically provided for under this

1 paragraph shall be paid as provided by agreement between the county gov-
2 erning body and the director.

3 “(i) Upon request of the State Parks and Recreation Department, assist
4 the State Parks and Recreation Department in evaluating the potential need
5 for construction, reconstruction, improvement, maintenance or operation of
6 highways, roads and streets that would result if the State Parks and Recre-
7 ation Commission acquired and developed a new historic site, park or re-
8 creation area under the criteria established pursuant to ORS 390.112 or any
9 other criteria for acquisition established by the State Parks and Recreation
10 Commission.

11 “(2) The director may require duties with respect to audits and accounting
12 procedures provided for in this section and ORS 366.165 to be performed and
13 responsibilities to be assumed by the fiscal officer of the department ap-
14 pointed under ORS 184.637.

15 “(3) In carrying out the duties set forth in this section, the director shall
16 act in a manner that is consistent with the goal set forth in ORS 468B.155.

17 **“SECTION 74a. The amendments to ORS 366.155, 366.772 and 366.805**
18 **by sections 72, 73 and 74 of this 2017 Act become operative on January**
19 **1, 2018.**

20

21 **“(Study and Report)**

22

23 **“SECTION 75. (1) The Oregon Transportation Commission shall**
24 **conduct a study. The purpose of the study is to determine:**

25 **“(a) The proportionate share that users of vehicles that are powered**
26 **by different means should pay for the costs of maintenance, operation**
27 **and improvement of the highways in this state; and**

28 **“(b) Whether users of vehicles that are powered by different means**
29 **are paying that share.**

30 **“(2) If the commission determines that users are not paying a**

1 proportionate share, then the commission may include in the report
2 recommendations for legislation.

3 “(3) This section applies to users paying the vehicle registration fee
4 under ORS 803.420 (6)(a).

5 “(4) The commission shall report the results of the study to the
6 Joint Committee on Transportation established under section 26 of this
7 2017 Act, in the manner provided by ORS 192.245, no later than Sep-
8 tember 15, 2023.

9 “SECTION 76. Section 75 of this 2017 Act is repealed on January 2,
10 2024.

11 “NOTE: Section 77 was deleted by amendment. Subsequent sections were
12 not renumbered.

13

14 “MULTIMODAL TRANSPORTATION

15 “(Connect Oregon)

16

17 “SECTION 78. ORS 367.080 is amended to read:

18 “367.080. (1) As used in ORS 367.080 to 367.086:

19 “(a) ‘Bicycle’ has the meaning given that term in ORS 801.150.

20 “(b) ‘Private entity’ means any entity that is not a public body, in-
21 cluding but not limited to a corporation, partnership, company,
22 nonprofit organization or other legal entity or natural person.

23 “(c) ‘Public body’ has the meaning given that term in ORS 174.109.

24 “(d) ‘Statewide significance’ means a transportation project that:

25 “(A) Benefits the regional and statewide economy; and

26 “(B) Sustains employment within the community or region in which
27 the transportation project is located beyond the employment associ-
28 ated with construction or implementation of the project.

29 “[*b*] (e) ‘Transportation project’ means a project or undertaking for
30 transit, rail, marine, aviation and bicycle and pedestrian capital

1 infrastructure, including bridges, paths and ways, or a project that facilitates
2 the transportation of materials, animals or people. A transportation project
3 does not include costs associated with operating expenses or the purchase
4 of bicycles.

5 “(2) The Connect Oregon Fund is established **in the State Treasury**,
6 separate and distinct from the General Fund. Earnings on moneys in the
7 Connect Oregon Fund shall be deposited into the fund. Moneys in the Con-
8 nect Oregon Fund are continuously appropriated to the Department of
9 Transportation for the purposes described in subsection (3) of this section
10 and in ORS 367.086. **The fund consists of the following:**

11 “(a) **Moneys transferred to the fund under sections 96 and 97 of this**
12 **2017 Act.**

13 “(b) **Moneys appropriated to the fund by the Legislative Assembly.**

14 “(c) **Earnings on moneys in the fund.**

15 “(d) **Lottery bond proceeds.**

16 “(e) **Moneys from any other source.**

17 “(3) The department shall use moneys in the Connect Oregon Fund to
18 provide grants for transportation projects as provided in ORS 367.080 to
19 367.086. Grants may be provided only for projects that involve one or more
20 of the following modes of transportation:

21 “(a) Air;

22 “(b) Marine;

23 “(c) Rail; **and**

24 “[*d*] *Public transit; and*]

25 “[*e*] **(d)** Bicycle and pedestrian.

26 “**SECTION 79.** ORS 367.082 is amended to read:

27 “367.082. (1) Except as provided in subsection (2) of this section, the De-
28 partment of Transportation may provide, from moneys in the Connect Oregon
29 Fund established [*by*] **under** ORS 367.080, grants for transportation projects
30 to public bodies, as defined in ORS 174.109, and to private entities.

1 “(2) Grants may not be made from the Connect Oregon Fund for trans-
2 portation projects that could constitutionally be funded by revenues de-
3 scribed in [*section 3a,*] Article IX, **section 3a**, of the Oregon Constitution.

4 “(3) The Department of Transportation shall adopt rules specifying the
5 process by which a public body or private entity may apply for a grant under
6 this section and prescribing the terms and conditions of grants[, *including*
7 *but not necessarily limited to a requirement that the public body or private*
8 *entity receiving the grant provide at least 30 percent of the moneys required*
9 *for the transportation project*]. **An applicant receiving a grant must pro-**
10 **vide the following amounts:**

11 “(a) **For public bodies and private entities, other than Class I rail-**
12 **roads, 30 percent of the moneys required for the transportation**
13 **project.**

14 “(b) **For Class I railroads, 50 percent of the moneys required for the**
15 **transportation project.**

16 “**SECTION 80.** ORS 367.084 is amended to read:

17 “367.084. (1) The Oregon Transportation Commission shall select trans-
18 portation projects to be funded with moneys in the Connect Oregon Fund
19 established [*by*] **under** ORS 367.080.

20 “(2)(a) **Prior to selecting transportation projects, the commission**
21 **shall seek input from the applicable area commission on transporta-**
22 **tion.**

23 “[*(2)(a)*] (b) Prior to selecting aeronautic and airport transportation
24 projects, the commission shall solicit recommendations from the State Avi-
25 ation Board.

26 “[*(b)*] (c) Prior to selecting freight transportation projects, the commis-
27 sion shall solicit recommendations from the Freight Advisory Committee.

28 “[*(c)*] (d) Prior to selecting [*public transit and*] rail projects, the commis-
29 sion shall solicit recommendations from [*its public transit and*] **the** rail ad-
30 visory [*committees*] **committee.**

1 “[(d)] (e) Prior to selecting marine projects, the commission shall solicit
2 recommendations from the Oregon Business Development Department.

3 “[(e)] (f) Prior to selecting bicycle and pedestrian projects, the commis-
4 sion shall solicit recommendations from the advisory committee created by
5 ORS 366.112.

6 “(3) **The commission shall divide the Connect Oregon program into**
7 **two parts to be known as Connect Oregon Part One and Connect**
8 **Oregon Part Two.**

9 “(4) **Connect Oregon Part One consists of transportation projects**
10 **that involve one or more of the following modes of transportation:**

11 “(a) **Air;**

12 “(b) **Marine;**

13 “(c) **Rail; and**

14 “(d) **Bicycle and pedestrian.**

15 “(5) **Connect Oregon Part Two consists of transportation projects**
16 **that:**

17 “(a) **Are transportation projects of statewide significance; and**

18 “(b) **Enhance or maintain one or more of the following modes of**
19 **transportation:**

20 “(A) **Air;**

21 “(B) **Marine;**

22 “(C) **Class I railroads;**

23 “(D) **Class II railroads; or**

24 “(E) **Class III railroads.**

25 “[(3)] (6) In selecting transportation projects **within Connect Oregon**
26 **Part One**, the commission shall consider:

27 “(a) Whether a proposed transportation project reduces transportation
28 costs for Oregon businesses or improves access to jobs and sources of labor;

29 “(b) Whether a proposed transportation project results in an economic
30 benefit to this state;

1 “(c) Whether a proposed transportation project is a critical link connect-
2 ing elements of Oregon’s transportation system that will measurably improve
3 utilization and efficiency of the system;

4 “(d) How much of the cost of a proposed transportation project can be
5 borne by the applicant for the grant from any source other than the Connect
6 Oregon Fund;

7 “(e) Whether a proposed transportation project is ready for construction;
8 [*and*]

9 “(f) Whether a proposed transportation project has a useful life expect-
10 ancy that offers maximum benefit to the state[.]; **and**

11 **“(g) Whether a proposed transportation project is located near op-
12 erations conducted for mining aggregate or processing aggregate as
13 described in ORS 215.213 (2)(d) or 215.283 (2)(b).**

14 **“(7) The commission may award grants only for bicycle and pedes-
15 trian transportation projects that expand and improve commuter
16 routes for nonmotorized vehicles and pedestrians, including bicycle
17 trails, footpaths and multiuse trails.**

18 **“(8) In selecting marine enhancement transportation projects
19 within Connect Oregon Part Two, the commission shall consider
20 whether a proposed transportation project:**

21 **“(a) Is located in a deepwater port;**

22 **“(b) Is located in a port with commercial activities where freight
23 is transferred between water and another mode of freight transport;**

24 **“(c) Improves efficiency of port operations or transportation sys-
25 tem;**

26 **“(d) Improves accessibility, connections, safety or mobility between
27 a port and another modes of transportation;**

28 **“(e) Has a significant economic benefit to this state including but
29 not limited to adding jobs, retaining a high number of existing jobs
30 or supporting business expansion at a port facility; and**

1 **“(f) Leverages private funding.**

2 **“(9) In selecting marine maintenance transportation projects within**
3 **Connect Oregon Part Two, the commission shall consider whether a**
4 **proposed transportation project:**

5 **“(a) Maintains or improves channel depth or width;**

6 **“(b) Preserves high-use or high-volume dock or pier infrastructure;**

7 **“(c) Maintains connections to a port facility, including railroads or**
8 **highways; and**

9 **“(d) Preserves critical equipment necessary to maintain port**
10 **functionality including but not limited to cranes, lifts, hoists and**
11 **moorings.**

12 **“(10) In selecting Class II or III railroad enhancement transporta-**
13 **tion projects within Connect Oregon Part Two, the commission shall**
14 **consider whether a proposed transportation project:**

15 **“(a) Allows a Class II or III railroad to transport a substantial vol-**
16 **ume or value of freight in relation to other Class II or III railroads;**

17 **“(b) Connects a Class II or III railroad to a deepwater port;**

18 **“(c) Improves efficiency of the line;**

19 **“(d) Improves capacity of the line;**

20 **“(e) Connects to new or expanding businesses requiring rail service;**
21 **and**

22 **“(f) Improves connectivity with Class I railroads.**

23 **“(11) In selecting Class II or III railroad maintenance transporta-**
24 **tion projects within Connect Oregon Part Two, the commission shall**
25 **consider whether a proposed transportation project:**

26 **“(a) Maintains or increases functionality of the railroad;**

27 **“(b) Maintains or improves a critical bridge, tunnel or other struc-**
28 **ture necessary to maintain rail service;**

29 **“(c) Provides jobs to economically disadvantaged areas, as deter-**
30 **mined by the Oregon Business Development Department by rule;**

1 **“(d) Helps protect critical rail infrastructure from seismic vulner-**
2 **ability;**

3 **“(e) Improves railroads that serve industries that are important to**
4 **this state;**

5 **“(f) Increases the volume or value of freight; and**

6 **“(g) Improves connections to highways or intermodal terminals.**

7 **“(12) In selecting Class I railroad enhancement transportation**
8 **projects within Connect Oregon Part Two, the commission shall con-**
9 **sider whether a proposed transportation project:**

10 **“(a) Eliminates or improves an identified rail congestion point;**

11 **“(b) Improves the capacity or efficiency of the rail system;**

12 **“(c) Has a strong benefit to Oregon’s economy;**

13 **“(d) Improves operations and efficiency of shared rail passenger**
14 **service providers;**

15 **“(e) Improves accessibility to ports or other intermodal terminals;**
16 **and**

17 **“(f) Improves the safety or reliability of the rail system.**

18 **“(13) In selecting Class I railroad maintenance transportation**
19 **projects within Connect Oregon Part Two, the commission shall con-**
20 **sider whether a proposed transportation project:**

21 **“(a) Connects to Class II or III railroads, ports, intermodal termi-**
22 **nals or highways; and**

23 **“(b) Improves seismically vulnerable portions of the railroad or**
24 **bridges.**

25 **“(14) To receive a grant under Connect Oregon Part Two a proposed**
26 **aviation transportation project must benefit a category I, II, III or IV**
27 **airport, as defined by the Oregon Department of Aviation by rule and**
28 **the airport must be eligible for federal matching funds. In addition the**
29 **commission shall consider whether a proposed transportation project:**

30 **“(a) Facilitates rescue or recovery efforts following a seismic event;**

1 **“(b) Serves joint military and civilian operations; or**

2 **“(c) Facilitates expanded commercial service, excluding the acqui-**
3 **sition or operation of aircraft.**

4 “[(4)] (15) To promote fairness in the selection process, the Director of
5 Transportation may not choose a member of a final review committee:

6 “(a) Who represents an entity that submitted an application for a Connect
7 Oregon Fund grant that is being considered for funding by a final review
8 committee; or

9 “(b) Has a direct financial interest in an application that is being con-
10 sidered for funding by a final review committee.

11 **“SECTION 80a.** Section 7, chapter 700, Oregon Laws 2015, is amended to
12 read:

13 **“Sec. 7.** (1) The following amounts shall be distributed in the manner
14 prescribed in this section:

15 “(a) Any amount of tax on aircraft fuel usable in aircraft operated by
16 turbine engines that is computed on a basis in excess of one cent per gallon
17 and any amount of tax on all other aircraft fuel that is computed on a basis
18 in excess of nine cents per gallon, under ORS 319.020 (2); and

19 “(b) Any amount of tax on aircraft fuel usable in aircraft operated by
20 turbine engines in excess of one cent per gallon and any amount of tax on
21 all other aircraft fuel in excess of nine cents per gallon, that is deducted
22 before the refunding of tax under ORS 319.330 (1).

23 “(2) Applications for distributions under this section may not be approved
24 unless the applicant demonstrates a commitment to contribute at least five
25 percent of the costs of the project to which the application relates. The
26 Oregon Department of Aviation shall adopt rules for purposes of this sub-
27 section.

28 “(3)(a) The State Aviation Board shall establish a review committee
29 composed of one member from each of the area commissions on transporta-
30 tion chartered by the Oregon Transportation Commission.

1 “(b) The review committee shall meet as necessary to review applications
2 for distributions of amounts pursuant to this section. The criteria specified
3 in ORS 367.084 [(3)] (6) apply to the review process of the review committee.

4 “(c) The review committee shall recommend applications to the State
5 Aviation Board, which shall select applications with the following priority:

6 “(A) First, to applications filed pursuant to subsection (5)(a)(A) of this
7 section;

8 “(B) Second, to applications filed with respect to safety and infrastructure
9 development; and

10 “(C) Third, to applications filed with respect to aviation-related economic
11 benefits related to airports.

12 “(4)(a) Five percent of the amounts described in subsection (1) of this
13 section are appropriated to the Oregon Department of Aviation for the costs
14 of the department and the State Aviation Board in administering this sec-
15 tion.

16 “(b) The remaining 95 percent of the amounts described in subsection (1)
17 of this section shall be distributed pursuant to subsections (5) to (7) of this
18 section.

19 “(5)(a) Fifty percent of the amounts described in subsection (4)(b) of this
20 section shall be distributed for the following purposes:

21 “(A) To assist airports in Oregon with match requirements for Federal
22 Aviation Administration Airport Improvement Program grants.

23 “(B) To make grants for emergency preparedness and infrastructure
24 projects, in accordance with the Oregon Resilience Plan, including grants for
25 emergency management plan development, seismic studies and emergency
26 generators and similar equipment.

27 “(C) To make grants for:

28 “(i) Services critical or essential to aviation, including, but not limited
29 to, fuel, sewer, water and weather equipment.

30 “(ii) Aviation-related business development, including, but not limited to,

1 hangars, parking for business aircraft and related facilities.

2 “(iii) Airport development for local economic benefit, including, but not
3 limited to, signs and marketing.

4 “(b) Priority in distributing grants shall be given to projects for which
5 applicants demonstrate a commitment to contribute the greatest amounts
6 toward the costs of the projects to which the applications relate.

7 “(6) Twenty-five percent of the amounts described in subsection (4)(b) of
8 this section shall be distributed for the purpose of assisting commercial air
9 service to rural Oregon.

10 “(7) Twenty-five percent of the amounts described in subsection (4)(b) of
11 this section shall be distributed to state-owned airports for the purposes of:

12 “(a) Safety improvements recommended by the State Aviation Board and
13 local community airports.

14 “(b) Infrastructure projects at public use airports.

15 “(8)(a) The State Aviation Board shall submit reports, in the manner
16 provided in ORS 192.245 and paragraph (b) of this subsection, that describe
17 in detail the projects for which applications have been submitted and ap-
18 proved, the airports affected, the names of the applicants and the persons
19 who will perform the work proposed in the applications, the progress of
20 projects for which applications have been approved and any other informa-
21 tion the board considers necessary for a comprehensive analysis of the im-
22 plementation of this section.

23 “(b) The reports described in paragraph (a) of this subsection shall be
24 submitted:

25 “(A) Not later than February 10 of each year to the committees of the
26 Legislative Assembly related to air transportation; and

27 “(B) Not later than September 30 of each year to the interim committees
28 of the Legislative Assembly related to air transportation.

29 **“SECTION 81.** ORS 367.086 is amended to read:

30 “367.086. (1) The Department of Transportation, in cooperation with the

1 Oregon Department of Aviation, shall administer aeronautic and airport
2 transportation projects selected under ORS 367.084 for funding with moneys
3 in the Connect Oregon Fund. The Oregon Department of Aviation may use
4 moneys from the Connect Oregon Fund to pay administrative costs incurred
5 by the Oregon Department of Aviation in carrying out the provisions of ORS
6 367.080 to 367.086.

7 “(2) Except as provided in subsection (1) of this section, the Department
8 of Transportation shall administer all transportation projects that are se-
9 lected under ORS 367.084. [*The Department of Transportation may use moneys*
10 *from the Connect Oregon Fund to pay administrative costs incurred by the*
11 *Department of Transportation in carrying out the provisions of ORS 367.080*
12 *to 367.086.*]

13 **“SECTION 82. Sections 83 to 85 of this 2017 Act are added to and**
14 **made a part of ORS 367.080 to 367.086.**

15 **“SECTION 83. (1) If there is \$75 million or more in the Connect**
16 **Oregon Fund on July 1 of an odd-numbered year, the amounts avail-**
17 **able under ORS 367.080 shall be distributed for transportation projects**
18 **within the Connect Oregon program as follows:**

19 **“(a) For projects within Connect Oregon Part One:**

20 **“(A) Forty-seven percent for transportation projects that involve**
21 **one or more of the following modes of transportation:**

22 **“(i) Aviation;**

23 **“(ii) Marine; or**

24 **“(iii) Rail.**

25 **“(B) Seven percent for bicycle and pedestrian transportation**
26 **projects.**

27 **“(C) One percent is appropriated to the Department of Transporta-**
28 **tion to pay administrative costs incurred by the department in carry-**
29 **ing out the provisions of ORS 367.080 to 367.086.**

30 **“(b) For transportation projects within Connect Oregon Part Two,**

1 **forty-five percent.**

2 **“(2) If there is less than \$75 million in the Connect Oregon Fund**
3 **on July 1 of an odd-numbered year, the amounts available under ORS**
4 **367.080 shall be distributed for transportation projects within the Con-**
5 **nect Oregon program as follows for projects within Connect Oregon**
6 **Part One:**

7 **“(a) Ninety-two percent for transportation projects that involve one**
8 **or more of the following modes of transportation:**

- 9 **“(A) Aviation;**
- 10 **“(B) Marine; or**
- 11 **“(C) Rail.**

12 **“(b) Seven percent for bicycle and pedestrian transportation**
13 **projects.**

14 **“(c) One percent is appropriated to the Department of Transporta-**
15 **tion to pay administrative costs incurred by the department in carry-**
16 **ing out the provisions of ORS 367.080 to 367.086.**

17 **“(3) To the extent that proposed transportation projects meet the**
18 **qualifications established by the Oregon Transportation Commission**
19 **by rule, the commission shall allocate at least 10 percent of the**
20 **amount described in subsection (1) or (2) of this section to each of the**
21 **five regions described in ORS 366.805.**

22 **“SECTION 84. (1) When the Department of Transportation provides**
23 **a grant under ORS 367.080 to 367.086 for a bicycle and pedestrian**
24 **transportation project that is consistent with any restrictions under**
25 **Article XV, section 4 or 4a, of the Oregon Constitution, the depart-**
26 **ment may request reimbursement from the State Parks and Recre-**
27 **ation Department in an amount not to exceed \$4 million each**
28 **biennium.**

29 **“(2) If the State Parks and Recreation Department determines that**
30 **the grant for the bicycle and pedestrian transportation project is con-**

1 **sistent with any restrictions of Article XV, section 4 or 4a, of the**
2 **Oregon Constitution, the State Parks and Recreation Department shall**
3 **reimburse the Department of Transportation from the Parks Subac-**
4 **count established under ORS 390.135 within five days after receiving**
5 **the request for reimbursement.**

6 **“SECTION 85. (1) The Oregon Transportation Commission shall**
7 **pursue methods to streamline the process for submitting applications**
8 **under ORS 367.080 to 367.086.**

9 **“(2) The Oregon Transportation Commission shall report to the**
10 **Joint Committee on Transportation established under section 26 of this**
11 **2017 Act no later than September 15, 2017, on the implementation of**
12 **this section.**

13

14 **“(Dredging)”**

15

16 **“SECTION 86. ORS 319.415 is amended to read:**

17 **“319.415. (1) On or before July 15 of each year, the Oregon Department**
18 **of Administrative Services, after consultation with the Department of**
19 **Transportation and the State Marine Board, shall determine the amount of**
20 **the motor vehicle fuel tax imposed under ORS 319.010 to 319.430 during the**
21 **preceding fiscal year with respect to fuel purchased and used to operate or**
22 **propel motor boats. The amount determined shall be reduced by the amount**
23 **of any refunds for motor boats used for commercial purposes actually paid**
24 **during the preceding year on account of ORS 319.280 (1)(a).**

25 **“(2)(a) The Oregon Department of Administrative Services shall estimate**
26 **the amount of fuel described in subsection (1) of this section that is used to**
27 **operate or propel motor boats by conducting a statistically valid, unbiased,**
28 **independent survey of boat owners. The survey shall be conducted once every**
29 **four years and shall be designed to estimate the average daily fuel con-**
30 **sumption by motor boats and the total days of motor boat use per year. The**

1 survey shall be used to determine the amount of the transfer required by
2 subsection (3) of this section for the first transfer that occurs after the sur-
3 vey is completed. If the tax rate changes during the fiscal year, the amount
4 of tax to be transferred shall be prorated based on the percentage of total
5 motor boat use taking place during each tax period.

6 “(b) In years when no survey is conducted, the amount to be transferred
7 under subsection (3) of this section shall be calculated by multiplying the
8 per boat fuel consumption factors from the preceding survey by the number
9 of motor boats as shown by the annual actual count of boat registrations.
10 The resulting amount, in gallons per year, shall be the basis for the deter-
11 mination of the amount to be transferred.

12 “(c) The survey required by paragraph (a) of this subsection shall be de-
13 veloped by a research department within Oregon State University, in con-
14 sultation with the State Marine Board and the Department of
15 Transportation. The Oregon Department of Administrative Services shall
16 contract for the development and conduct of the survey, and the costs shall
17 be paid by the Department of Transportation. Costs paid by the Department
18 of Transportation may be deducted from the amount transferred to the State
19 Marine Board **and to the Oregon Business Development Department**
20 under subsection (3) of this section.

21 “(3) The Oregon Department of Administrative Services shall certify the
22 amount of the estimate made under subsection (1) of this section, as reduced
23 by refunds, to the Department of Transportation, to the State Marine
24 Board, **to the Oregon Business Development Department** and to the
25 State Treasurer. Thereupon, that amount shall be transferred from the De-
26 partment of Transportation Driver and Motor Vehicle Suspense Account to
27 the:

28 “(a) Boating Safety, Law Enforcement and Facility Account created un-
29 der ORS 830.140, and is continuously appropriated to the State Marine Board
30 for the purposes for which the moneys in the Boating Safety, Law Enforce-

1 ment and Facility Account are appropriated[.]; and

2 **“(b) Marine Navigation Improvement Fund established under ORS**
3 **777.267, and is continuously appropriated to the Oregon Business De-**
4 **velopment Department for the Oregon Infrastructure Finance Au-**
5 **thority for the purposes of paying for portions of the cost of**
6 **maintenance dredging projects undertaken with equipment owned by**
7 **the State of Oregon at publicly owned ports and marinas.**

8 **“(4) Of the amounts transferred under subsection (3) of this section,**
9 **two cents per gallon of fuel shall first be transferred to the Marine**
10 **Navigation Improvement Fund and the remaining amounts shall be**
11 **transferred to the Boating Safety, Law Enforcement and Facility Ac-**
12 **count.**

13 **“SECTION 87. ORS 777.267 is amended to read:**

14 **“777.267. (1) The Marine Navigation Improvement Fund is established in**
15 **the State Treasury, separate and distinct from the General Fund. Interest**
16 **earned by the Marine Navigation Improvement Fund shall be credited to the**
17 **fund. The moneys in the fund and interest earnings on the moneys in the**
18 **fund are continuously appropriated to the Oregon Business Development**
19 **Department for the Oregon Infrastructure Finance Authority for the pur-**
20 **poses of:**

21 **“(a) Paying a portion of the construction costs of dredging activities that**
22 **constitute new federally authorized navigation improvement projects and are**
23 **carried out in the harbors and channels on the Oregon coast and along the**
24 **Columbia River when federal law or regulation requires a portion of the**
25 **costs to be paid by nonfederal interests;**

26 **“(b) Paying the study and construction costs of other new navigation**
27 **improvement projects that directly support, or provide access to, a federally**
28 **authorized navigation improvement project; [and]**

29 **“(c) Paying the study and construction costs of maintenance projects re-**
30 **lated to existing federally authorized navigation improvement projects[.];**

1 **and**

2 **“(d) Paying for portions of the cost of maintenance dredging**
3 **projects undertaken with equipment owned by the State of Oregon at**
4 **publicly owned ports and marinas.**

5 “(2) The Marine Navigation Improvement Fund established by this section
6 consists of:

7 **“(a) Moneys appropriated or otherwise deposited into [to] the fund by**
8 **the Legislative Assembly[,];**

9 **“(b) Repayment of loans made with moneys in the fund; and**

10 **“(c) Bond proceeds deposited in the fund.**

11 “(3) Moneys in the fund shall be used primarily to make loans to ports
12 for eligible projects. The authority may award a grant or provide other as-
13 sistance from moneys in the fund to a port for an eligible project only if a
14 loan is not feasible due to the financial hardship of the port or other special
15 circumstances, as set forth in rules adopted by the department.

16 “(4) Eligibility for assistance from the Marine Navigation Improvement
17 Fund shall be limited to and funded, subject to the availability of funds, in
18 the following order of priority:

19 **“(a) Maintenance projects related to existing federally authorized navi-**
20 **gation improvement projects.**

21 **“(b) Other new navigation improvement projects that directly support, or**
22 **provide access to, a federally authorized navigation improvement project or**
23 **a federally authorized navigation channel.**

24 **“(c) New federally authorized navigation improvement projects.**

25 **“(d) Payment of portions of the cost of maintenance dredging**
26 **projects undertaken with equipment owned by the State of Oregon at**
27 **publicly owned ports and marinas.**

28 “(5) The authority shall limit financial assistance for construction costs
29 under subsection (1)(a) of this section to those projects that have completed
30 all federally required studies.

1 “(6) The authority shall limit financial assistance for construction costs
2 under subsection (1)(b) of this section to projects sponsored by a port, as
3 defined in ORS 777.005 or 778.005, that meet criteria developed by the au-
4 thority.

5 “(7) The authority shall limit financial assistance for study costs under
6 subsection (1)(b) of this section to projects that meet criteria developed by
7 the authority.

8 “(8) The authority shall limit financial assistance for study and con-
9 struction costs under subsection (1)(c) of this section to projects that meet
10 criteria developed by the authority.

11 **“SECTION 88.** ORS 802.110 is amended to read:

12 “802.110. Any procedures the Department of Transportation establishes for
13 financial administration of those functions of the department dealing with
14 driver and motor vehicle services and for the disposition and payment of
15 moneys it receives from the provision of driver and motor vehicle services
16 shall comply with all of the following:

17 “(1) The department shall deposit all moneys it receives related to driver
18 and motor vehicle services in the Department of Transportation Driver and
19 Motor Vehicle Suspense Account for approved expenses and disbursements before
20 payment of general administrative expenses of the department related to the
21 provision of driver and motor vehicle services. Notwithstanding this sub-
22 section, the department may return a bank check or money order when re-
23 ceived in incorrect or incomplete form or when not accompanied by the
24 proper application.

25 “(2) The department shall pay the following approved expenses and dis-
26 bursals from the Department of Transportation Driver and Motor Vehicle
27 Suspense Account before payment of the general administrative expenses of
28 the department related to driver and motor vehicle services:

29 “(a) Refunds authorized by any statute administered by the department
30 when such refunds are approved by the department.

1 “(b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for
2 the purpose of carrying out the state aviation laws, amounts transferred to
3 the Boating Safety, Law Enforcement and Facility Account **and to the**
4 **Marine Navigation Improvement Fund** by ORS 319.415, amounts trans-
5 ferred to the State Aviation Account by ORS 319.417 and amounts transferred
6 to the Department of Transportation Operating Fund by ORS 184.643.

7 “(c) After deduction of expenses of collection, transfer and administration,
8 the department shall pay moneys collected from the Student Driver Training
9 Fund eligibility fee under ORS 807.040, 807.150 and 807.370 to the State
10 Treasurer for deposit in the Student Driver Training Fund. The moneys de-
11 posited in the Student Driver Training Fund under this paragraph are con-
12 tinuously appropriated to the department for the following purposes:

13 “(A) To the extent of not more than 10 percent of the amount transferred
14 into the Student Driver Training Fund in any biennium, to pay the expenses
15 of administering ORS 336.795, 336.800, 336.805, 336.810 (2) and 336.815.

16 “(B) The remaining moneys, for reimbursing school districts and com-
17 mercial driver training schools as provided under ORS 336.805.

18 “(d) After deduction of expenses of collection, transfer and administration,
19 the department shall pay moneys collected for the Motorcycle Safety Subac-
20 count under ORS 807.170 to the State Treasurer for deposit in the Motorcycle
21 Safety Subaccount of the Transportation Safety Account. Moneys paid to the
22 State Treasurer under this paragraph shall be used for the purpose of ORS
23 802.320.

24 “(e) After deduction of expenses for the administration of the issuance of
25 customized registration plates under ORS 805.240, the department shall place
26 moneys received from the sale of customized registration plates in the Pas-
27 senger Rail Transportation Account. The moneys placed in the account are
28 continuously appropriated to the department and shall be used for the pay-
29 ment of expenses incurred in administering passenger rail programs.

30 “(f) After deduction of expenses of collection, transfer and administration,

1 the department shall pay moneys from any registration fees established by
2 the governing bodies of counties or a district, as defined in ORS 801.237,
3 under ORS 801.041 or 801.042 to the appropriate counties or districts. The
4 department shall make the payments on at least a monthly basis unless an-
5 other basis is established by the intergovernmental agreements required by
6 ORS 801.041 and 801.042 between the department and the governing bodies
7 of a county or a district.

8 “(g) After deducting the expenses of the department in collecting and
9 transferring the moneys, the department shall make disbursements and payments
10 of moneys collected for or dedicated to any other purpose or fund except the
11 State Highway Fund, including but not limited to, payments to the Depart-
12 ment of Transportation Operating Fund established by ORS 184.642 (1) and
13 (2).

14 “(3) The department shall refund from the Department of Transportation
15 Driver and Motor Vehicle Suspense Account any excess or erroneous pay-
16 ment to a person who made the payment or to the person’s legal represen-
17 tative when the department determines that money has been received by it
18 in excess of the amount legally due and payable or that it has received
19 money in which it has no legal interest. Refunds payable under this sub-
20 section are continuously appropriated for such purposes in the manner for
21 payment of refunds under this section. If the department determines that a
22 refund is due, the department may refund the amount of excess or erroneous
23 payment without a claim being filed. Except as provided in ORS 319.290,
24 319.375, 319.820 and 319.831, any claim for a refund from the department must
25 be filed within 12 months after the date payment is received by the depart-
26 ment.

27 “(4) After payment of those expenses and disbursements approved for payment
28 before general administrative expenses related to the provision of driver and
29 motor vehicle services, the department shall pay from the Department of
30 Transportation Driver and Motor Vehicle Services Administrative Account

1 its general administrative expenses incurred in the administration of any law
2 related to driver and motor vehicle services that the department is charged
3 with administering and any other expenses the department is permitted by
4 law to pay from moneys held by the department before transfer of the moneys
5 to the State Highway Fund. The following limitations apply to payments of
6 administrative expenses under this subsection:

7 “(a) The department shall make payment of the expenses of administering
8 the issuance of winter recreation parking permits under ORS 811.595 from
9 those moneys received from issuing the permits.

10 “(b) The department shall pay its expenses for administering the regis-
11 tration and titling of snowmobiles under ORS 821.060 and 821.100 from the
12 fees collected from administering those sections. The department shall also
13 pay its expenses for the administration of the snowmobile driver permit
14 program under ORS 821.160 from the moneys otherwise described in this
15 paragraph.

16 “(c) The department shall pay its expenses for determining the amount
17 of money to be withheld under ORS 802.120 from the fees collected for ad-
18 ministering the registration and titling of snowmobiles. The amount used to
19 pay expenses under this paragraph shall be such sum as necessary but may
20 not exceed \$10,000 during each biennium.

21 “(d) The department shall retain not more than \$15,000 in any biennium
22 for the expenses of collecting and transferring moneys to the Student Driver
23 Training Fund under this section and for the administration of ORS 336.810
24 (3).

25 “(5) Except as otherwise provided in this subsection, the department shall
26 transfer to the State Highway Fund the moneys not used for payment of the
27 general administrative expenses or for approved expenses and disbursements be-
28 fore payment of general administrative expenses. The following apply to this
29 subsection:

30 “(a) If the Director of Transportation certifies the amount of principal

1 or interest of highway bonds due on any particular date, the department may
2 make available for the payment of such interest or principal any sums that
3 may be necessary to the extent of moneys on hand available for the State
4 Highway Fund regardless of the dates otherwise specified under this section.

5 “(b) Notwithstanding paragraph (a) of this subsection, the department
6 may not make available for purposes described in paragraph (a) of this sub-
7 section any moneys described in ORS 367.605 when there are not sufficient
8 amounts of such moneys in the State Highway Fund for purposes of bonds
9 issued under ORS 367.615.

10 “(6) Notwithstanding any other provision of this section, the following
11 moneys shall be transferred to the State Highway Fund at the times de-
12 scribed:

13 “(a) Moneys received under ORS 802.120 and not used for the payment of
14 administrative expenses of the department shall be transferred before July
15 31 of each year.

16 “(b) Moneys received from the registration of snowmobiles that are not
17 to be used for payment of administrative expenses of the department shall
18 be transferred within 30 days after the end of the quarter.

19 “(c) Moneys received from the issuance of winter recreation parking per-
20 mits that are not used for payment of administrative expenses of the de-
21 partment shall be transferred within 30 days after the end of the quarter.

22 “(7) The following moneys transferred to the State Highway Fund under
23 this section may be used only for the purposes described as follows:

24 “(a) Moneys collected from the issuance of winter recreation parking
25 permits, and the interest on such moneys, shall be used to enforce the re-
26 quirement for winter recreation parking permits and to remove snow from
27 winter recreation parking locations designated under ORS 810.170. Any re-
28 maining moneys shall, upon approval by the Winter Recreation Advisory
29 Committee:

30 “(A) Be used to maintain parking locations developed with moneys ob-

1 tained under ORS 810.170 and snowmobile facilities that are parking lots
2 developed with moneys as provided under this section;

3 “(B) Be used to develop additional winter recreation parking locations
4 under ORS 810.170; or

5 “(C) Be carried over to be used in subsequent years for the purposes and
6 in the manner described in this paragraph.

7 “(b) Moneys received from the registration of snowmobiles or under ORS
8 802.120 may be used for development and maintenance of multiuse trails
9 within urban growth boundaries [*described in ORS 367.017*] or for the de-
10 velopment and maintenance of snowmobile facilities, including the acquisi-
11 tion of land therefor by any means other than the exercise of eminent
12 domain. Moneys received under ORS 802.120 may also be used for the
13 enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150, 821.190,
14 821.210 and 821.240 to 821.290.

15 “(8) The department shall maintain the Revolving Account for Emergency
16 Cash Advances separate from other moneys described in this section. From
17 the account, the department may pay for the taking up of dishonored remit-
18 tances returned by banks or the State Treasurer and for emergency cash
19 advances to be subsequently reimbursed. The account shall be used only as
20 a revolving fund. The department shall at all times be accountable for the
21 amount of the account, either in cash or unreimbursed items and advances.
22 The moneys in the account are continuously appropriated for the purposes
23 of this subsection. The amount of moneys in the account under this sub-
24 section may not exceed \$40,000 from moneys received by the department in
25 the performance of its driver and motor vehicle services functions and mon-
26 eys otherwise appropriated for purposes of this subsection. The account un-
27 der this subsection shall be kept on deposit with the State Treasurer. The
28 State Treasurer is authorized to honor and pay all properly signed and
29 indorsed checks or warrants drawn against the account.

30

1 **“REVENUE FOR TRAFFIC CONGESTION RELIEF,**
2 **FREIGHT MOBILITY AND CONNECT OREGON**

3
4 **“SECTION 89. Definitions for sections 89 to 111. As used in sections**
5 **89 to 111 of this 2017 Act:**

6 **“(1)(a) ‘Bicycle’ means a vehicle that is designed to be operated on**
7 **the ground on wheels and is propelled exclusively by human power.**

8 **“(b) ‘Bicycle’ does not include durable medical equipment.**

9 **“(2) ‘New motor vehicle’ has the meaning given that term in ORS**
10 **803.350 (8)(c).**

11 **“(3) ‘Retail sales price’ means the total price paid at retail for a**
12 **taxable vehicle, exclusive of the amount of any excise, privilege or use**
13 **tax, to a seller by a purchaser of the taxable vehicle.**

14 **“(4) ‘Seller’ means:**

15 **“(a) With respect to the privilege tax imposed under section 90 of**
16 **this 2017 Act and the use tax imposed under section 91 of this 2017 Act,**
17 **a vehicle dealer.**

18 **“(b) With respect to the excise tax imposed under section 92 of this**
19 **2017 Act, a person engaged in whole or in part in the business of selling**
20 **bicycles.**

21 **“(5) ‘Taxable bicycle’ means a new bicycle that has wheels of at**
22 **least 26 inches in diameter and a retail sales price of \$200 or more.**

23 **“(6) ‘Taxable motor vehicle’ means a new motor vehicle with a**
24 **gross vehicle weight rating of 26,000 pounds or less that is:**

25 **“(a) A vehicle as defined in ORS 744.850, other than an all-terrain**
26 **vehicle;**

27 **“(b) A bus trailer as defined in ORS 801.165;**

28 **“(c) A camper as defined in ORS 801.180;**

29 **“(d) A commercial bus as defined in ORS 801.200;**

30 **“(e) A commercial motor vehicle as defined in ORS 801.208;**

1 **“(f) A commercial vehicle as defined in ORS 801.210;**
2 **“(g) An electric assisted bicycle as defined in ORS 801.258;**
3 **“(h) A fixed load vehicle as defined in ORS 801.285;**
4 **“(i) A moped as defined in ORS 801.345;**
5 **“(j) A motor assisted scooter as defined in ORS 801.348;**
6 **“(k) A motor home as defined in ORS 801.350;**
7 **“(L) A motor truck as defined in ORS 801.355;**
8 **“(m) A tank vehicle as defined in ORS 801.522;**
9 **“(n) A truck tractor as defined in ORS 801.575;**
10 **“(o) A truck trailer as defined in ORS 801.580; or**
11 **“(p) A worker transport bus as defined in ORS 801.610.**
12 **“(7) ‘Taxable vehicle’ means a taxable bicycle or a taxable motor**
13 **vehicle.**
14 **“(8) ‘Transportation project taxes’ means the privilege tax imposed**
15 **under section 90 of this 2017 Act, the use tax imposed under section**
16 **91 of this 2017 Act and the excise tax imposed under section 92 of this**
17 **2017 Act.**
18 **“(9)(a) ‘Vehicle dealer’ means:**
19 **“(A) A person engaged in business in this state that has been issued**
20 **a vehicle dealer certificate under ORS 822.020; and**
21 **“(B) A person engaged in business in another state that would be**
22 **subject to ORS 822.005 if the person engaged in business in this state.**
23 **“(b) Notwithstanding paragraph (a) of this subsection, a person is**
24 **not a vehicle dealer for purposes of sections 89 to 111 of this 2017 Act**
25 **to the extent the person:**
26 **“(A) Conducts an event that lasts less than seven consecutive days,**
27 **for which the public is charged admission and at which otherwise**
28 **taxable motor vehicles are sold at auction; or**
29 **“(B) Sells an otherwise taxable motor vehicle at auction at an event**
30 **described in this paragraph.**

1 **“SECTION 90. Imposition of tax for privilege of engaging in the**
2 **business of selling taxable motor vehicles at retail; vehicle dealer al-**
3 **lowed to collect amount of privilege tax from purchaser of taxable**
4 **motor vehicle.** (1) A tax is imposed on each vehicle dealer for the
5 privilege of engaging in the business of selling taxable motor vehicles
6 at retail in this state.

7 **“(2) The privilege tax shall be computed at the rate of 0.5 percent**
8 **of the retail sales price of the taxable motor vehicle. The tax may be**
9 **rounded to the nearest whole cent.**

10 **“(3)(a) A vehicle dealer may collect the amount of the privilege tax**
11 **computed on the retail sales price of a taxable motor vehicle from the**
12 **purchaser of the taxable motor vehicle.**

13 **“(b) Notwithstanding paragraph (a) of this subsection, the pur-**
14 **chaser of a taxable motor vehicle from whom the privilege tax is col-**
15 **lected is not considered a taxpayer for purposes of the privilege tax**
16 **imposed under this section.**

17 **“SECTION 90a.** ORS 822.043 is amended to read:

18 “822.043. (1) As used in this section:

19 “(a) ‘Integrator’ has the meaning given that term in ORS 802.600.

20 “(b) ‘Vehicle dealer’ means a person issued a vehicle dealer certificate
21 under ORS 822.020.

22 “(2) A vehicle dealer may elect to prepare, submit, or prepare and submit
23 documents necessary to:

24 “(a) Issue or transfer a certificate of title for a vehicle;

25 “(b) Register a vehicle or transfer registration of a vehicle;

26 “(c) Issue a registration plate;

27 “(d) Verify and clear a title;

28 “(e) Perfect, release or satisfy a lien or other security interest;

29 “(f) Comply with federal security requirements; or

30 “(g) Render any other services for the purpose of complying with state

1 and federal laws related to the sale of a vehicle.

2 “(3) A vehicle dealer who prepares any documents described in subsection
3 (2) of this section:

4 “(a) May charge a purchaser of a vehicle a document processing fee for
5 the preparation of those documents.

6 “(b) May not charge a purchaser of a vehicle a document processing fee
7 for the submission of any document or the issuance of a registration plate.

8 “(c) May charge a purchaser of a vehicle a document processing fee for
9 performing any of the services described in subsection (2) of this section in
10 connection with preparing the documents described in subsection (2) of this
11 section.

12 “(4) A purchaser of a vehicle may negotiate the amount of the document
13 processing fee with a vehicle dealer, but in no case shall the document pro-
14 cessing fee charged by a vehicle dealer under this section exceed:

15 “(a) \$150, if the vehicle dealer uses an integrator; or

16 “(b) \$115, if the vehicle dealer does not use an integrator.

17 “(5) If a vehicle dealer charges a document processing fee under sub-
18 section (4)(a) of this section, of the amount collected \$25 shall be paid to the
19 integrator.

20 “(6) Unless otherwise provided by rule, if a vehicle dealer uses an
21 integrator and charges a document processing fee greater than that charged
22 for not using an integrator, the dealer must inform the purchaser of the ve-
23 hicle of the option of using an integrator to prepare the documents. The
24 purchaser may then elect whether or not to have the vehicle dealer use an
25 integrator to prepare the documents.

26 “(7) If the purchaser of a vehicle pays a document processing fee, the ve-
27 hicle dealer shall prepare and submit all documents to complete the trans-
28 action as permitted by law.

29 “(8)(a) **A vehicle dealer who collects the privilege tax imposed under**
30 **section 90 of this 2017 Act from the purchaser of a taxable motor ve-**

1 hicle may collect the privilege tax at the same time and in the same
2 manner as the vehicle dealer collects document processing fees under
3 this section. The amount of the privilege tax shall be in addition to
4 and not in lieu of document processing fees collected under this sec-
5 tion.

6 “(b) A vehicle dealer may exclude the amount of the privilege tax
7 from the capitalized cost and offering price of a taxable motor vehicle
8 as those terms are defined by the Department of Justice by rule.

9 **“SECTION 91. Imposition of use tax on taxable motor vehicles**
10 **purchased at retail.** (1) A use tax is imposed on the storage, use or
11 other consumption in this state of taxable motor vehicles purchased
12 at retail from any seller.

13 “(2) The use tax shall be computed at the rate of 0.5 percent of the
14 retail sales price of the taxable motor vehicle.

15 “(3) The use tax is a liability of the purchaser of the taxable motor
16 vehicle.

17 “(4) The use tax shall be reduced, but not below zero, by the amount
18 of any privilege, excise, sales or use tax imposed by any jurisdiction
19 on the sale, or on the storage, use or other consumption, of the taxa-
20 ble motor vehicle. The reduction under this subsection shall be made
21 only upon a showing by the purchaser that a privilege, excise, sales
22 or use tax has been paid.

23 “(5) The amount of the use tax shall be separately stated on an in-
24 voice, receipt or other similar document that the seller provides to the
25 purchaser or shall be otherwise disclosed to the purchaser.

26 “(6) A purchaser’s liability for the use tax is satisfied by a valid
27 receipt given to the purchaser under section 93 of this 2017 Act by the
28 seller of the taxable motor vehicle.

29 **“SECTION 92. Imposition of excise tax on retail sale of taxable bi-**
30 **cycles.** (1) An excise tax of \$15 is imposed on each sale at retail in this

1 state of a taxable bicycle.

2 “(2) The excise tax is a liability of the purchaser of the taxable bi-
3 cycle.

4 “(3) The amount of the excise tax shall be separately stated on an
5 invoice, receipt or other similar document that the seller provides to
6 the purchaser or shall be otherwise disclosed to the purchaser.

7 “(4) A seller shall collect the excise tax at the time of the taxable
8 sale.

9 “(5) A purchaser’s liability for the excise tax is satisfied by a valid
10 receipt given to the purchaser by the seller of the taxable bicycle.

11 **“SECTION 93. Collection of use tax.** (1) A seller shall collect the use
12 tax imposed under section 91 of this 2017 Act from a purchaser of a
13 taxable motor vehicle and give the purchaser a receipt for the use tax
14 in the manner and form prescribed by the Department of Revenue if:

15 “(a) The seller is:

16 “(A) Engaged in business in this state;

17 “(B) Required to collect the use tax; or

18 “(C) Authorized by the department, under rules the department
19 adopts, to collect the use tax and, for purposes of the use tax, regarded
20 as a seller engaged in business in this state; and

21 “(b) The seller makes sales of taxable motor vehicles for storage,
22 use or other consumption in this state that are subject to the use tax.

23 “(2) A seller required to collect the use tax under this section shall
24 collect the tax:

25 “(a) At the time of the taxable sale; or

26 “(b) If the storage, use or other consumption of the taxable motor
27 vehicle is not taxable at the time of sale, at the time the storage, use
28 or other consumption becomes taxable.

29 “(3) To ensure the proper administration of section 91 of this 2017
30 Act, and to prevent evasion of the use tax, the following presumptions

1 are established:

2 “(a) A taxable motor vehicle is stored, used or otherwise consumed
3 in this state if it is present in this state for private or public display
4 or storage.

5 “(b)(A) A taxable motor vehicle sold by any seller for delivery in
6 this state was sold for storage, use or other consumption in this state
7 unless the contrary is proved.

8 “(B) The burden of proving the contrary is on the seller unless the
9 seller takes from the purchaser a resale certificate to the effect that
10 the taxable motor vehicle was purchased for resale in the ordinary
11 course of the purchaser’s business.

12 “(c)(A) A taxable motor vehicle delivered outside this state to a
13 purchaser known by the seller to be a resident of this state was pur-
14 chased from the seller for storage, use or other consumption in this
15 state and stored, used or otherwise consumed in this state unless the
16 contrary is proved.

17 “(B) The contrary may be proved by:

18 “(i) A statement in writing, signed by the purchaser or an author-
19 ized agent of the purchaser and retained by the seller, that the taxable
20 motor vehicle was purchased for storage, use or other consumption
21 exclusively at a designated point or points outside this state; or

22 “(ii) Other evidence satisfactory to the department that the taxable
23 motor vehicle was not purchased for storage, use or other consump-
24 tion in this state.

25 **“SECTION 94. Exempt sales. (1) Notwithstanding section 90 of this**
26 **2017 Act, a seller is not liable for the privilege tax with respect to a**
27 **taxable motor vehicle that is sold to:**

28 (a) A purchaser who is not a resident of this state; or

29 (b) A business if the storage, use or other consumption of the tax-
30 able motor vehicle will occur primarily outside this state.

1 “(2) Notwithstanding section 90 of this 2017 Act, a seller is not liable
2 for the privilege tax with respect to an otherwise taxable motor vehicle
3 that is sold at an event that lasts less than seven consecutive days, for
4 which the public is charged admission and at which otherwise taxable
5 motor vehicles are sold at auction.

6 “(3) Notwithstanding sections 90 to 93 of this 2017 Act, a resale
7 certificate taken from a purchaser ordinarily engaged in the business
8 of selling taxable vehicles relieves the seller from the obligation to
9 collect and remit transportation project taxes. A resale certificate
10 must be substantially in the form prescribed by the Department of
11 Revenue by rule.

12 “SECTION 95. Refunds for excess payment. (1) If the amount of
13 transportation project taxes paid by a seller or purchaser exceeds the
14 amount of taxes due, the Department of Revenue shall refund the
15 amount of the excess.

16 “(2) Except as provided in subsection (3) of this section, the period
17 prescribed for the department to allow or make a refund of any over-
18 payment of transportation project taxes paid shall be as provided in
19 ORS 314.415.

20 “(3) The department shall apply any overpayment of tax first to any
21 amount of transportation project taxes that is then outstanding.

22 “SECTION 96. Deposit of revenue from privilege and use taxes on
23 taxable motor vehicles. (1) The Department of Revenue shall deposit
24 all revenue collected from the privilege tax imposed under section 90
25 of this 2017 Act and the use tax imposed under section 91 of this 2017
26 Act in a suspense account established under ORS 293.445 for the pur-
27 pose of receiving the revenue. The department may pay expenses for
28 the administration and enforcement of the privilege and use taxes out
29 of moneys received from the privilege and use taxes. Amounts neces-
30 sary to pay administrative and enforcement expenses are continuously

1 **appropriated to the department from the suspense account.**

2 **“(2) After payment of administrative and enforcement expenses**
3 **under subsection (1) of this section and refunds or credits arising from**
4 **erroneous overpayments, the department shall transfer the balance**
5 **of the moneys received from the privilege and use taxes as follows:**

6 **“(a) Moneys attributable to the privilege tax shall be transferred**
7 **as follows:**

8 **“(A) \$12 million shall be transferred annually to the Zero-Emission**
9 **Incentive Fund established under section 152 of this 2017 Act.**

10 **“(B) After the transfer required under subparagraph (A) of this**
11 **paragraph, the balance of the moneys shall be transferred to the**
12 **Connect Oregon Fund established under ORS 367.080.**

13 **“(b) Moneys attributable to the use tax shall be transferred to the**
14 **State Highway Fund.**

15 **“SECTION 96a. Section 96 of this 2017 Act is amended to read:**

16 **Sec. 96.** (1) The Department of Revenue shall deposit all revenue col-
17 lected from the privilege tax imposed under section 90 of this 2017 Act and
18 the use tax imposed under section 91 of this 2017 Act in a suspense account
19 established under ORS 293.445 for the purpose of receiving the revenue. The
20 department may pay expenses for the administration and enforcement of the
21 privilege and use taxes out of moneys received from the privilege and use
22 taxes. Amounts necessary to pay administrative and enforcement expenses
23 are continuously appropriated to the department from the suspense account.

24 **“(2) After payment of administrative and enforcement expenses under**
25 **subsection (1) of this section and refunds or credits arising from erroneous**
26 **overpayments, the department shall transfer the balance of the moneys re-**
27 **ceived from the privilege and use taxes as follows:**

28 **“(a) Moneys attributable to the privilege tax shall be transferred [*as fol-***
29 ***lows:*]**

30 **“[(A) \$12 million shall be transferred annually to the Zero-Emission In-**

1 *centive Fund established under section 152 of this 2017 Act.]*

2 “[*(B) After the transfer required under subparagraph (A) of this paragraph,*
3 *the balance of the moneys shall be transferred]* to the Connect Oregon Fund
4 established under ORS 367.080.

5 “(b) Moneys attributable to the use tax shall be transferred to the State
6 Highway Fund.

7 **“SECTION 96b. The amendments to section 96 of this 2017 Act by**
8 **section 96a of this 2017 Act become operative on January 1, 2024.**

9 **“SECTION 97. Deposit of revenue from excise tax on taxable bicy-**
10 **cles. (1) The Department of Revenue shall deposit all revenue collected**
11 **from the excise tax imposed under section 92 of this 2017 Act in a**
12 **suspense account established under ORS 293.445 for the purposes of**
13 **receiving the excise tax revenue. The department may pay expenses**
14 **for the administration and enforcement of the excise tax out of mon-**
15 **eys received from the excise tax. Amounts necessary to pay adminis-**
16 **trative and enforcement expenses are continuously appropriated to the**
17 **department from the suspense account.**

18 **“(2) After payment of administrative and enforcement expenses**
19 **under subsection (1) of this section and refunds or credits arising from**
20 **erroneous overpayments, the department shall transfer the balance**
21 **of the moneys received from the excise tax to the Connect Oregon**
22 **Fund established under ORS 367.080 for the purpose of providing grants**
23 **for bicycle and pedestrian transportation projects.**

24 **“SECTION 98. Collection point for use tax and excise tax; returns**
25 **and payment for transportation project taxes. (1) Except as otherwise**
26 **provided in sections 89 to 111 of this 2017 Act, the use tax imposed**
27 **under section 91 of this 2017 Act and the excise tax imposed under**
28 **section 92 of this 2017 Act shall be collected at the point of sale and**
29 **remitted by each seller that engages in the retail sale of taxable vehi-**
30 **cles. Each tax is considered a tax upon the seller that is required to**

1 collect the tax, and the seller is considered a taxpayer.

2 “(2) Each seller of taxable vehicles that is liable for transportation
3 project taxes shall file a return with the Department of Revenue, in
4 the form and manner prescribed by the department, on or before the
5 last day of January, April, July and October of each year for the pre-
6 vious calendar quarter.

7 “(3) Each seller shall pay the applicable transportation project taxes
8 to the department in the form and manner prescribed by the depart-
9 ment, but not later than the date of submitting each quarterly return,
10 without regard to extensions under subsection (5) of this section.

11 “(4) Sellers of taxable vehicles shall file the returns required under
12 this section with respect to the privilege tax imposed under section 90
13 of this 2017 Act and the excise tax imposed under section 92 of this 2017
14 Act regardless of whether any taxes are owed.

15 “(5) The department may extend the time for making any return
16 required under this section if a written request is filed with the de-
17 partment during or prior to the period for which the extension may
18 be granted. The department may not grant an extension of more than
19 30 days.

20 “(6) Interest shall be added to delinquent tax amounts at the rate
21 established under ORS 305.220 from the time the return to which the
22 delinquent tax amounts relate was originally required to be filed to the
23 time of payment.

24 **“SECTION 99. Liability for tax; warrant for collection; conference;**
25 **appeal.** (1) Every seller of taxable vehicles who collects any amount
26 of transportation project taxes shall hold the amount in trust for the
27 State of Oregon and for payment to the Department of Revenue in the
28 manner and at the time provided in section 98 of this 2017 Act.

29 “(2) If a seller of taxable vehicles fails to remit any amount of
30 transportation project taxes, whether collected or not, the department

1 may enforce collection by the issuance of a distraint warrant for the
2 collection of the delinquent amount and all penalties, interest and
3 collection charges accrued on the delinquent amount. The warrant
4 shall be issued and proceeded upon in the same manner and shall have
5 the same force and effect as is prescribed with respect to warrants for
6 the collection of delinquent income taxes.

7 “(3)(a) In the case of a seller that is assessed under the provisions
8 of ORS 305.265 (12) and 314.407 (1), the department may issue a notice
9 of liability to any officer, employee or member of the seller at any
10 time within three years after the assessment. Within 30 days after the
11 date on which the notice of liability is mailed to the officer, employee
12 or member, the officer, employee or member shall pay the assessment,
13 plus penalties and interest, or advise the department in writing of ob-
14 jections to the liability and, if desired, request a conference. A con-
15 ference shall be governed by the provisions of ORS 305.265 pertaining
16 to a conference requested from a notice of deficiency.

17 “(b) After a conference or, if no conference is requested, a deter-
18 mination of the issues raised in the written objections, the department
19 shall mail the officer, employee or member a conference letter af-
20 firming, canceling or adjusting the notice of liability. Within 90 days
21 after the date on which the conference letter is mailed to the officer,
22 employee or member, the officer, employee or member shall pay the
23 assessment, plus penalties and interest, or appeal to the tax court in
24 the manner provided for an appeal from a notice of assessment.

25 “(c) If the department does not receive payment or written ob-
26 jection to the notice of liability within 30 days after the notice of li-
27 ability was mailed, the notice of liability becomes final. The officer,
28 employee or member may appeal the notice of liability to the tax court
29 within 90 days after the notice became final in the manner provided
30 for an appeal from a notice of assessment.

1 **“(4)(a) In the case of a seller that fails to file a return on the due**
2 **date, in addition to any action described in the provisions of ORS**
3 **305.265 (10) and 314.400, the department may issue a notice of determi-**
4 **nation and assessment to any officer, employee or member of the**
5 **seller at any time within three years after the assessment. The time**
6 **of assessment against the officer, employee or member is 30 days after**
7 **the date on which the notice of determination and assessment is**
8 **mailed. Within 30 days after the date on which the notice of determi-**
9 **nation and assessment is mailed to the officer, employee or member,**
10 **the officer, employee or member shall pay the assessment, plus pen-**
11 **alties and interest, or advise the department in writing of objections**
12 **to the assessment and, if desired, request a conference. A conference**
13 **shall be governed by the provisions of ORS 305.265 pertaining to a**
14 **conference requested from a notice of deficiency.**

15 **“(b) After a conference or, if no conference is requested, a deter-**
16 **mination of the issues raised in the written objections, the department**
17 **shall mail the officer, employee or member a conference letter af-**
18 **firming, canceling or adjusting the notice of determination and as-**
19 **essment. Within 90 days after the date on which the conference letter**
20 **is mailed to the officer, employee or member, the officer, employee**
21 **or member shall pay the assessment, plus penalties and interest, or**
22 **appeal to the tax court in the manner provided for an appeal from a**
23 **notice of assessment.**

24 **“(c) If the department does not receive payment or written ob-**
25 **jection to the notice of determination and assessment within 30 days**
26 **after the notice of determination and assessment was mailed, the no-**
27 **tice of determination and assessment becomes final. The officer, em-**
28 **ployee or member may appeal the notice of determination and**
29 **assessment to the tax court within 90 days after the notice became**
30 **final in the manner provided for an appeal from a notice of assess-**

1 **ment.**

2 **“(5)(a) More than one officer or employee of a corporation may be**
3 **held jointly and severally liable for payment of transportation project**
4 **taxes.**

5 **“(b) Notwithstanding the confidentiality provisions of section 104**
6 **of this 2017 Act, if the department determines that more than one of-**
7 **ficer or employee of a corporation may be held jointly and severally**
8 **liable for payment of the transportation project taxes, the department**
9 **may require any or all of the officers or employees to appear before**
10 **the department for a joint determination of liability. The department**
11 **shall notify each officer or employee of the time and place set for the**
12 **determination of liability.**

13 **“(c) Each individual notified of a joint determination under this**
14 **subsection must appear and present such information as is necessary**
15 **to establish the individual’s liability or nonliability for payment of the**
16 **taxes to the department. If an individual who was notified fails to ap-**
17 **pear, the department shall make the determination on the basis of all**
18 **the information and evidence presented. The department’s determi-**
19 **nation is binding on all individuals notified and required to appear**
20 **under this subsection.**

21 **“(d)(A) If any individual determined to be liable for unpaid trans-**
22 **portation project taxes under this subsection appeals the determi-**
23 **nation to the Oregon Tax Court under section 103 of this 2017 Act, the**
24 **individual plaintiff shall implead all individuals required to appear**
25 **with the plaintiff before the department under this subsection. The**
26 **department may implead any officer or employee who may be held**
27 **jointly and severally liable for the payment of the transportation**
28 **project taxes. Each individual impleaded under this paragraph shall**
29 **be made a party to the action before the tax court and shall make**
30 **available to the tax court the information that was presented before**

1 the department, as well as other information that may be presented
2 to the tax court.

3 “(B) The tax court may determine that one or more individuals
4 impleaded under this paragraph are liable for unpaid transportation
5 project taxes without regard to any earlier determination by the de-
6 partment that an impleaded individual was not liable for the unpaid
7 taxes.

8 “(C) If an individual required to appear before the tax court under
9 this subsection fails or refuses to appear or bring such information in
10 part or in whole, or is outside the jurisdiction of the tax court, the tax
11 court shall make its determination on the basis of all the evidence
12 introduced. Notwithstanding section 104 of this 2017 Act, the evidence
13 introduced in the tax court constitutes a public record and shall be
14 available to the parties and the tax court. The determination of the
15 tax court is binding on all individuals made parties to the action under
16 this subsection.

17 “(e) This subsection may not be construed to preclude a determi-
18 nation by the department or the tax court that more than one officer
19 or employee is jointly and severally liable for unpaid transportation
20 project taxes.

21 “SECTION 100. Purchaser’s duties to remit use and excise tax. Any
22 purchaser liable for the use tax imposed under section 91 of this 2017
23 Act or the excise tax imposed under section 92 of this 2017 Act and
24 from whom the tax has not been collected shall, on or before the 20th
25 day of the month following the close of the month in which the tax
26 became due, file with the Department of Revenue a report of the
27 amount of tax due from the purchaser in a form and manner pre-
28 scribed by the department. The purchaser shall remit the amount of
29 tax due with the report.

30 “SECTION 101. Records. (1)(a) A seller of taxable vehicles shall keep

1 receipts, invoices and other pertinent records related to retail sales
2 of taxable vehicles in the form required by the Department of Reve-
3 nue. Each record shall be preserved for five years from the time to
4 which the record relates, or for as long as the seller retains the taxable
5 vehicles to which the record relates, whichever is later.

6 “(b) During the retention period and at any time prior to the de-
7 struction of records, the department may give written notice to the
8 seller not to destroy records described in the notice without written
9 permission of the department.

10 “(c) Notwithstanding any other provision of law, the department
11 shall preserve reports and returns filed with the department for at
12 least five years.

13 “(2) ORS 314.425 applies to the authority of the Department of
14 Revenue to examine, or cause to be examined by an agent or repre-
15 sentative designated by the department for the purpose, any books,
16 papers, records or memoranda bearing upon the matter required to be
17 included in any return required under sections 89 to 111 of this 2017
18 Act for the purpose of ascertaining the correctness of the return or
19 for the purpose of making an estimate of the taxable sales of the tax-
20 payer.

21 “SECTION 102. Subpoenas; enforcement. (1) The Department of
22 Revenue may, by order or subpoena to be served with the same force
23 and effect and in the same manner as a subpoena is served in a civil
24 action in the circuit court or the Oregon Tax Court, require the pro-
25 duction at any time and place the department designates of any books,
26 papers, accounts or other information necessary to carry out sections
27 89 to 111 of this 2017 Act. The department may require the attendance
28 of any individual having knowledge in the premises, and may take
29 testimony and require proof material for the information, with power
30 to administer oaths to the individual.

1 **“(2)(a) If an individual fails to comply with a subpoena or order of**
2 **the department or to produce or permit the examination or inspection**
3 **of any books, papers, records and equipment pertinent to an investi-**
4 **gation or inquiry under sections 89 to 111 of this 2017 Act, or to testify**
5 **to any matter regarding which the individual is lawfully interrogated,**
6 **the department may apply to the Oregon Tax Court or to the circuit**
7 **court of the county in which the individual resides or where the indi-**
8 **vidual is for an order to the individual to attend and testify or other-**
9 **wise comply with the demand or request of the department.**

10 **“(b) The department shall apply to the court by ex parte motion,**
11 **upon which the court shall make an order requiring the individual**
12 **against whom the motion is directed to comply with the request or**
13 **demand of the department within 10 days after the service of the or-**
14 **der, or within the additional time granted by the court, or to justify**
15 **the failure within that time. The order shall be served upon the indi-**
16 **vidual to whom it is directed in the manner required by this state for**
17 **service of process, which is required to confer jurisdiction upon the**
18 **court.**

19 **“(3) Failure to obey any order issued by the court under this section**
20 **is contempt of court.**

21 **“(4) The remedy provided by this section is in addition to other**
22 **remedies, civil or criminal, existing under the tax laws or other laws**
23 **of this state.**

24 **“SECTION 103. Disclosure of information; appeals. (1) Notwith-**
25 **standing the confidentiality provisions of section 104 of this 2017 Act,**
26 **the Department of Revenue may disclose information received under**
27 **sections 89 to 111 of this 2017 Act to the Department of Transportation**
28 **for the purposes of carrying out the provisions of sections 91 and 109**
29 **of this 2017 Act.**

30 **“(2) The Department of Transportation may disclose information**

1 obtained under sections 91 and 109 of this 2017 Act to the Department
2 of Revenue for the purposes of carrying out the provisions of sections
3 89 to 111 of this 2017 Act.

4 “(3) Except as otherwise provided in sections 89 to 111 of this 2017
5 Act, a person aggrieved by an act or determination of the Department
6 of Revenue or its authorized agent under sections 89 to 111 of this 2017
7 Act may appeal, within 90 days after the act or determination, to the
8 Oregon Tax Court in the manner provided in ORS 305.404 to 305.560.
9 These appeal rights are the exclusive remedy available to determine
10 the person’s liability for the transportation project taxes.

11 “SECTION 104. Applicability of other provisions of tax law. Except
12 as otherwise provided in sections 89 to 111 of this 2017 Act or where
13 the context requires otherwise, the provisions of ORS chapters 305 and
14 314 as to the audit and examination of returns, periods of limitation,
15 determinations of and notices of deficiencies, assessments, collections,
16 liens, delinquencies, claims for refund and refunds, conferences, ap-
17 peals to the Oregon Tax Court, stays of collection pending appeal,
18 confidentiality of returns and the related penalties, and the related
19 procedures, apply to the determinations of taxes, penalties and inter-
20 est under sections 89 to 111 of this 2017 Act.

21 “SECTION 105. Department of Revenue to administer and enforce
22 laws. (1) The Department of Revenue shall administer and enforce
23 sections 89 to 111 of this 2017 Act.

24 “(2) The department may adopt or establish rules and procedures
25 that the department considers necessary or appropriate for the imple-
26 mentation, administration and enforcement of sections 89 to 111 of this
27 2017 Act and that are consistent with sections 89 to 111 of this 2017 Act.

28 “(3) The Department of Transportation shall enter into an agree-
29 ment with the Department of Revenue for purposes of the implemen-
30 tation, administration and enforcement by the Department of

1 Transportation of those provisions of section 109 of this 2017 Act, and
2 rules or procedures adopted or established by the Department of Rev-
3 enue under this section, that the Department of Transportation and
4 the Department of Revenue determine are necessary for the effective
5 and efficient implementation, administration and enforcement of sec-
6 tion 109 of this 2017 Act.

7 **“SECTION 106. Department of Transportation assistance in use tax**
8 **collection responsibilities.** (1) The Department of Revenue and the
9 Department of Transportation shall enter into an agreement pursuant
10 to which the Department of Transportation shall assist the Depart-
11 ment of Revenue in the collection of the use tax imposed under section
12 91 of this 2017 Act and any other functions of the Department of Rev-
13 enue under sections 89 to 111 of this 2017 Act as may be provided under
14 the agreement.

15 **“(2) The agreement is not intended to preclude performance by the**
16 **Department of Revenue of collection functions as from time to time**
17 **may be required, nor is the agreement intended to preclude the per-**
18 **formance of functions by the Department of Transportation, under**
19 **less formal arrangements made with the Department of Revenue, with**
20 **respect to the use tax imposed under section 91 of this 2017 Act if the**
21 **functions are not specifically mentioned in the agreement.**

22 **“(3) The Department of Transportation may contact, consult with**
23 **and enter into agreements with any public or private person for the**
24 **purpose of assisting the Department of Revenue in the collection of**
25 **the use tax under this section.**

26 **“(4) The collection of taxes under sections 89 to 111 of this 2017 Act**
27 **by the Department of Transportation does not render the Department**
28 **of Transportation or the agents and employees of the Department of**
29 **Transportation responsible for collection of the taxes.**

30 **“SECTION 107. Applicability.** Sections 89 to 111 of this 2017 Act ap-

1 ply to sales of taxable vehicles that become final, and the storage, use
2 or other consumption in this state of taxable vehicles that becomes
3 taxable, on or after January 1, 2018.

4 **“SECTION 108.** Section 109 of this 2017 Act is added to and made a
5 part of the Oregon Vehicle Code.

6 **“SECTION 109. Vehicle registration and titling; proof of payment**
7 **of taxes.** (1) A person that purchases a taxable motor vehicle from a
8 seller that is not subject to the privilege tax imposed under section 90
9 of this 2017 Act may not register or title the taxable motor vehicle in
10 Oregon unless the person provides proof that the person:

11 **“(a) Paid the use tax imposed under section 91 of this 2017 Act; or**

12 **“(b) Is not required to pay the use tax for the reasons provided in**
13 **section 91 (4) of this 2017 Act.**

14 **“(2) The person shall provide the proof described in subsection (1)**
15 **of this section to the Department of Transportation in the manner**
16 **established by the department by rule.**

17 **“SECTION 110. Applicability.** Section 109 of this 2017 Act applies to
18 taxable motor vehicles purchased on or after January 1, 2018.

19 **“SECTION 111. Tax moratorium.** (1) A local government may not
20 impose a tax described in subsection (2) of this section unless the tax
21 is:

22 **“(a) Authorized by statute; or**

23 **“(b) Approved by the governing body of the local government and**
24 **in effect on or before the effective date of this 2017 Act.**

25 **“(2) This section applies to:**

26 **“(a) A tax on the privilege of engaging in the business of selling**
27 **taxable motor vehicles at retail; and**

28 **“(b) Any other privilege, excise, sales or use tax on taxable motor**
29 **vehicles.**

30 **“SECTION 111a.** Not later than September 15, 2019, and September

1 15, 2021, the Department of Transportation shall submit reports in the
2 manner required under ORS 192.245 to the Joint Committee on Trans-
3 portation established under section 26 of this 2017 Act describing in
4 detail the enforcement by the department of the provisions of ORS
5 chapter 822 governing the certification of vehicle dealers.

6 “SECTION 112. Legislative intent; expedited judicial review to Su-
7 preme Court; expiration. (1) It is the intent of the Legislative Assem-
8 bly that revenue from the privilege tax imposed under section 90 of
9 this 2017 Act is not subject to the provisions of Article IX, section 3a,
10 of the Oregon Constitution.

11 “(2) Original jurisdiction to determine whether section 90 of this
12 2017 Act imposes a tax or excise levied on the ownership, operation or
13 use of motor vehicles that is subject to the provisions of Article IX,
14 section 3a, of the Oregon Constitution, is conferred on the Supreme
15 Court.

16 “(3)(a) Any person interested in or affected or aggrieved by section
17 90 of this 2017 Act may petition for judicial review under this section.
18 A petition for review must be filed within 30 days after the effective
19 date of this 2017 Act.

20 “(b) The petition must state facts showing how the petitioner is
21 interested, affected or aggrieved and the grounds upon which the pe-
22 tition is based.

23 “(4) The filing of a petition under this section shall stay the transfer
24 under section 96 (2)(a) of this 2017 Act of the balance of moneys re-
25 ceived, pending the determination of the Supreme Court. The Supreme
26 Court may not stay the imposition of the tax under section 90 of this
27 2017 Act or the collection and enforcement of the tax under any pro-
28 vision of law.

29 “(5) Judicial review under this section shall be limited to:

30 “(a) The provisions of this 2017 Act authorizing the imposition of

1 the privilege tax; and

2 “(b) The legislative history and any supporting documents related
3 to Article IX, section 3a, of the Oregon Constitution.

4 “(6) In the event the Supreme Court determines that there are
5 factual issues in the petition, the Supreme Court may appoint a special
6 master to hear evidence and to prepare recommended findings of fact.

7 “(7) Proceedings for review under this section shall be given priority
8 over all other matters before the Supreme Court.

9 “(8) If the Supreme Court determines that section 90 of this 2017
10 Act imposes a tax or excise levied on the ownership, operation or use
11 of motor vehicles that is subject to the provisions of Article IX, sec-
12 tion 3a, of the Oregon Constitution, sections 90 and 91 of this 2017 Act
13 are repealed and moneys from the privilege tax imposed under section
14 90 of this 2017 Act that, as of the date of the determination, have not
15 been expended or irrevocably pledged for repayment of bonded indebt-
16 edness shall be transferred to the State Highway Fund.

17 “NOTE: Sections 113 and 114 were deleted by amendment. Subsequent
18 sections were not renumbered.

19 “SECTION 115. ORS 305.992 is amended to read:

20 “305.992. (1) If any returns required to be filed under ORS 475B.700 to
21 475B.760 or sections 89 to 111 of this 2017 Act or ORS chapter 118, 314, 316,
22 317, 318, 321 or 323 or under a local tax administered by the Department of
23 Revenue under ORS 305.620 are not filed for three consecutive years by the
24 due date (including extensions) of the return required for the third consec-
25 utive year, there shall be a penalty for each year of 100 percent of the tax
26 liability determined after credits and prepayments for each such year.

27 “(2) The penalty imposed under this section is in addition to any other
28 penalty imposed by law. However, the total amount of penalties imposed for
29 any taxable year under this section, ORS 305.265 (13), 314.400, 323.403, 323.585
30 or 475B.755 may not exceed 100 percent of the tax liability.

1 **SECTION 116.** ORS 366.505 is amended to read:

2 “366.505. (1) The State Highway Fund shall consist of:

3 “(a) All moneys and revenues derived under and by virtue of the sale of
4 bonds, the sale of which is authorized by law and the proceeds thereof to be
5 dedicated to highway purposes.

6 “(b) All moneys and revenues accruing from the licensing of motor vehi-
7 cles, operators and chauffeurs.

8 “(c) Moneys and revenues derived from any tax levied upon gasoline,
9 distillate, liberty fuel or other volatile and inflammable liquid fuels, except
10 moneys and revenues described in ORS 184.642 (2)(a) that become part of the
11 Department of Transportation Operating Fund.

12 “(d) Moneys and revenues derived from the road usage charges imposed
13 under ORS 319.885.

14 **“(e) Moneys and revenues derived from the use tax imposed under
15 section 91 of this 2017 Act.**

16 “~~[(e)]~~ (f) Moneys and revenues derived from or made available by the
17 federal government for road construction, maintenance or betterment pur-
18 poses.

19 “~~[(f)]~~ (g) All moneys and revenues received from all other sources which
20 by law are allocated or dedicated for highway purposes.

21 “(2) The State Highway Fund shall be deemed and held as a trust fund,
22 separate and distinct from the General Fund, and may be used only for the
23 purposes authorized by law and is continually appropriated for such pur-
24 poses.

25 “(3) Moneys in the State Highway Fund may be invested as provided in
26 ORS 293.701 to 293.857. All interest earnings on any of the funds designated
27 in subsection (1) of this section shall be placed to the credit of the highway
28 fund.

29 **SECTION 117.** ORS 803.585 is amended to read:

30 “803.585. (1) Except as otherwise provided in this section or ORS 801.041

1 or 801.042, the registration fees under the vehicle code are in lieu of all other
2 taxes and licenses, except municipal license fees under regulatory ordi-
3 nances, [to which such] **imposed on** vehicles [or], the owners [thereof may
4 be subject] **of such vehicles or the use of or any privilege related to such**
5 **vehicles.** Fixed load vehicles are not exempt from ad valorem taxation by
6 this section.

7 “(2) Travel trailers subject to registration and titling under the vehicle
8 code are not subject to ad valorem taxation, but may be reclassified as
9 manufactured structures and made subject to taxation as provided in ORS
10 308.880.

11 “(3) **This section does not apply to the privilege tax imposed under**
12 **section 90 of this 2017 Act or the use tax imposed under section 91 of**
13 **this 2017 Act.**

14 “**SECTION 118.** ORS 319.885 is amended to read:

15 “319.885. (1)(a) Except as provided in paragraph (b) of this subsection, the
16 registered owner of a subject vehicle shall pay a per-mile road usage charge
17 for metered use by the subject vehicle of the highways in Oregon.

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

21 “(2) The per-mile road usage charge is [*1.5 cents per mile.*]:

22 “(a) **For the calendar year beginning on January 1, 2018, 1.7 cents**
23 **per mile.**

24 “(b) **For the calendar year beginning on January 1, 2020, 1.8 cents**
25 **per mile.**

26 “(c) **For the calendar year beginning on January 1, 2022, 1.9 cents**
27 **per mile.**

28 “**SECTION 118a.** ORS 319.885, as amended by section 118 of this 2017
29 Act, is amended to read:

30 “319.885. (1)(a) Except as provided in paragraph (b) of this subsection, the

1 registered owner of a subject vehicle shall pay a per-mile road usage charge
2 for metered use by the subject vehicle of the highways in Oregon.

3 “(b) During the term of a lease, the lessee of a subject vehicle shall pay
4 the per-mile road usage charge for metered use by the subject vehicle of the
5 highways in Oregon.

6 “(2) The per-mile road usage charge is[:] **2.1 cents per mile.**

7 “[*(a) For the calendar year beginning on January 1, 2018, 1.7 cents per*
8 *mile.*]

9 “[*(b) For the calendar year beginning on January 1, 2020, 1.8 cents per*
10 *mile.*]

11 “[*(c) For the calendar year beginning on January 1, 2022, 1.9 cents per*
12 *mile.*]

13 **“SECTION 118b. The amendments to ORS 319.885 by section 118a of**
14 **this 2017 Act apply to metered use by subject vehicles of the highways**
15 **in Oregon on or after January 1, 2024.**

16 **“SECTION 118c.** ORS 319.890 is amended to read:

17 “319.890. (1) A person wishing to pay the per-mile road usage charge im-
18 posed under ORS 319.885 must apply to the Department of Transportation
19 on a form prescribed by the department.

20 “(2) The department shall approve a valid and complete application sub-
21 mitted under this section if:

22 “(a) The applicant is the registered owner or lessee of a motor vehicle;

23 “(b) The motor vehicle is equipped with a method selected pursuant to
24 ORS 319.900 for collecting and reporting the metered use by the motor vehi-
25 cle of the highways in Oregon;

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

28 “(d) Approval does not cause the number of subject vehicles active in the
29 road usage charge program on the date of approval to exceed 5,000, of which
30 no more than 1,500 may have a rating of less than 17 miles per gallon and

1 no more than 1,500 may have a rating of at least 17 miles per gallon and less
2 than 22 miles per gallon, such ratings to be determined pursuant to a method
3 established by the department.

4 **“(3) An electric vehicle for which an application is approved under
5 this section is not subject to the additional amount of registration fees
6 imposed under section 32 of this 2017 Act.**

7 “[3] (4) Approval of an application under this section subjects the ap-
8 plicant to the requirements of ORS 319.920 until the person ends the person’s
9 voluntary participation in the road usage charge program in the manner re-
10 quired under subsection [(4)] (5) of this section.

11 “[4] (5) A person may end the person’s voluntary participation in the
12 road usage charge program at any time by notifying the department, return-
13 ing any emblem issued under ORS 319.945 to the department and paying any
14 outstanding amount of road usage charge for metered use by the person’s
15 subject vehicle.

16

17 **“TRAFFIC CONGESTION RELIEF**

18

19 **“SECTION 119. Feasibility study of highway cost allocation study
20 within certain political subdivisions. (1) The Oregon Department of
21 Administrative Services shall conduct a study to determine the feasi-
22 bility of performing a highway cost allocation study within the
23 boundaries of a county, Metro and Tri-Met, but otherwise as described
24 in ORS 366.506, with respect to revenue raised within the county,
25 Metro and Tri-Met, respectively, that is subject to Article IX, section
26 3a (3), of the Oregon Constitution. The department may consult with
27 any public or private body the department considers necessary or ap-
28 propriate for conducting the study required under this section.**

29 **“(2) The department shall submit a report, in the manner provided
30 in ORS 192.245, containing the results of the study required under this**

1 section to the Joint Committee on Transportation established under
2 section 26 of this 2017 Act not later than September 15, 2018.

3
4 **“(Traffic Congestion Relief Program)”**

5
6 **“SECTION 120. (1) The Oregon Transportation Commission shall**
7 **establish a traffic congestion relief program.**

8 **“(2) No later than December 31, 2018, the commission shall seek**
9 **approval from the Federal Highway Administration, if required by**
10 **federal law, to implement value pricing as described in this section.**

11 **“(3) After seeking and receiving approval from the Federal Highway**
12 **Administration, the commission shall implement value pricing to re-**
13 **duce traffic congestion. Value pricing may include, but is not limited**
14 **to, variable time-of-day pricing. The commission shall implement**
15 **value pricing in the following locations:**

16 **“(a) On Interstate 205, beginning at the Washington state line and**
17 **ending where it intersects with Interstate 5 in this state.**

18 **“(b) On Interstate 5, beginning at the Washington state line and**
19 **ending where it intersects with Interstate 205.**

20 **“(4) In addition to areas listed in subsection (3) of this section, the**
21 **commission may implement value pricing in other areas of this state.**

22 **“(5) Notwithstanding ORS 383.009, the revenues received from value**
23 **pricing under this section shall be deposited into the Congestion Relief**
24 **Fund established under section 120a of this 2017 Act for the imple-**
25 **mentation and administration of the congestion relief program estab-**
26 **lished pursuant to this section, including but not limited to the Value**
27 **Pricing Set-Up Project.**

28 **“(6) Subject to any restrictions in an agreement with the Federal**
29 **Highway Administration or other federal law, in addition to the**
30 **amounts received from value pricing under this section, the moneys**

1 in the Congestion Relief Fund shall be used to implement and admin-
2 ister the traffic congestion relief program.

3 “(7) Before imposing value pricing, the commission shall report to
4 the Joint Committee on Transportation established under section 26
5 of this 2017 Act.

6 “(8) The commission may enter into agreements with the State of
7 Washington, or the State of Washington’s designee, relating to estab-
8 lishing, reviewing, adjusting and collecting tolls for the program de-
9 scribed in this section.

10 **“SECTION 120a. Congestion Relief Fund. (1) The Congestion Relief**
11 **Fund is established in the State Treasury, separate and distinct from**
12 **the General Fund. Interest earned by the Congestion Relief Fund shall**
13 **be credited to the fund.**

14 “(2) The Congestion Relief Fund consists of:

15 “(a) Moneys appropriated or otherwise transferred to the fund by
16 the Legislative Assembly;

17 “(b) Notwithstanding ORS 383.009 (1)(d), net proceeds of tolls im-
18 posed under section 120 of this 2017 Act;

19 “(c) Moneys received from federal sources or other state or local
20 sources, other than proceeds of Highway User Tax Bonds issued under
21 ORS 367.615;

22 “(d) Amounts donated to the fund;

23 “(e) Investment earnings received on moneys in the fund; and

24 “(f) Other amounts deposited in the fund from any source.

25 “(3) Moneys in the fund are continuously appropriated to the De-
26 partment of Transportation for distribution to the Oregon Transpor-
27 tation Commission for the purposes of implementing and
28 administering the congestion relief program established pursuant to
29 section 120 of this 2017 Act.

30 “(4) The Department of Transportation may receive gifts, grants,

1 contributions, bequests or other donations of any kind from any public
2 or private source for deposit in the Congestion Relief Fund.

3 “(5) Moneys in the Congestion Relief Fund may be invested and re-
4 invested as provided in ORS 293.701 to 293.857.

5
6 “(Task Force on Mega Transportation Projects)

7
8 **“SECTION 121. (1) The Task Force on Mega Transportation Projects**
9 **is established. For the purposes of this section, a ‘mega transportation**
10 **project’ includes transportation projects, as defined in ORS 367.010,**
11 **that cost at least \$360 million to complete, that attract a high level**
12 **of public attention or political interest because of substantial direct**
13 **and indirect impacts on the community or environment or that re-**
14 **quire a high level of attention to manage the project successfully.**

15 “(2) The task force consists of nine members appointed as follows:

16 “(a) The President of the Senate shall appoint two members from
17 among members of the Senate.

18 “(b) The Speaker of the House of Representatives shall appoint two
19 members from among members of the House of Representatives.

20 “(c) The Governor shall appoint three members who represent
21 highway users.

22 “(d) The chairperson of the Oregon Transportation Commission
23 shall appoint two members from among members of the commission.

24 “(3) The task force shall study how the State of Oregon selects and
25 approves mega transportation projects.

26 “(4) Members of the Legislative Assembly appointed to the task
27 force are nonvoting members of the task force and may act in an ad-
28 visory capacity only.

29 “(5) A majority of the voting members of the task force constitutes
30 a quorum for the transaction of business.

1 “(6) Official action by the task force requires the approval of a
2 majority of the voting members of the task force.

3 “(7) The task force shall elect one of its members to serve as
4 chairperson.

5 “(8) If there is a vacancy for any cause, the appointing authority
6 shall make an appointment to become immediately effective.

7 “(9) The task force shall meet at times and places specified by the
8 call of the chairperson or of a majority of the members of the task
9 force.

10 “(10) The task force may adopt rules necessary for the operation
11 of the task force.

12 “(11) The task force shall submit a report in the manner provided
13 by ORS 192.245, and may include recommendations for legislation, to
14 the Joint Committee on Transportation established under section 26
15 of this 2017 Act no later than September 15, 2018.

16 “(12) The Legislative Policy and Research Director shall provide
17 staff support to the task force.

18 “(13) Members of the task force who are not members of the Leg-
19 islative Assembly are not entitled to compensation or reimbursement
20 for expenses and serve as volunteers on the task force.

21 “(14) All agencies of state government, as defined in ORS 174.111,
22 are directed to assist the task force in the performance of the task
23 force’s duties and, to the extent permitted by laws relating to
24 confidentiality, to furnish information and advice the members of the
25 task force consider necessary to perform their duties.

26 “SECTION 122. Section 121 of this 2017 Act is repealed on December
27 31, 2018.

28
29 **“PUBLIC TRANSPORTATION AND PUBLIC SAFETY**

30 **“(Public Transit)**

1 **“SECTION 122a. (1) As used in this section:**

2 **“(a) ‘Employer’ has the meaning given that term in ORS 316.162.**

3 **“(b) ‘Resident of this state’ has the meaning given that term in ORS**
4 **316.027.**

5 **“(c) ‘Wages’ has the meaning given that term in ORS 316.162.**

6 **“(2) A tax is imposed at the rate of one-tenth of one percent of:**

7 **“(a) The wages of an employee who is:**

8 **“(A) A resident of this state, regardless of where services are per-**
9 **formed.**

10 **“(B) Not a resident of this state, for services performed in this**
11 **state.**

12 **“(b) The periodic payments under ORS 316.189.**

13 **“(3) Every employer at the time of the payment of wages shall de-**
14 **duct and withhold from the total amount of the wages paid for services**
15 **described under subsection (2) of this section an amount equal to the**
16 **total amount of wages, without exemption or deduction, multiplied by**
17 **the rate of tax imposed under subsection (2) of this section.**

18 **“(4) Every payer at the time of making a periodic payment under**
19 **ORS 316.189 shall deduct and withhold from the payment an amount**
20 **equal to the total amount of the payment, without exemption or de-**
21 **duction, multiplied by the rate of tax imposed under subsection (2) of**
22 **this section.**

23 **“(5) An employer or payer shall report and pay the tax imposed**
24 **under this section to the Department of Revenue at the time and in**
25 **the manner determined by the department by rule.**

26 **“(6) For purposes of the tax imposed under this section, an em-**
27 **ployer or payer is considered a taxpayer.**

28 **“(7) If a lender, surety or other person who supplies funds to or for**
29 **the account of an employer for the purpose of paying wages of the**
30 **employees of such employer has actual notice or knowledge that such**

1 employer does not intend to or will not be able to make timely pay-
2 ment or deposit of the tax required to be deducted and withheld, such
3 lender, surety or other person shall be liable to the State of Oregon
4 in a sum equal to the taxes, together with interest, that are not timely
5 paid over to the Department of Revenue. Such liability shall be limited
6 to the principal amount supplied by the lender, surety or other person,
7 and any amounts so paid to the department shall be credited against
8 the liability of the employer.

9 “(8)(a) An employer or payer shall submit an annual return pursu-
10 ant to ORS 316.202 to the Department of Revenue. The amounts de-
11 ducted from the wages during any calendar year in accordance with
12 this section shall be considered to be in payment of the tax imposed
13 under subsection (2) of this section.

14 “(b) The return submitted by the employer shall be accepted by the
15 Department of Revenue as evidence in favor of the employee of the
16 amounts so deducted from the employee’s wages.

17 “(9) Nothing in this section prohibits the Department of Revenue
18 from including the tax imposed under this section in the combined
19 quarterly tax report required under ORS 316.168.

20 “(10) An employer that fails to deduct and withhold the tax required
21 under this section:

22 “(a) Is deemed responsible for the payment of the tax obligation in
23 an amount equal to the amount required to be withheld from the
24 employee’s wages and remitted to the Department of Revenue; and

25 “(b) Is subject to a penalty of \$250 per employee, up to a maximum
26 penalty of \$25,000, if the employer knowingly fails to deduct and with-
27 hold the tax.

28 “(11) Residents subject to the tax imposed under this section on
29 wages earned outside this state from an employer not doing business
30 within this state shall report and pay the tax at the time and in the

1 **manner determined by the Department of Revenue by rule.**

2 **“SECTION 122b.** ORS 316.164 is amended to read:

3 “316.164. (1) Except as provided in subsection (3) of this section, if the
4 Department of Revenue makes the findings required under subsection (2) of
5 this section, the department may require any employer subject to ORS
6 316.162 to 316.221, except the state or its political subdivisions, to post a
7 surety bond, or irrevocable letter of credit issued by an insured institution,
8 as defined in ORS 706.008, with the department, to secure future payment of
9 amounts required to be withheld and paid over to the department under ORS
10 316.162 to 316.221 **or section 122a of this 2017 Act.** The bond or letter of
11 credit shall be in an amount equal to the amounts required to be withheld
12 upon the wages paid or estimated to be paid by the employer for a period
13 of four calendar quarters. The bond or letter of credit shall be in a form
14 acceptable to the department. Posting of the bond or letter of credit shall
15 not relieve the employer from withholding and paying over amounts based
16 on wages paid by the employer under any provision of ORS 316.162 to 316.221
17 **or section 122a of this 2017 Act.** The department may, in its discretion, at
18 any time apply such bond or letter of credit or part thereof to the delin-
19 quencies or indebtedness of the employer arising under any provision of ORS
20 316.162 to 316.221 **and section 122a of this 2017 Act** and accruing after the
21 date the bond or letter of credit was posted. Appeal of an action of the de-
22 partment under this section shall not relieve an employer of the requirement
23 during the pendency of the appeal.

24 “(2) Before requiring an employer to post a bond or irrevocable letter of
25 credit under subsection (1) of this section, the department shall determine
26 that the employer has failed to make payment to the department of amounts
27 required to be withheld and paid over under any provision of ORS 316.162
28 to 316.221 **or section 122a of this 2017 Act** for at least three calendar
29 quarters, and the total amount of delinquent payments exceeds \$2,500, ex-
30 clusive of interest or penalties. For purposes of this subsection, a payment

1 shall not be considered delinquent if the employer's liability to withhold is
2 subject to appeal to the tax court.

3 “(3) The department shall not require a bond or irrevocable letter of
4 credit to be posted under this section if the employer elects to notify the
5 department of the times of payment of wages to the employees of the em-
6 ployer, and, notwithstanding ORS 316.197, to pay over amounts withheld
7 within three banking days after the dates the wages were paid.

8 “(4) Before requiring an employer to post a bond or irrevocable letter of
9 credit or make payment of amounts required to be withheld in the manner
10 prescribed in subsection (3) of this section, the department shall attempt to
11 obtain payment of delinquent amounts through other methods of collection,
12 however, the department is not required to seize or sell real or personal
13 property in order to comply with the requirements of this subsection.

14 “(5) Any bond or irrevocable letter of credit required under subsection (1)
15 of this section shall become the sole property of the department and shall
16 be held by the department to guarantee payment of withholding taxes by the
17 employer. The bond or letter of credit shall be held for the benefit of the
18 State of Oregon, subject only to the provisions of subsection (6) of this sec-
19 tion. The bond or letter of credit shall be prior to all other liens, claims
20 or encumbrances and shall be exempt from any process, attachment,
21 garnishment or execution.

22 “(6) If an employer ceases to be an employer subject to ORS 316.162 to
23 **316.221 or section 122a of this 2017 Act**, the department shall, upon receipt
24 of all payments due from the employer for withheld amounts, cancel any
25 bond or irrevocable letter of credit given under this section. Such bonds or
26 letters of credit held for the benefit of the State of Oregon shall first be
27 applied to any indebtedness or deficiencies due from the employer under ORS
28 **316.162 to 316.221 and section 122a of this 2017 Act** and accruing after the
29 date the bond or letter of credit was posted before any return is made to the
30 employer. The employer shall have no interest in such bond or letter of

1 credit prior to full compliance with this section and all provisions of ORS
2 316.162 to 316.221 **and section 122a of this 2017 Act.**

3 “(7) If an employer required to post a bond or irrevocable letter of credit
4 or make payment of amounts withheld in the manner prescribed under this
5 section makes full payment of all delinquent amounts due and owing at the
6 time the bond, letter of credit or accelerated payment schedule was required
7 and makes payment of amounts due under ORS 316.162 to 316.221 **and sec-**
8 **tion 122a of this 2017 Act** and files returns required in connection with
9 those payments in a timely manner for the succeeding four calendar quarters,
10 the department shall release the employer from the requirement to post the
11 bond or letter of credit or make accelerated payments of amounts withheld.

12 “(8) If any employer fails to comply with subsections (1) to (7) of this
13 section, the Oregon Tax Court, upon commencement of an action by the de-
14 partment for that purpose, may order the employer to post the required bond
15 or irrevocable letter of credit or make accelerated payments of amounts
16 withheld. The employer’s failure to obey an order of the court is punishable
17 by contempt. If the Oregon Tax Court determines that an order of compliance
18 enforceable by contempt proceedings will not assure the payment of withheld
19 taxes by the employer, the court may enjoin the employer from further em-
20 ploying individuals in this state or continuing in business therein until the
21 employer has complied with subsections (1) to (7) of this section.

22 **“SECTION 122c.** ORS 316.169 is amended to read:

23 “316.169. (1) If a lender, surety or other person who is not an employer
24 with respect to an employee pays wages directly to the employee, or to an
25 agent on behalf of the employee, the lender, surety or other person shall
26 deduct and retain from the wages, and shall be liable to this state for, an
27 amount equal to the amount required to be withheld from the employee’s
28 wages by the employer under ORS 316.167 **and section 122a of this 2017**
29 **Act.**

30 “(2) A lender, surety or other person described under this section shall

1 file a combined quarterly tax report and make payment of the tax or as-
2 sessment that is due in the time and manner prescribed for employers under
3 ORS 316.168.

4 “(3) Amounts paid under this section shall be credited against the liability
5 of the employer under ORS 316.167 **and section 122a of this 2017 Act.**

6 “(4) A lender, surety or other person described under this section shall
7 be considered to be an employer with respect to withholdings made under
8 this section or required to be made under this section for purposes of ORS
9 316.191, 316.197, 316.202, 316.207 and 316.212 **and section 122a of this 2017**
10 **Act.**

11 “(5) The employer of an employee that receives wages from a lender,
12 surety or other person shall not be discharged from any liability or other
13 obligation under ORS 316.162 to 316.221 **or section 122a of this 2017 Act**
14 except as provided for in subsection (3) of this section.

15 **“SECTION 122d.** ORS 316.189 is amended to read:

16 “316.189. (1) As used in this section:

17 “(a) ‘Commercial annuity’ means an annuity, endowment or life insurance
18 contract issued by an insurance company authorized to transact insurance
19 in the State of Oregon.

20 “(b) ‘Department’ means the Oregon Department of Revenue.

21 “(c) ‘Designated distribution’ means any distribution or payment from or
22 under an employer deferred compensation plan, an individual retirement plan
23 or a commercial annuity. ‘Designated distribution’ does not include any
24 amount treated as wages as defined in ORS 316.162, the portion of any dis-
25 tribution or payment that is not includable in the gross income of the re-
26 cipient or any distribution or payment made under section 404(k)(2) of the
27 Internal Revenue Code.

28 “(d) ‘Employer deferred compensation plan’ means any pension, annuity,
29 profit-sharing or stock bonus plan or other plan deferring the receipt of
30 compensation.

1 “(e) ‘Individual retirement plan’ means an individual retirement account
2 described in section 408(a) of the Internal Revenue Code or an individual
3 retirement annuity described in section 408(b) of the Internal Revenue Code.

4 “(f) ‘Nonperiodic distribution’ means any designated distribution which
5 is not a periodic payment.

6 “(g) ‘Payer’ means any payer of a designated distribution doing business
7 in or making payments or distributions from sources in this state.

8 “(h) ‘Periodic payment’ means a designated distribution which is an an-
9 nuity or similar periodic payment.

10 “(i) ‘Plan administrator’ means a plan administrator as described in sec-
11 tion 414(g) of the Internal Revenue Code, who is the administrator of a plan
12 created by an Oregon employer.

13 “(j) ‘Qualified total distribution’ means any designated distribution made
14 under a retirement, annuity or deferred compensation plan described in sec-
15 tion 401(a), 403(a) or 457(b) of the Internal Revenue Code, that consists of
16 the balance to the credit of the employee, exclusive of accumulated deduct-
17 ible employee contributions, made within one tax year of the recipient.

18 “(2)(a) The payer of any periodic payment shall withhold from such pay-
19 ment the amount which would be required to be withheld from such payment
20 under ORS 316.167 **or section 122a of this 2017 Act** if the payment were
21 wages paid by an employer to an employee. The time and manner of payment
22 of withheld amounts to the department shall be the same as that required
23 under ORS 316.197 for withholding of income taxes from wages.

24 “(b) The payer of any nonperiodic distribution shall withhold from such
25 distribution an amount determined under tables prescribed by the depart-
26 ment.

27 “(c) The maximum amount to be withheld under this section on any des-
28 igned distribution shall not exceed 10 percent of the amount of money and
29 the fair market value of other property received in the distribution. If the
30 distribution is not subject to withholding for federal income tax purposes

1 under section 3405 of the Internal Revenue Code, it shall not be subject to
2 withholding under this section.

3 “(3)(a) Except as provided in paragraph (b) of this subsection, the payer
4 of a designated distribution shall withhold and be liable for payment of
5 amounts required to be withheld under this section.

6 “(b) In the case of any plan described in section 401(a), 403(a) or 457(b)
7 of the Internal Revenue Code, or section 301(d) of the Tax Reduction Act of
8 1975, the plan administrator shall withhold and be liable for payment of
9 amounts required to be withheld under this section, unless the plan admin-
10 istrator has directed the payer to withhold the tax and has provided the
11 payer with the information required by rule of the department.

12 “(4)(a) An individual may elect to have no withholding by a payer under
13 subsection (2) of this section. If an individual has elected to have no federal
14 withholding from payments or distributions described in this section the in-
15 dividual shall be deemed to have elected no withholding for state purposes,
16 unless the individual notifies the payer otherwise.

17 “(b) An election made under this subsection shall be effective as provided
18 under rules promulgated by the department. The rules required under this
19 paragraph shall provide the manner in which an election may be revoked and
20 when such revocation shall be effective.

21 **“(c) An election made under this subsection does not apply to**
22 **amounts required to be withheld under section 122a of this 2017 Act.**

23 “(5) The payer of any periodic payment or nonperiodic distribution shall
24 give notice to the payee of the right to make an election to have no state
25 withholding from the payment or distribution. The department shall provide
26 by rule for the time and manner of giving the notice required under this
27 subsection.

28 “(6) Any rules permitted or required to be promulgated by the department
29 under this section shall, insofar as is practicable, be consistent with corre-
30 sponding provisions of section 3405 of the Internal Revenue Code and regu-

1 lations promulgated thereunder.

2 “(7) Any designated distribution shall be treated as if it were wages paid
3 by an employer to an employee within the meaning of ORS 316.162 to 316.221
4 **and section 122a of this 2017 Act** for all other purposes of ORS 316.162 to
5 316.221 **and section 122a of this 2017 Act**. In the case of any designated
6 distribution not subject to withholding by reason of an election under sub-
7 section (4) of this section, the amount withheld shall be treated as zero.

8 **“SECTION 122e.** ORS 316.197 is amended to read:

9 “316.197. (1)(a) Except as provided under ORS 316.191 or paragraph (b) of
10 this subsection, within the time that each employer is required to pay over
11 taxes withheld for federal income tax purposes for any period, the employer
12 shall pay over to the Department of Revenue or to a financial agent of the
13 department the amounts required to be withheld under ORS 316.167 and
14 316.172 **and section 122a of this 2017 Act** for the same period. Any employer
15 not required to withhold federal income taxes for any period but who is re-
16 quired to deduct and retain amounts from wages paid to an employee under
17 ORS 316.167 and 316.172 **and section 122a of this 2017 Act** for the same
18 period shall pay over to the department, or financial agent of the department,
19 taxes withheld for the period, within the time and in the manner, as if the
20 employer were required to withhold taxes for the period under federal law.

21 “(b) Notwithstanding the provisions of paragraph (a) of this subsection,
22 any employer of agricultural employees who is not required to withhold
23 federal income taxes for any period but who is required to deduct and retain
24 amounts from wages paid to those employees under ORS 316.167 and 316.172
25 shall pay over to the department, or financial agent of the department, taxes
26 so withheld at the same time and for the same period for which the employer
27 is required to pay over employer and employee taxes under chapter 21 of the
28 Internal Revenue Code (Federal Insurance Contributions Act).

29 “(2) Every amount so paid over shall be accounted for as part of the col-
30 lections under this chapter. No employee has any right of action against an

1 employer in respect of any moneys deducted from wages and paid over in
2 compliance or intended compliance with this section.

3 “(3) If any amount required to be withheld and paid over to the depart-
4 ment is delinquent, interest shall accrue at the rate prescribed under ORS
5 305.220 on that amount from the last day of the month following the end of
6 the calendar quarter within which the amount was required to be paid to the
7 department to the date of payment. The provisions of this subsection shall
8 not relieve any employer from liability for a late payment penalty under any
9 other provision of law.

10 **“SECTION 122f.** ORS 316.202 is amended to read:

11 “316.202. (1) With each payment made to the Department of Revenue, ev-
12 ery employer shall deliver to the department, on a form prescribed by the
13 department showing the total amount of withheld taxes in accordance with
14 ORS 316.167 and 316.172 **and section 122a of this 2017 Act**, and supply such
15 other information as the department may require. The employer is charged
16 with the duty of advising the employee of the amount of moneys withheld,
17 in accordance with such regulations as the department may prescribe, using
18 printed forms furnished or approved by the department for such purpose.

19 “(2) Except as provided in subsection (4) of this section, every employer
20 shall submit a combined quarterly return to the department on a form pro-
21 vided by it showing the number of payments made, the withheld taxes paid
22 during the quarter and an explanation of federal withholding taxes as com-
23 puted by the employer. The report shall be filed with the department on or
24 before the last day of the month following the end of the quarter.

25 “(3) The employer shall make an annual return to the department on
26 forms provided or approved by it, summarizing the total compensation paid
27 and the taxes withheld for all employees during the calendar year and shall
28 file the same with the department on or before the due date of the corre-
29 sponding federal return for the year for which report is made. Failure to file
30 the annual report without reasonable excuse on or before the 30th day after

1 notice has been given to the employer of failure subjects the employer to a
2 penalty of \$100. The department may by rule require additional information
3 the department finds necessary to substantiate the annual return, including
4 but not limited to copies of federal form W-2 for individual employees, and
5 may prescribe circumstances under which the filing requirement imposed by
6 this subsection is waived.

7 “(4) Notwithstanding the provisions of subsection (2) of this section, em-
8 ployers of agricultural employees may submit returns annually showing the
9 number of payments made and the withheld taxes paid. However, such em-
10 ployers shall make and file a combined quarterly tax report with respect to
11 other tax programs, as required by ORS 316.168.

12 “(5) In addition to any other penalty required by law:

13 “(a) A person who fails to substantiate a report required under subsection
14 (3) of this section, or who files incomplete or incorrect substantiation, shall
15 be subject to a penalty of \$50 per federal form W-2 after the date on which
16 the substantiation is due, up to a maximum penalty of \$2,500.

17 “(b) A person who knowingly fails to substantiate a report required under
18 subsection (3) of this section, or who knowingly files incomplete or incorrect
19 substantiation, shall be subject to a penalty of \$250 per federal form W-2
20 after the date on which the substantiation is due, up to a maximum penalty
21 of \$25,000.

22 “**SECTION 122g.** ORS 316.207 is amended to read:

23 “316.207. (1) Every employer who deducts and retains any amount under
24 ORS 316.162 to 316.221 **and section 122a of this 2017 Act** shall hold the
25 same in trust for the State of Oregon and for the payment thereof to the
26 Department of Revenue in the manner and at the time provided in ORS
27 316.162 to 316.221.

28 “(2) At any time the employer fails to remit any amount withheld, the
29 department may enforce collection by the issuance of a distraint warrant for
30 the collection of the delinquent amount and all penalties, interest and col-

1 lection charges accrued thereon. Such warrant shall be issued, recorded and
2 proceeded upon in the same manner and shall have the same force and effect
3 as is prescribed with respect to warrants for the collection of delinquent
4 income taxes.

5 “(3)(a) In the case of an employer that is assessed pursuant to the pro-
6 visions of ORS 305.265 (12) and 314.407 (1), the department may issue a notice
7 of liability to any officer, employee or member described in ORS 316.162
8 (3)(b) of such employer within three years from the time of assessment.
9 Within 30 days from the date the notice of liability is mailed to the officer,
10 employee or member, such officer, employee or member shall pay the assess-
11 ment, plus penalties and interest, or advise the department in writing of ob-
12 jections to the liability and, if desired, request a conference. Any conference
13 shall be governed by the provisions of ORS 305.265 pertaining to a conference
14 requested from a notice of deficiency.

15 “(b) After a conference or, if no conference is requested, a determination
16 of the issues considering the written objections, the department shall mail
17 the officer, employee or member a conference letter affirming, canceling or
18 adjusting the notice of liability. Within 90 days from the date the conference
19 letter is mailed to the officer, employee or member, such officer, employee
20 or member shall pay the assessment, plus penalties and interest, or appeal
21 to the tax court in the manner provided for an appeal from a notice of as-
22 sessment.

23 “(c) If neither payment nor written objection to the notice of liability is
24 received by the department within 30 days after the notice of liability has
25 been mailed, the notice of liability becomes final. In such event, the officer,
26 employee or member may appeal the notice of liability to the tax court
27 within 90 days after it became final in the manner provided for an appeal
28 from a notice of assessment.

29 “(4)(a) In the case of a failure to file a withholding tax report on the due
30 date, governed by the provisions of ORS 305.265 (10) and 314.400, the de-

1 department, in addition to the provisions of ORS 305.265 (10) and 314.400, may
2 send notices of determination and assessment to any officer, employee or
3 member described in ORS 316.162 (3)(b) any time within three years after the
4 assessment of an employer described in ORS 316.162 (3)(a). The time of as-
5 sessment against such officer, employee or member shall be 30 days after the
6 date the notice of determination and assessment is mailed. Within 30 days
7 from the date the notice of determination and assessment is mailed to the
8 officer, employee or member, such officer, employee or member shall pay the
9 assessment, plus penalties and interest, or advise the department in writing
10 of objections to the assessment, and if desired, request a conference. Any
11 conference shall be governed by the provisions of ORS 305.265 pertaining to
12 a conference requested from a notice of deficiency.

13 “(b) After a conference or, if no conference is requested, a determination
14 of the issues considering the written objections, the department shall mail
15 the officer, employee or member a conference letter affirming, canceling or
16 adjusting the notice of determination and assessment. Within 90 days from
17 the date the conference letter is mailed to the officer, employee or member,
18 such officer, employee or member shall pay the assessment, plus penalties
19 and interest, or appeal in the manner provided for an appeal from a notice
20 of assessment.

21 “(c) If neither payment nor written objection to the notice of determi-
22 nation and assessment is received by the department within 30 days after the
23 notice of determination and assessment has been mailed, the notice of de-
24 termination and assessment becomes final. In such event, the officer, em-
25 ployee or member may appeal the notice of determination and assessment to
26 the tax court within 90 days after it became final in the manner provided for
27 an appeal from a notice of assessment.

28 “(5)(a) More than one officer or employee of a corporation may be held
29 jointly and severally liable for payment of withheld taxes.

30 “(b) Notwithstanding the provisions of ORS 314.835, 314.840 or 314.991, if

1 more than one officer or employee of a corporation may be held jointly and
2 severally liable for payment of withheld taxes, the department may require
3 any or all of the officers, members or employees who may be held liable to
4 appear before the department for a joint determination of liability. The de-
5 partment shall notify each officer, member or employee of the time and place
6 set for the determination of liability.

7 “(c) Each person notified of a joint determination under this subsection
8 shall appear and present such information as is necessary to establish that
9 person’s liability or nonliability for payment of withheld taxes to the de-
10 partment. If any person notified fails to appear, the department shall make
11 its determination on the basis of all the information and evidence presented.
12 The department’s determination shall be binding on all persons notified and
13 required to appear under this subsection.

14 “(d)(A) If an appeal is taken to the Oregon Tax Court pursuant to ORS
15 305.404 to 305.560 by any person determined to be liable for unpaid with-
16 holding taxes under this subsection, each person required to appear before
17 the department under this subsection shall be impleaded by the plaintiff. The
18 department may implead any officer, employee or member who may be held
19 jointly and severally liable for the payment of withheld taxes. Each person
20 impleaded under this paragraph shall be made a party to the action before
21 the tax court and shall make available to the tax court such information as
22 was presented before the department, as well as such other information as
23 may be presented to the court.

24 “(B) The court may determine that one or more persons impleaded under
25 this paragraph are liable for unpaid withholding taxes without regard to any
26 earlier determination by the department that an impleaded person was not
27 liable for unpaid withholding taxes.

28 “(C) If any person required to appear before the court under this sub-
29 section fails or refuses to appear or bring such information in part or in
30 whole, or is outside the jurisdiction of the tax court, the court shall make

1 its determination on the basis of all the evidence introduced. All such evi-
2 dence shall constitute a public record and shall be available to the parties
3 and the court notwithstanding ORS 314.835, 314.840 or 314.991. The determi-
4 nation of the tax court shall be binding on all persons made parties to the
5 action under this subsection.

6 “(e) Nothing in this section shall be construed to preclude a determi-
7 nation by the department or the Oregon Tax Court that more than one offi-
8 cer, employee or member are jointly and severally liable for unpaid
9 withholding taxes.

10 **“SECTION 122h.** ORS 316.212 is amended to read:

11 “316.212. The provisions of the income tax laws in ORS chapters 305 and
12 314 and this chapter, relating to penalties, misdemeanors and jeopardy as-
13 sessments, apply to employers subject to the provisions of ORS 316.162 to
14 316.221 **and section 122a of this 2017 Act**, and for these purposes any
15 amount deducted or required to be deducted and remitted to the Department
16 of Revenue under ORS 316.162 to 316.221 **and section 122a of this 2017 Act**
17 is considered the tax of the employer and with respect to such amount the
18 employer is considered as a taxpayer.

19 **“SECTION 122i. Except as otherwise provided in section 122a of this**
20 **2017 Act or where the context requires otherwise, the provisions of**
21 **ORS chapters 305 and 314 as to the audit and examination of returns,**
22 **periods of limitation, determination of and notices of deficiencies, as-**
23 **sessments, collections, liens, delinquencies, claims for refund and re-**
24 **funds, conferences, appeals to the Oregon Tax Court, stays of**
25 **collection pending appeal, confidentiality of returns and the penalties**
26 **relative thereto, and the procedures relating thereto, apply to the de-**
27 **terminations of taxes, penalties and interest under section 122a of this**
28 **2017 Act.**

29 **“SECTION 122j. (1) All moneys received by the Department of Rev-**
30 **enue from the tax imposed under section 122a of this 2017 Act shall**

1 be deposited in the State Treasury and credited to a suspense account
2 established under ORS 293.445. The department may pay expenses for
3 the administration and enforcement of section 122a of this 2017 Act out
4 of moneys received from the tax imposed under section 122a of this
5 2017 Act. Amounts necessary to pay administrative and enforcement
6 expenses are continuously appropriated to the department from the
7 suspense account.

8 “(2) After the payment of administrative and enforcement expenses
9 and refunds or credits arising from erroneous overpayments, the de-
10 partment shall credit the balance of the moneys received by the de-
11 partment to the Statewide Transportation Improvement Fund
12 established under section 122L of this 2017 Act.

13 “SECTION 122k. Section 122a of this 2017 Act applies to tax periods
14 beginning on or after July 1, 2018.

15 “SECTION 122L. (1) The Statewide Transportation Improvement
16 Fund is established in the State Treasury, separate and distinct from
17 the General Fund. Interest earned by the Statewide Transportation
18 Improvement Fund shall be credited to the fund. Moneys in the fund
19 are continuously appropriated to the Department of Transportation to
20 finance investments and improvements in public transportation ser-
21 vices, except that the moneys may not be used for light rail.

22 “(2) The Statewide Transportation Improvement Fund consists of:

23 “(a) All moneys received from the tax imposed under section 122a
24 of this 2017 Act;

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

27 “(c) Other moneys deposited in the fund from any source.

28 “SECTION 122m. As used in sections 122m to 122p of this 2017 Act:

29 “(1) ‘Public transportation service provider’ includes a qualified
30 entity and a city, county, special district, intergovernmental entity or

1 any other political subdivision or municipal or public corporation that
2 provides public transportation services and is not otherwise described
3 in subsection (2) of this section.

4 “(2) ‘Qualified entity’ means the following:

5 “(a) Counties in which no part of a mass transit district or trans-
6 portation district exists;

7 “(b) Mass transit districts organized under ORS 267.010 to 267.390;

8 “(c) Transportation districts organized under ORS 267.510 to 267.650;

9 and

10 “(d) Federally recognized Indian tribes.

11 **“SECTION 122n.** (1) The Oregon Transportation Commission shall
12 distribute the moneys in the Statewide Transportation Improvement
13 Fund established under section 122L of this 2017 Act as follows:

14 “(a) Conditioned upon the commission’s approval of a public trans-
15 portation improvement plan, 90 percent to qualified entities;

16 “(b) Five percent to public transportation service providers based
17 on a competitive grant program adopted by the commission by rule;

18 “(c) Four percent to public transportation service providers to pro-
19 vide funding assistance to cover the costs of improving public trans-
20 portation services between two or more communities; and

21 “(d) One percent to the Department of Transportation to establish
22 a statewide public transportation technical resource center, the pur-
23 pose of which is to assist public transportation service providers in
24 rural areas with training, transportation planning and information
25 technology.

26 “(2) For purposes of the percentage distributions under subsection
27 (1)(a) of this section:

28 “(a) Each distribution must be in such shares that the amount of
29 tax paid, as required under section 122a of this 2017 Act, in the area
30 of each qualified entity bears to the total amount of the tax paid

1 statewide, provided that each qualified entity receives an annual
2 amount of at least \$100,000.

3 “(b) Each public transportation service provider that receives
4 funding under this section shall receive at least a share that the
5 amount of the tax paid, as required under section 122a of this 2017 Act,
6 in the area served by the provider bears to the amount of tax paid in
7 the area of the respective qualified entity in which the public trans-
8 portation service provider provides services.

9 “(c) If more than one mass transit district or transportation district
10 is located within a single county, the commission shall distribute the
11 moneys to the larger district.

12 “(3) The commission shall adopt by rule:

13 “(a) A competitive grant program, by which a public transportation
14 service provider may apply for a percentage distribution under sub-
15 section (1)(b) of this section, and the terms and conditions of grants.

16 “(b) A competitive grant program, by which a public transportation
17 service provider may apply for a percentage distribution under sub-
18 section (1)(c) of this section, and the terms and conditions of grants.

19 “(c) A process to review and approve a public transportation im-
20 provement plan submitted under subsection (4) of this section.

21 “(d) Procedures for appealing a rejection of a public transportation
22 improvement plan submitted under subsection (4) of this section.

23 “(e) Any other provisions or procedures that are necessary for the
24 commission to carry out the provisions of sections 122n to 122p of this
25 2017 Act.

26 “(4) To be eligible to receive a percentage distribution under sub-
27 section (1)(a) of this section, a qualified entity shall prepare and sub-
28 mit a public transportation improvement plan to the commission. The
29 commission must approve the plan submitted by the qualified entity
30 before the commission may make a percentage distribution to the

1 **qualified entity.**

2 **“(5) At a minimum, a public transportation improvement plan sub-**
3 **mitted under this section must include:**

4 **“(a) For each proposed project, the amount of moneys from the**
5 **percentage distribution that would be allocated to the project to fund**
6 **the following:**

7 **“(A) Increased frequency of bus service schedules in communities**
8 **with a high percentage of low-income households;**

9 **“(B) Procurement of buses that are powered by natural gas or**
10 **electricity for use in areas with a population of 200,000 or more;**

11 **“(C) Implementation of programs to reduce fares for public trans-**
12 **portation in communities with a high percentage of low-income**
13 **households;**

14 **“(D) Expansion of bus routes and bus services to reach communities**
15 **with a high percentage of low-income households;**

16 **“(E) Improvement in the frequency and reliability of service con-**
17 **nections between communities inside and outside of the qualified**
18 **entity’s service area; and**

19 **“(F) Coordination between public transportation service providers**
20 **to reduce fragmentation in the provision of transportation services;**

21 **“(b) For the current fiscal year, a summary of any plans and project**
22 **proposals approved by an advisory committee under section 122o of**
23 **this 2017 Act; and**

24 **“(c) If a qualified entity was a recipient of a percentage distribution**
25 **in the preceding fiscal year, the amount of moneys received from the**
26 **distribution that were allocated to a project for the purposes described**
27 **under paragraph (a) of this subsection.**

28 **“(6) After the commission makes a distribution under subsection (1)**
29 **of this section, qualified entities may enter into intergovernmental**
30 **agreements under ORS chapter 190 to combine the moneys received for**

1 public transportation improvements.

2 “(7) If the commission rejects a public transportation improvement
3 plan or a grant application submitted under this section, the commis-
4 sion shall notify the entity or provider in writing and state the reasons
5 for the rejection.

6 “(8) The Department of Transportation shall make all grant appli-
7 cations submitted under this section available to the public.

8 **“SECTION 122o.** (1) The governing body of each qualified entity
9 shall appoint an advisory committee to advise and assist the governing
10 body in prioritizing plans or projects to be funded from the moneys
11 received from a percentage distribution under section 122n of this 2017
12 Act to public transportation service providers that provide services
13 within the jurisdiction of the qualified entity.

14 “(2) Before receiving funding for a project under section 122n of this
15 2017 Act, a public transportation service provider that provides ser-
16 vices within the jurisdiction of a qualified entity shall submit a plan
17 or project proposal to the governing body of the qualified entity and
18 receive the advisory committee’s approval of the plan or project pro-
19 posal. The plans or project proposals submitted under this subsection
20 must describe how the funds would be used.

21 “(3) An advisory committee appointed under this section shall re-
22 view every plan or project proposal required under subsection (2) of
23 this section and may propose any changes to the policies or practices
24 of the governing body that the advisory committee considers necessary
25 to ensure that:

26 “(a) A public transportation service provider that has received
27 funding under section 122n of this 2017 Act has applied the moneys
28 received in accordance with and for the purposes described in the
29 provider’s plan or project proposal; and

30 “(b) A plan or project proposal submitted by a public transportation

1 service provider does not fragment the provision of public transporta-
2 tion services.

3 “(4) The Oregon Transportation Commission shall adopt by rule:

4 “(a) Requirements for the composition of an advisory committee
5 appointed under this section;

6 “(b) Criteria that must be included in a plan or project proposal
7 required under subsection (2) of this section; and

8 “(c) A process by which an advisory committee shall review and
9 approve a plan or project proposal.

10 “SECTION 122p. Every qualified entity shall submit the following
11 to the Department of Transportation no later than 30 days prior to the
12 end of the fiscal year in which the qualified entity receives a percent-
13 age distribution under section 122n of this 2017 Act:

14 “(1) A report on any actions taken by a public transportation ser-
15 vice provider located within the area of a qualified entity to mitigate
16 the impact of the tax imposed under section 122a of this 2017 Act on
17 passengers who reside in low-income communities;

18 “(2) The adopted annual budget for the upcoming fiscal year; and

19 “(3) The results of any audits of the qualified entity or of a public
20 transportation service provider located within the area of the qualified
21 entity as required by a local, state or federal oversight agency for
22 purposes of statewide reporting including, but not limited to:

23 “(a) The state financial report required under ORS 291.040;

24 “(b) The results of any comprehensive review completed by the
25 Federal Transit Administration; and

26 “(c) Any information submitted by the qualified entity as a part of
27 the requirements of a statewide audit in accordance with the federal
28 Single Audit Act of 1984 (31 U.S.C. 7501 to 7507), as amended by the
29 Single Audit Act Amendments of 1996 (P.L. 104-156).

30 “SECTION 122q. On or before February 1, 2020, the Oregon Trans-

1 portation Commission shall submit a report in the manner provided
2 by ORS 192.245 to the Joint Committee on Transportation established
3 under section 26 of this 2017 Act on the implementation and outcomes
4 of sections 122m to 122p of this 2017 Act.

5 **“SECTION 122r. (1) Sections 122m to 122q of this 2017 Act become
6 operative on January 1, 2019.**

7 **“(2) The Oregon Transportation Commission and the Department
8 of Transportation may take any action before the operative date
9 specified in subsection (1) of this section that is necessary for the
10 commission or the department to exercise all of the duties, functions
11 and powers conferred on the commission and the department by
12 sections 122m to 122q of this 2017 Act.**

13

14 **“(Safe Routes to Schools)**

15

16 **“SECTION 123. (1) The Oregon Transportation Commission may
17 provide matching grants under this section for safety improvement
18 projects near schools.**

19 **“(2) To qualify for a matching grant an applicant shall:**

20 **“(a) Demonstrate that a project fits within the applicable plan de-
21 veloped pursuant to ORS 195.115;**

22 **“(b) Provide a cash match of at least 40 percent of the project’s
23 costs; and**

24 **“(c) Provide any other information required by the commission.**

25 **“(3) Notwithstanding subsection (2) of this section, the commission
26 may reduce the amount the applicant must provide for a cash match.
27 An applicant providing a reduced cash match shall provide at least 20
28 percent of the project’s costs. This subsection applies if:**

29 **“(a) The school is located in a city with a population of 5,000 or
30 fewer;**

1 “(b) The project reduces hazards within a safety corridor, as defined
2 by the commission by rule; or

3 “(c) The school site qualifies for assistance under Chapter I of Title
4 I of the federal Elementary and Secondary Education Act of 1965.

5 “(4) The commission shall prioritize the expenditure of funds as
6 authorized under this section for projects that are located within a
7 one-mile radius of a school that serves students in prekindergarten,
8 kindergarten or grades 1 through 8, or any combination of those grade
9 levels, or a school that serves students in kindergarten through grade
10 12.

11 “(5) The matching grants shall be used to reduce barriers and haz-
12 ards to children walking or bicycling to and from school, including but
13 not limited to safety improvement projects that:

14 “(a) Improve sidewalks;

15 “(b) Reduce vehicle speeds;

16 “(c) Improve pedestrian and bicycle crossings; or

17 “(d) Create or improve bicycle lanes.

18 “(6) The commission may adopt rules specifying the application
19 process and the selection criteria that will be used in awarding
20 matching grants.

21 “**SECTION 124.** ORS 184.740 is amended to read:

22 “184.740. (1) The Safe Routes to Schools Fund is established separate and
23 distinct from the General Fund. Interest earned by the Safe Routes to
24 Schools Fund shall be credited to the fund. Moneys in the fund are contin-
25 uously appropriated to the Department of Transportation to implement a safe
26 routes to schools program as described in ORS 184.741 **and to fund projects**
27 **described in section 123 of this 2017 Act.**

28 “(2) The department may apply for, accept, receive and disburse gifts,
29 grants, donations and other moneys from the federal government or from any
30 other source to carry out a safe routes to schools program. Moneys received

1 by the department under this subsection shall be deposited in the Safe Routes
2 to Schools Fund.

3 “(3) The department, in consultation with the Transportation Safety
4 Committee, may award grants from the Safe Routes to Schools Fund to ap-
5 plicants who comply with criteria adopted by the department under ORS
6 184.741 **or who qualify under section 123 of this 2017 Act.**

7

8 “(Roadside Rest Areas)

9

10 “**SECTION 125.** ORS 377.841 is amended to read:

11 “377.841. (1) The Travel Information Council shall manage, maintain, im-
12 prove and develop for local economic development and other purposes iden-
13 tified in ORS 377.705 roadside rest areas along the following highways:

14 “(a) Interstate 5, northbound, near milepost 63.

15 “(b) Interstate 5, southbound, near milepost 63.

16 “(c) Interstate 5, northbound, near milepost 143.

17 “(d) Interstate 5, southbound, near milepost 143.

18 “(e) Interstate 5, northbound, near milepost 178.

19 “(f) Interstate 5, southbound, near milepost 178.

20 “(g) Interstate 5, northbound, near milepost 206.

21 “(h) Interstate 5, southbound, near milepost 206.

22 “(i) Interstate 5, northbound, near milepost 241.

23 “(j) Interstate 5, southbound, near milepost 241.

24 “(k) Interstate 5, northbound, near milepost 281.

25 “(L) Interstate 5, southbound, near milepost 281.

26 “(m) Interstate 84, eastbound, near milepost 73.

27 “(n) Interstate 84, westbound, near milepost 73.

28 “(o) Interstate 84, eastbound, near milepost 160.

29 “(p) Interstate 84, westbound, near milepost 160.

30 “(q) Interstate 84, eastbound, near milepost 187.

1 “(r) Interstate 84, westbound, near milepost 187.

2 “(s) Interstate 84, eastbound, near milepost 269.

3 “(t) Interstate 84, westbound, near milepost 269.

4 “(u) Interstate 84, eastbound, near milepost 295.

5 “(v) Interstate 84, westbound, near milepost 295.

6 “(w) Interstate 84, westbound, near milepost 336.

7 “(x) Interstate 84, westbound, near milepost 377.

8 “(y) U.S. Highway 26, westbound, near milepost 54.

9 “(z) U.S. Highway 101, southbound, near milepost 70.

10 “(2) Subject to subsection (4) of this section, in carrying out the pro-
11 visions of subsection (1) of this section, the council may enter into contracts
12 necessary to accomplish the purposes of subsection (1) of this section.

13 “(3) The Department of Transportation shall:

14 “(a) Maintain ownership of any roadside rest area located along an
15 interstate highway that the council manages, maintains, improves and de-
16 velops pursuant to subsection (1) of this section; and

17 “(b) Enter into an intergovernmental agreement with the council under
18 which the council has the authority to manage, maintain, improve and de-
19 velop those rest areas owned by the department that are listed in subsection
20 (1) of this section.

21 “(4) Under the intergovernmental agreement entered into under sub-
22 section (3) of this section, the council shall conduct public contracting ac-
23 tivities in accordance with the provisions of ORS 377.836.

24 “(5) For the purpose of funding the management, maintenance, improve-
25 ment and development of roadside rest areas under this section, the depart-
26 ment shall allocate to the council, *[no later than January 2 of each year, \$6.55*
27 *million]* **for the period beginning on January 1, 2018, and ending on**
28 **June 30, 2018, \$3.33 million**, from the State Highway Fund.

29 “(6) The council may not use any moneys originating from a local tran-
30 sient lodging tax or a state transient lodging tax, as those terms are defined

1 in ORS 320.300, for the purpose of funding the management, maintenance,
2 improvement and development of roadside rest areas under this section.

3 **“SECTION 126.** ORS 377.841, as amended by section 125 of this 2017 Act,
4 is amended to read:

5 **“377.841. (1) For the purposes of this section, ‘roadside rest areas’**
6 **includes the following roadside rest areas in this state:**

7 **“(a) Suncrest, Interstate 5, near milepost 22.**

8 **“(b) Manzanita, Interstate 5, near milepost 63.**

9 **“(c) Cabin Creek, Interstate 5, near milepost 143.**

10 **“(d) Gettings Creek, Interstate 5, near milepost 178.**

11 **“(e) Oak Grove, Interstate 5, near milepost 206.**

12 **“(f) Santiam River, Interstate 5, near milepost 241.**

13 **“(g) French Prairie, Interstate 5, near milepost 282.**

14 **“(h) Memaloose, Interstate 84, near milepost 73.**

15 **“(i) Boardman, Interstate 84, near milepost 161.**

16 **“(j) Stanfield, Interstate 84, near milepost 187.**

17 **“(k) Deadman Pass, Interstate 84, near milepost 229.**

18 **“(L) Charles Reynolds, Interstate 84, near milepost 269.**

19 **“(m) Baker Valley, Interstate 84, near milepost 295.**

20 **“(n) Weatherby, Interstate 84, near milepost 336.**

21 **“(o) Ontario, Interstate 84, near milepost 377.**

22 **“(p) The Maples, State Highway 22, near milepost 35.**

23 **“(q) Tillamook River, U.S. Highway 101, near milepost 71.**

24 **“(r) Sunset, U.S. Highway 26, near milepost 29.**

25 **“(s) Cow Canyon, U.S. Highway 97, near milepost 69.**

26 **“(t) Beaver Marsh, U.S. Highway 97, near milepost 207.**

27 **“(u) Midland, U.S. Highway 97, near milepost 282.**

28 **“(v) Government Camp, U.S. Highway 26, near milepost 54.**

29 **“[(1)] (2) The Travel Information Council shall manage, maintain, improve**
30 **and develop for local economic development and other purposes identified in**

1 ORS 377.705 **the** roadside rest areas **listed in subsection (1) of this sec-**
2 **tion.** *[along the following highways:]*

3 “*[(a) Interstate 5, northbound, near milepost 63.]*

4 “*[(b) Interstate 5, southbound, near milepost 63.]*

5 “*[(c) Interstate 5, northbound, near milepost 143.]*

6 “*[(d) Interstate 5, southbound, near milepost 143.]*

7 “*[(e) Interstate 5, northbound, near milepost 178.]*

8 “*[(f) Interstate 5, southbound, near milepost 178.]*

9 “*[(g) Interstate 5, northbound, near milepost 206.]*

10 “*[(h) Interstate 5, southbound, near milepost 206.]*

11 “*[(i) Interstate 5, northbound, near milepost 241.]*

12 “*[(j) Interstate 5, southbound, near milepost 241.]*

13 “*[(k) Interstate 5, northbound, near milepost 281.]*

14 “*[(L) Interstate 5, southbound, near milepost 281.]*

15 “*[(m) Interstate 84, eastbound, near milepost 73.]*

16 “*[(n) Interstate 84, westbound, near milepost 73.]*

17 “*[(o) Interstate 84, eastbound, near milepost 160.]*

18 “*[(p) Interstate 84, westbound, near milepost 160.]*

19 “*[(q) Interstate 84, eastbound, near milepost 187.]*

20 “*[(r) Interstate 84, westbound, near milepost 187.]*

21 “*[(s) Interstate 84, eastbound, near milepost 269.]*

22 “*[(t) Interstate 84, westbound, near milepost 269.]*

23 “*[(u) Interstate 84, eastbound, near milepost 295.]*

24 “*[(v) Interstate 84, westbound, near milepost 295.]*

25 “*[(w) Interstate 84, westbound, near milepost 336.]*

26 “*[(x) Interstate 84, westbound, near milepost 377.]*

27 “*[(y) U.S. Highway 26, westbound, near milepost 54.]*

28 “*[(z) U.S. Highway 101, southbound, near milepost 70.]*

29 “*[(2) Subject to subsection (4) of this section, in carrying out the provisions*
30 *of subsection (1) of this section, the council may enter into contracts necessary*

1 to accomplish the purposes of subsection (1) of this section.]

2 “(3) The Department of Transportation **and the State Parks and Re-**
3 **creation Department** shall:

4 “(a) Maintain ownership of [*any*] **the** roadside rest [*area located along an*
5 *interstate highway*] **areas, except for the Government Camp roadside rest**
6 **area listed in subsection (1)(v) of this section**, that the council manages,
7 maintains, improves and develops pursuant to subsection [(1)] **(2)** of this
8 section; and

9 “(b) Enter into [*an*] intergovernmental [*agreement*] **agreements** with the
10 council under which the council has the authority to manage, maintain, im-
11 prove and develop those **roadside** rest areas owned by the [*department that*
12 *are listed in subsection (1) of this section*] **departments**.

13 “(4) Under the intergovernmental [*agreement*] **agreements** entered into
14 under subsection (3) of this section, the council shall conduct public con-
15 tracting activities in accordance with the provisions of ORS 377.836.

16 “(5) For the purpose of funding the management, maintenance, improve-
17 ment and development of roadside rest areas under this section, the Depart-
18 ment **of Transportation** shall allocate to the council, for the period
19 beginning on [*January*] **July** 1, 2018, and ending on June 30, [*2018*] **2019**,
20 [*\$3.33*] **\$8.005** million, from the State Highway Fund.

21 “(6) The council may not use any moneys originating from a local tran-
22 sient lodging tax or a state transient lodging tax, as those terms are defined
23 in ORS 320.300, for the purpose of funding the management, maintenance,
24 improvement and development of roadside rest areas under this section.

25 “**SECTION 127.** ORS 377.841, as amended by sections 125 and 126 of this
26 2017 Act, is amended to read:

27 “377.841. (1) For the purposes of this section, ‘roadside rest areas’ includes
28 the following roadside rest areas in this state:

29 “(a) Suncrest, Interstate 5, near milepost 22.

30 “(b) Manzanita, Interstate 5, near milepost 63.

- 1 “(c) Cabin Creek, Interstate 5, near milepost 143.
- 2 “(d) Gettings Creek, Interstate 5, near milepost 178.
- 3 “(e) Oak Grove, Interstate 5, near milepost 206.
- 4 “(f) Santiam River, Interstate 5, near milepost 241.
- 5 “(g) French Prairie, Interstate 5, near milepost 282.
- 6 “(h) Memaloose, Interstate 84, near milepost 73.
- 7 “(i) Boardman, Interstate 84, near milepost 161.
- 8 “(j) Stanfield, Interstate 84, near milepost 187.
- 9 “(k) Deadman Pass, Interstate 84, near milepost 229.
- 10 “(L) Charles Reynolds, Interstate 84, near milepost 269.
- 11 “(m) Baker Valley, Interstate 84, near milepost 295.
- 12 “(n) Weatherby, Interstate 84, near milepost 336.
- 13 “(o) Ontario, Interstate 84, near milepost 377.
- 14 “(p) The Maples, State Highway 22, near milepost 35.
- 15 “(q) Tillamook River, U.S. Highway 101, near milepost 71.
- 16 “(r) Sunset, U.S. Highway 26, near milepost 29.
- 17 “(s) Cow Canyon, U.S. Highway 97, near milepost 69.
- 18 “(t) Beaver Marsh, U.S. Highway 97, near milepost 207.
- 19 “(u) Midland, U.S. Highway 97, near milepost 282.
- 20 “(v) Government Camp, U.S. Highway 26, near milepost 54.
- 21 **“(w) Van Duzer Corridor State Park, State Highway 18, near**
- 22 **milepost 10.**
- 23 **“(x) Ellmaker Wayside State Park, U.S. Highway 20, near milepost**
- 24 **32.**
- 25 **“(y) Peter Skene Ogden State Park, U.S. Highway 97, near milepost**
- 26 **113.**
- 27 “(2) The Travel Information Council shall manage, maintain, improve and
- 28 develop for local economic development and other purposes identified in ORS
- 29 377.705 the roadside rest areas listed in subsection (1) of this section.
- 30 “(3) The Department of Transportation and the State Parks and Recre-

1 ation Department shall:

2 “(a) Maintain ownership of the roadside rest areas, except for the Gov-
3 ernment Camp roadside rest area listed in subsection (1)(v) of this section,
4 that the council manages, maintains, improves and develops pursuant to
5 subsection (2) of this section; and

6 “(b) Enter into intergovernmental agreements with the council under
7 which the council has the authority to manage, maintain, improve and de-
8 velop those roadside rest areas owned by the departments.

9 “(4) Under the intergovernmental agreements entered into under sub-
10 section (3) of this section, the council shall conduct public contracting ac-
11 tivities in accordance with the provisions of ORS 377.836.

12 “(5) For the purpose of funding the management, maintenance, improve-
13 ment and development of roadside rest areas under this section, the Depart-
14 ment of Transportation shall allocate to the council, [*for the period beginning*
15 *on July 1, 2018, and ending on June 30, 2019, \$8.005*] **no later than July 1**
16 **of each year, \$9.16** million, from the State Highway Fund.

17 “(6) The council may not use any moneys originating from a local tran-
18 sient lodging tax or a state transient lodging tax, as those terms are defined
19 in ORS 320.300, for the purpose of funding the management, maintenance,
20 improvement and development of roadside rest areas under this section.

21 **“SECTION 128. (1) The amendments to ORS 377.841 by section 126**
22 **of this 2017 Act become operative on July 1, 2018.**

23 **“(2) The amendments to ORS 377.841 by section 127 of this 2017 Act**
24 **become operative on July 1, 2019.**

25 **“SECTION 129. (1) The Travel Information Council, after consulting**
26 **with the Department of Transportation and the State Parks and Re-**
27 **creation Department, shall develop a plan for transitioning the man-**
28 **agement of the roadside rest areas listed in ORS 377.841 from the**
29 **departments to the council.**

30 **“(2) The council shall provide a report on the transition plan to the**

1 **Joint Committee on Transportation established under section 26 of this**
2 **2017 Act in the manner provided by ORS 192.245 no later than Sep-**
3 **tember 15, 2018.**

4 **“SECTION 130. At least six months before the management of a**
5 **roadside rest area listed in ORS 377.841 is transferred to the Travel**
6 **Information Council:**

7 **“(1) The state agency transferring the management of the roadside**
8 **rest area shall provide to the council all site maps, interagency and**
9 **intergovernmental agreements and contracts associated with the ap-**
10 **plicable roadside rest area.**

11 **“(2) After receiving the information described in subsection (1) of**
12 **this section, the council shall conduct a full access, on-site inspection**
13 **of the roadside rest area.**

14 **“SECTION 131. For the purpose of funding capital improvements to**
15 **roadside rest areas managed by the Travel Information Council under**
16 **ORS 377.841, the Department of Transportation shall allocate each year**
17 **from the State Highway Fund to the council the following amounts:**

18 **“(1) During the period beginning July 1, 2018, and ending June 30,**
19 **2019, \$2.8 million.**

20 **“(2) During the period beginning July 1, 2019, and ending June 30,**
21 **2020, \$5.8 million.**

22 **“(3) During the period beginning July 1, 2020, and ending June 30,**
23 **2021, \$1.5 million.**

24 **“(4) During the period beginning July 1, 2021, and ending June 30,**
25 **2022, \$443,900.**

26 **“(5) During the period beginning July 1, 2022, and ending June 30,**
27 **2023, \$3.6 million.**

28 **“(6) During the period beginning July 1, 2023, and ending June 30,**
29 **2024, \$1.3 million.**

30 **“(7) During the period beginning July 1, 2024, and ending June 30,**

1 **2025, \$3.3 million.**

2 **“(8) During the period beginning July 1, 2025, and ending June 30,**
3 **2026, \$766,000.**

4

5 **“TRANSPORTATION GENERALLY**

6

7 **“SECTION 132.** Section 1, chapter 637, Oregon Laws 2015, is amended to
8 read:

9 **“Sec. 1.** (1) As soon as practicable after the operative date determined
10 under section 2, **chapter 637, Oregon Laws 2015,** [of this 2015 Act] and until
11 the 60th day following the operative date, the City of Damascus shall post
12 notices in at least two public locations in the city and on the website of the
13 city stating that:

14 **“(a)** Under subsection (2) of this section, the city is required to satisfy
15 all current and pending debts and obligations for which the city is liable;
16 and

17 **“(b)** Persons believing themselves to be creditors of the city should pres-
18 ent claims to the city as soon as possible to ensure that all valid debts and
19 obligations for which the city is liable will be timely paid.

20 **“(2)** Notwithstanding ORS 221.650, during the period that begins on the
21 30th day following the operative date determined under section 2, **chapter**
22 **637, Oregon Laws 2015,** [of this 2015 Act] and ends on the 60th day following
23 the operative date:

24 **“(a)** The City of Damascus shall expend moneys in the funds of the city
25 to satisfy:

26 **“(A)** Current and pending debts and obligations for which the city is lia-
27 ble, including, but not limited to, debt service payments, lease obligations,
28 financing arrangements and similar obligations;

29 **“(B)** Outstanding obligations relating to employment of city employees,
30 including pension and other employee benefit obligations; and

1 “(C) Other debts, obligations, liabilities and expenses requiring financial
2 satisfaction by a disincorporating city.

3 “(b) As soon as practicable after making the expenditures required under
4 paragraph (a) of this subsection, the city shall transfer:

5 “(A) All moneys in the city road fund to Clackamas County for deposit
6 in a separate account in the county road fund created for purposes of this
7 subparagraph. Moneys in the separate account shall be expended by the
8 county for the purposes for which moneys in the county road fund may be
9 expended, solely in the territory within the corporate boundaries of the City
10 of Damascus as they existed on the operative date determined under section
11 **2, chapter 637, Oregon Laws 2015** [*of this 2015 Act*].

12 “(B) An amount not to exceed \$3 million to Clackamas County for deposit
13 in a separate account in the county general fund created for purposes of this
14 subparagraph. Moneys in the separate account shall be expended by the
15 county for expenses related to the employment of employees of the City of
16 Damascus by Clackamas County pursuant to ORS 236.605 to 236.640, con-
17 tracted law enforcement services within the territory of the disincorporated
18 city and other current service expenses in the budget of the City of
19 Damascus on the operative date determined under section **2, chapter 637,**
20 **Oregon Laws 2015** [*of this 2015 Act*], and the administration by the county
21 of this subparagraph, including but not limited to the processing of expend-
22 itures under this subparagraph.

23 “(c) The City of Damascus shall transfer all moneys in the funds of the
24 city in excess of the moneys required to be expended under paragraph (a) of
25 this subsection and transferred under paragraph (b) of this subsection to
26 Clackamas County for deposit in a separate account in the county general
27 fund created for purposes of this paragraph. Excess moneys in the separate
28 account shall be distributed by the county as provided in subsection (3) of
29 this section.

30 “(3)(a) Excess moneys transferred to Clackamas County under subsection

1 (2)(c) of this section shall be distributed by the county on or as soon as
2 practicable after January 1, 2018, to each person that owned taxable property
3 as of June 30, 2016, for which property taxes were paid in full to the City
4 of Damascus for the property tax year beginning on July 1, 2015, in an
5 amount determined by multiplying the amount of all excess moneys to be
6 distributed under this subsection by the ratio of the cumulative amount of
7 ad valorem property taxes certified by the city and paid with respect to the
8 property owned by the person for the property tax years beginning on July
9 1, 2013, and ending on June 30, 2016, to the cumulative amount of ad valorem
10 property taxes certified by the city and paid with respect to property owned
11 by all persons eligible for the distribution under this subsection for the
12 property tax years beginning on July 1, 2013, and ending on June 30, 2016.

13 “(b) Notwithstanding paragraph (a) of this subsection, amounts that
14 would otherwise be distributed under paragraph (a) of this subsection to a
15 taxpayer with respect to a homestead granted deferral under ORS 311.666 to
16 311.701 shall be paid to the credit of the account maintained for the deferred
17 property by the Department of Revenue pursuant to ORS 311.676. The county
18 shall notify the taxpayer upon making a payment to the department under
19 this paragraph.

20 “(c) A distribution is not required under this subsection if the amount of
21 the distribution would be \$10 or less.

22 “(d) Before making the distributions described in this subsection, the
23 county may retain an amount of the excess moneys equal to the actual costs
24 of the county in making the distributions.

25 “(e) Excess moneys to be distributed under this subsection that remain
26 unclaimed on January 1, 2019, shall be transferred to the general fund of
27 Clackamas County and may be expended by the county in the same manner
28 as other moneys in the general fund.

29 “(4)(a) Notwithstanding any other provision of law, in order to compen-
30 sate Clackamas County for the distribution of excess moneys under sub-

1 section (3) of this section, for the period that begins on the 61st day
2 following the operative date determined under section 2, **chapter 637,**
3 **Oregon Laws 2015** [*of this 2015 Act*], and ending 10 years later[,]:

4 “(A) Funds that would otherwise have been distributed to the City of
5 Damascus under ORS 323.455, [366.785 to 366.820,] 403.240 and 471.810 shall
6 be distributed to Clackamas County for deposit in a separate account in the
7 general fund of the county created for purposes of this [*subsection*] **subpar-**
8 **agraph.**

9 “(B) Funds that would otherwise have been distributed to the City
10 of Damascus under ORS 366.785 to 366.820 shall be distributed to
11 Clackamas County for deposit in a separate account in the general
12 fund of the county created for purposes of this subparagraph.

13 “(b)(A) Moneys described in paragraph (a)(A) of this subsection shall be
14 expended by the county on costs, including the actual costs of the county in
15 administering this subsection, related to public safety and law enforcement,
16 urban comprehensive planning, code enforcement and waste water and sur-
17 face water management that are incurred solely in the territory within the
18 corporate boundaries of the City of Damascus as they existed on the opera-
19 tive date determined under section 2, **chapter 637, Oregon Laws 2015** [*of*
20 *this 2015 Act*].

21 “(B) Moneys described in paragraph (a)(B) of this subsection shall
22 be expended by the county for uses permitted under Article IX, section
23 3a, of the Oregon Constitution, solely in the territory within the cor-
24 porate boundaries of the City of Damascus as they existed on the op-
25 erative date determined under section 2, **chapter 637, Oregon Laws**
26 **2015.**

27 “(c) Territory that is removed from the Metro urban growth boundary or
28 that is annexed to another city during the period described in paragraph (a)
29 of this subsection shall, from the effective date of the removal or annexation,
30 be considered outside the corporate boundaries of the City of Damascus for

1 purposes of this subsection.

2 **“SECTION 133.** ORS 366.462 is amended to read:

3 **“366.462. (1)** The Department of Transportation shall construct fences on
4 all freeway overpasses that are built on and after November 4, 1993. The
5 fences shall be designed to deter persons from throwing objects from the
6 overpasses onto the freeways.

7 **“(2)** [*Beginning in the fiscal year that starts July 1, 1993,*] The Department
8 of Transportation shall construct [*at least 15*] fences [*per year*] on existing
9 freeway overpasses[. *The department shall develop a priority system to con-*
10 *struct fences first on those overpasses*] that involve the greatest risk factors.

11 **“SECTION 134. (1)** In accordance with ORS 374.329, the Department
12 of Transportation shall transfer jurisdiction of the following state
13 highways to the following cities:

14 **“(a) Pacific Highway West, State Highway 91,** from the department
15 to the City of Eugene. The department shall transfer the following two
16 portions:

17 **“(A) The portion beginning where the highway intersects with the**
18 **Beltline Highway and ending where the highway intersects with**
19 **Washington Street, but excluding the bridge at milepost 121.42.**

20 **“(B) The portion beginning where the highway intersects with**
21 **Walnut Street and ending where the highway intersects with Inter-**
22 **state 5, but excluding the bridge at milepost 126.02.**

23 **“(b) Springfield Highway, State Highway 228 to the City of**
24 **Springfield.**

25 **“(2) Notwithstanding section 71d (4) of this 2017 Act, the department**
26 **shall use the funds described in section 71d of this 2017 Act for the**
27 **transfer of Powell Boulevard to upgrade the portion of Southeast**
28 **Powell Boulevard beginning where the highway intersects with Inter-**
29 **state 205 and ending where the highway intersects with the city limits.**
30 **After the upgrades are completed, in accordance with ORS 374.329, the**

1 department shall transfer jurisdiction of the upgraded portion to the
2 City of Portland. The department may upgrade and transfer portions
3 of the highway in phases.

4 “(3) In accordance with ORS 366.290:

5 “(a) The department shall transfer jurisdiction of the portion of
6 Territorial Highway, State Highway 200, that is located within Lane
7 County from the department to the county. The department may
8 transfer portions of the highway in phases. The department shall re-
9 tain jurisdiction of bridges on Territorial Highway located at
10 milepoints 18.72, 18.98, 19.28 and 25.49. The department shall transfer
11 the jurisdiction of the bridges after the bridges are replaced.

12 “(b) The department shall transfer jurisdiction of the portion of the
13 Springfield-Creswell Highway, State Highway 222, beginning where it
14 intersects with Jasper-Lowell Road and ending where it intersects with
15 Emerald Parkway to Lane County. The department shall retain juris-
16 diction of bridges on Springfield-Creswell Highway located at mileposts
17 5.20, 5.41, 5.64 and 13.36. The department shall transfer the jurisdiction
18 of a bridge after the bridge is replaced.

19 “(c) Lane County shall transfer jurisdiction of the portion of Delta
20 Highway beginning where the highway intersects with Interstate 105
21 and ending where the highway intersects with the Randy Pape Beltline
22 from the county to the department.

23 “(d) Multnomah County and Washington County shall transfer ju-
24 risdiction of the portion of Cornelius Pass Road beginning where the
25 highway intersects with U.S. Highway 30 and ending where the high-
26 way intersects with U.S. Highway 26 from the counties to the depart-
27 ment. The counties may transfer portions of the highway in phases.

28 “SECTION 135. Section 136 of this 2017 Act is added to and made a
29 part of ORS chapter 366.

30 “SECTION 136. The Oregon Transportation Commission shall de-

1 develop a statewide winter maintenance strategy and policy that includes
2 the use of rock salt or similar solid salt products. In developing the
3 strategy, the commission shall focus on highways under the Depart-
4 ment of Transportation’s jurisdiction as the road authority pursuant
5 to ORS 810.010 and take into consideration environmental best prac-
6 tices.

7 **“SECTION 137.** The Oregon Transportation Commission shall sub-
8 mit a report on the development and implementation of the winter
9 maintenance strategy and policy described in section 136 of this 2017
10 Act. The commission shall submit the report to the Joint Committee
11 on Transportation established under section 26 of this 2017 Act in the
12 manner provided under ORS 192.245 no later than September 15, 2019.

13 **“SECTION 138.** Section 137 of this 2017 Act is repealed on January
14 2, 2020.

15 **“SECTION 139.** (1) Sections 32 and 37 of this 2017 Act and the
16 amendments to ORS 803.420, 803.645, 818.225, 818.270, 825.450, 825.476 and
17 825.480 by sections 34, 48, 51, 54, 57, 63 and 66 of this 2017 Act become
18 operative on January 1, 2018.

19 **“(2)** The amendments to ORS 826.023 by section 70 of this 2017 Act
20 become operative on January 1, 2020.

21 **“(3)** The amendments to sections 32 and 37 of this 2017 Act by
22 sections 33 and 38 of this 2017 Act and the amendments to ORS 803.420
23 by section 35 of this 2017 Act become operative on January 1, 2022.

24 **“(4)** The amendments to ORS 803.645, 818.225, 818.270, 825.450, 825.476
25 and 825.480 by sections 49, 52, 55, 58, 64 and 67 of this 2017 Act become
26 operative on January 1, 2024.

27
28 **“REPEALS**

29
30 **“SECTION 140.** ORS 184.613, 184.616, 184.618, 184.889 and 367.017 and

1 **section 17, chapter 63, Oregon Laws 2012, are repealed.**

2 **“SECTION 141. (1) The Urban Trail Fund, established under ORS**
3 **367.017, is abolished.**

4 **“(2) Any moneys remaining in the Urban Trail Fund on the effective**
5 **date of this 2017 Act that are unexpended, unobligated and not subject**
6 **to any conditions shall be transferred to the Connect Oregon Fund**
7 **established under ORS 367.080 for the purposes of providing grants for**
8 **bicycle and pedestrian transportation projects.**

9
10 **“CONFLICT AMENDMENTS**

11
12 **“SECTION 142. If House Bill 2149 becomes law, section 6, chapter**
13 **62, Oregon Laws 2017 (Enrolled House Bill 2149) (amending ORS**
14 **803.420), is repealed.**

15 **“SECTION 143. If House Bill 2149 becomes law, section 7, chapter 62,**
16 **Oregon Laws 2017 (Enrolled House Bill 2149), is amended to read:**

17 **“Sec. 7. (1) The amendments to ORS 801.041, 801.042, 803.350, 803.415[**
18 **803.420] and 805.110 by sections [1 to 6 of this 2017 Act] 1 to 5, chapter 62,**
19 **Oregon Laws 2017 (Enrolled House Bill 2149), apply to vehicles registered**
20 **under ORS 805.110 on or after the effective date of [this 2017 Act] chapter**
21 **62, Oregon Laws 2017 (Enrolled House Bill 2149).**

22 **“(2) [Notwithstanding ORS 803.420 (21) and 805.110,] A person who regis-**
23 **tered a vehicle under ORS 805.110 before the effective date of [this 2017**
24 **Act] chapter 62, Oregon Laws 2017 (Enrolled House Bill 2149), is not re-**
25 **quired to pay a renewal fee for the vehicle registered under ORS 805.110 on**
26 **or after the effective date of [this 2017 Act] chapter 62, Oregon Laws 2017**
27 **(Enrolled House Bill 2149).**

28 **“SECTION 144. (1) If House Bill 2290 becomes law, sections 3, 6, 10,**
29 **11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, chapter**
30 **___, Oregon Laws 2017 (Enrolled House Bill 2290) (amending ORS**

1 801.041, 801.042, 803.350, 803.415, 803.420, 803.445, 803.645, 805.047, 805.103,
2 805.105, 805.115, 805.205, 805.222, 805.255, 805.260, 805.263, 805.266, 805.278,
3 805.283 and 822.213 and section 2, chapter 823, Oregon Laws 2009), are
4 repealed.

5 “(2) If House Bill 2290 becomes law, section 6a, chapter __, Oregon
6 Laws 2017 (Enrolled House Bill 2290) (amending ORS 803.420 and re-
7 pealing section 6, chapter __, Oregon Laws 2017 (Enrolled House Bill
8 2290)), is repealed.

9 “**SECTION 145.** If House Bill 2290 becomes law, section 31, chapter __,
10 Oregon Laws 2017 (Enrolled House Bill 2290), is amended to read:

11 “**Sec. 31.** The amendments to [*ORS 801.041, 801.042, 803.134, 803.350,*
12 *803.415, 803.420, 803.445, 803.575, 803.645, 805.047, 805.103, 805.105, 805.115,*
13 *805.205, 805.222, 805.250, 805.255, 805.260, 805.263, 805.266, 805.278, 805.283,*
14 *807.370, 807.410, 809.312, 822.213 and 822.700 and section 2, chapter 823, Oregon*
15 *Laws 2009, by sections 1 to 29 of this 2017 Act*] **ORS 803.090, 803.134, 803.575,**
16 **805.250, 807.370, 807.410, 809.312 and 822.700 by sections 1 to 29, chapter**
17 **__, Oregon Laws 2017 (Enrolled House Bill 2290),** apply to fees imposed
18 on or after the operative date specified in section 32 [*of this 2017 Act*],
19 **chapter __, Oregon Laws 2017 (Enrolled House Bill 2290).**

20 “**SECTION 146.** If House Bill 2290 becomes law, section 32, chapter __,
21 Oregon Laws 2017 (Enrolled House Bill 2290), is amended to read:

22 “**Sec. 32.** (1) The amendments to [*ORS 801.041, 801.042, 803.134, 803.350,*
23 *803.415, 803.420, 803.445, 803.575, 803.645, 805.047, 805.103, 805.105, 805.115,*
24 *805.205, 805.222, 805.250, 805.255, 805.260, 805.263, 805.266, 805.278, 805.283,*
25 *807.370, 807.410, 809.312, 822.213 and 822.700 and section 2, chapter 823, Oregon*
26 *Laws 2009, by sections 1 to 29 of this 2017 Act*] **ORS 803.090, 803.134, 803.575,**
27 **805.250, 807.370, 807.410, 809.312 and 822.700 by sections 1 to 29, chapter**
28 **__, Oregon Laws 2017 (Enrolled House Bill 2290),** become operative on
29 July 1, 2018.

30 “(2) The Department of Transportation may take any action before the

1 operative date specified in subsection (1) of this section that is necessary to
2 enable the department to exercise, on and after the operative date specified
3 in subsection (1) of this section, all the duties, functions and powers con-
4 ferred on the department by the amendments to [ORS 801.041, 801.042,
5 803.134, 803.350, 803.415, 803.420, 803.445, 803.575, 803.645, 805.047, 805.103,
6 805.105, 805.115, 805.205, 805.222, 805.250, 805.255, 805.260, 805.263, 805.266,
7 805.278, 805.283, 807.370, 807.410, 809.312, 822.213 and 822.700 and section 2,
8 chapter 823, Oregon Laws 2009, by sections 1 to 29 of this 2017 Act] **ORS**
9 **803.090, 803.134, 803.575, 805.250, 807.370, 807.410, 809.312 and 822.700 by**
10 **sections 1 to 29, chapter __, Oregon Laws 2017 (Enrolled House Bill**
11 **2290).**

12
13 **“SEVERABILITY**

14
15 **“SECTION 147. It is the intent of the Legislative Assembly that all**
16 **parts of this 2017 Act are independent and that if any part of this 2017**
17 **Act is held unconstitutional by a judicial decision that is not subject**
18 **to further review, or if any part of this 2017 Act is referred to the**
19 **people under Article IV, section 1, of the Oregon Constitution, and is**
20 **not approved by a majority of the voters voting on the referendum**
21 **measure, all remaining parts of this 2017 Act shall remain in full force**
22 **and effect.**

23
24 **“ZERO-EMISSION AND ELECTRIC VEHICLE REBATES**

25 **“(Rebate Program; Provisions Operative January 1, 2018)**

26
27 **“SECTION 148. As used in sections 148 to 152 of this 2017 Act:**

28 **“(1) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:**

29 **“(a) Has a gross vehicle weight rating of 8,500 pounds or less;**

30 **“(b) Is capable of attaining a speed of 55 miles per hour or more;**

1 **and**

2 **“(c) Is powered:**

3 **“(A) Primarily by an electric battery and may or may not use a**
4 **flywheel energy storage device or a capacitor that also stores energy**
5 **to assist in vehicle operation.**

6 **“(B) By polymer electrolyte membrane fuel cells or proton exchange**
7 **membrane fuel cells that use hydrogen fuel and oxygen from the air**
8 **to produce electricity.**

9 **“(C) Primarily by a zero-emission energy storage device that pro-**
10 **vides enough power for the vehicle to travel 75 miles or more using**
11 **only electricity and may or may not use a backup alternative power**
12 **unit that does not operate until the energy storage device is fully de-**
13 **pleted.**

14 **“(2) ‘Motor vehicle’ has the meaning given that term in ORS**
15 **801.360.**

16 **“(3) ‘Person’ means a person as defined in ORS 174.100 or a public**
17 **body as defined in ORS 174.109.**

18 **“(4) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor**
19 **vehicle that:**

20 **“(a) Has zero evaporative emissions from its fuel system;**

21 **“(b) Has an onboard electrical energy storage device with useful**
22 **capacity of 10 or more miles of urban dynamometer driving schedule**
23 **range, as described by the United States Environmental Protection**
24 **Agency, on electricity alone;**

25 **“(c) Is equipped with an onboard charger;**

26 **“(d) Is rechargeable from an external connection to an off-board**
27 **electrical source;**

28 **“(e) Meets the super ultra-low emission vehicle standards for ex-**
29 **haust emissions, as defined by the Environmental Quality Commission**
30 **by rule;**

1 “(f) Has a warranty of at least 15 years and 150,000 miles on emis-
2 sion control components; and

3 “(g) Is capable of attaining a speed of 55 miles per hour or more.

4 “(5) ‘Qualifying vehicle’ means a motor vehicle that:

5 “(a) Is a:

6 “(A) Light-duty zero-emission vehicle; or

7 “(B) Plug-in hybrid electric vehicle;

8 “(b) Is new, or has been previously used only as a dealership floor
9 model or test-drive vehicle;

10 “(c) Has not previously been registered;

11 “(d) Is constructed entirely from new parts that have never been
12 the subject of a retail sale;

13 “(e) Has a base manufacturer’s suggested retail price of less than
14 \$50,000;

15 “(f) Is covered by a manufacturer’s express warranty on the vehicle
16 drive train, including the applicable energy storage system or battery
17 pack, for at least 24 months from the date of purchase; and

18 “(g) Is certified by the manufacturer to comply with all applicable
19 federal safety standards issued by the National Highway Traffic Safety
20 Administration for new motor vehicles and new motor vehicle equip-
21 ment.

22 “(6)(a) ‘Vehicle dealer’ means:

23 “(A) A person engaged in business in this state that has been issued
24 a vehicle dealer certificate under ORS 822.020; and

25 “(B) A person engaged in business in another state that would be
26 subject to ORS 822.005 if the person engaged in business in this state.

27 “(b) Notwithstanding paragraph (a) of this subsection, a person is
28 not a vehicle dealer for purposes of sections 148 to 152 of this 2017 Act
29 to the extent the person:

30 “(A) Conducts an event that lasts less than seven consecutive days,

1 for which the public is charged admission and at which otherwise
2 qualifying vehicles are sold at auction; or

3 “(B) Sells an otherwise qualifying vehicle at auction at an event
4 described in this paragraph.

5 **“SECTION 149. (1) The Department of Environmental Quality shall**
6 **establish a program for providing rebates to persons that purchase**
7 **qualifying vehicles for use in this state. The Director of the Depart-**
8 **ment of Environmental Quality may hire or contract with a third-**
9 **party nonprofit organization to implement and serve as the**
10 **administrator of the program required by this section.**

11 **“(2) The department may:**

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

13 **“(b) Establish procedures to:**

14 **“(A) Prioritize available moneys for specific qualifying vehicles; and**

15 **“(B) Limit the number of rebates available for each type of quali-**
16 **fyng vehicle.**

17 **“(3) The purchaser or lessee of a qualifying vehicle may apply for**
18 **a rebate for a portion of the purchase price or may choose to assign**
19 **the rebate to a vehicle dealer or lessor.**

20 **“(4) Rebates under the program shall be made from moneys credited**
21 **to or deposited in the Zero-Emission Incentive Fund established under**
22 **section 152 of this 2017 Act. A rebate may not be made until there are**
23 **sufficient moneys available in the fund to make the rebate.**

24 **“(5) The department shall prescribe the rebate application proce-**
25 **dure for purchasers and lessees. All rebate applications must include**
26 **a declaration under penalty of perjury in the form required by ORCP**
27 **1 E.**

28 **“(6) Rebates for qualifying vehicles shall be set annually by the de-**
29 **partment as follows:**

30 **“(a) For light-duty zero-emission vehicles and plug-in hybrid elec-**

1 **tric vehicles with an electrochemical energy storage capacity of 10**
2 **kilowatt hours or more, up to \$2,500 but not less than \$1,500.**

3 **“(b) For light-duty zero-emission vehicles or plug-in hybrid electric**
4 **vehicles with an electrochemical energy storage capacity of less than**
5 **10 kilowatt hours, up to \$1,500 but not less than \$750.**

6 **“(7) To be eligible for a rebate, a person requesting a rebate under**
7 **the program shall:**

8 **“(a) Purchase or lease a qualifying vehicle. A lease must have a**
9 **minimum term of 24 months.**

10 **“(b) Provide proof of an intent to use the qualifying vehicle prima-**
11 **rily on the public highways of this state, which may be satisfied by**
12 **providing proof of registration of the qualifying vehicle in Oregon.**

13 **“(c) Submit an application for a rebate to the administrator of the**
14 **program within six months after the date of purchase of the qualifying**
15 **vehicle or six months after the date the lease of the qualifying vehicle**
16 **begins.**

17 **“(d) Retain registration of the qualifying vehicle for a minimum of**
18 **24 consecutive months after the date of purchase or the date the lease**
19 **begins.**

20 **“(8) A rebate recipient may not make or allow any modifications to**
21 **the qualifying vehicle’s emissions control systems, hardware, software**
22 **calibrations or hybrid system.**

23 **“(9) If a rebate recipient intends to sell the qualifying vehicle, or**
24 **terminate the qualifying vehicle lease before the end of 24 months, the**
25 **rebate recipient shall notify the administrator of the program of the**
26 **recipient’s intent to sell the vehicle or terminate the lease and shall**
27 **reimburse the administrator for the entire rebate amount.**

28 **“(10) Rebate recipients may be requested to participate in ongoing**
29 **research efforts.**

30 **“(11) The administrator of the program shall work to ensure timely**

1 payment of rebates with a goal of paying rebates within 60 days after
2 receiving an application for a rebate.

3 “(12) A vehicle dealer may advertise the program on the premises
4 owned or operated by the vehicle dealer. If no moneys are available
5 from the program or the program otherwise changes, a vehicle dealer
6 who advertises the program may not be held liable for advertising false
7 or misleading information.

8 “(13) The Environmental Quality Commission may adopt any rules
9 necessary to carry out the provisions of this section.

10

11 “(Charge Ahead Oregon Program)

12

13 **“SECTION 150. (1) As used in this section:**

14 “(a) ‘Area median income’ means the median income for the met-
15ropolitan statistical area in which a household is located or, if the
16 household is not located within a metropolitan statistical area, for the
17 metropolitan statistical area in closest proximity to the location of the
18 household, as determined by the Housing and Community Services
19 Department, adjusted for household size.

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

23 “(c) ‘High-emission passenger motor vehicle’ means a motor vehicle
24 that is:

25 “(A) Designed primarily for the transportation of persons; and

26 “(B) Powered by an internal combustion engine that is 20 years old
27 or older.

28 “(d) ‘Low income household’ means a household with income less
29 than or equal to 80 percent of the area median income.

30 “(e) ‘Moderate income household’ means a household with income

1 less than or equal to 120 percent and greater than 80 percent of the
2 area median income.

3 “(2) The Department of Environmental Quality shall establish a
4 Charge Ahead Oregon Program to provide for charge ahead rebates to
5 low income households and moderate income households that volun-
6 tarily retire or scrap high-emission passenger motor vehicles and re-
7 place those motor vehicles with new or used light-duty zero-emission
8 vehicles. The Director of the Department of Environmental Quality
9 may hire or contract with a third-party nonprofit organization to im-
10 plement and serve as the administrator of the program required by
11 this section.

12 “(3) The department may:

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

14 “(b) Establish procedures to:

15 “(A) Prioritize available moneys to specific income levels or ge-
16 ographic areas; and

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

18 “(4) An eligible purchaser or lessee of a new or used light-duty
19 zero-emission vehicle may apply for a charge ahead rebate for a por-
20 tion of the purchase price or may choose to assign the charge ahead
21 rebate to a vehicle dealer or lessor.

22 “(5) Rebates under the Charge Ahead Oregon Program shall be
23 made from moneys credited to or deposited in the Zero-Emission In-
24 centive Fund established under section 152 of this 2017 Act. A rebate
25 may not be made until there are sufficient moneys available in the
26 fund to make the rebate.

27 “(6) The department shall prescribe the rebate application proce-
28 dure for purchasers and lessees. All rebate applications must include
29 a declaration under penalty of perjury in the form required by ORCP
30 1 E.

1 **“(7) Charge ahead rebates shall be in an amount up to \$2,500, but**
2 **not less than \$1,250.**

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

5 **“(a) Be a member of a low income household or a moderate income**
6 **household.**

7 **“(b) Reside in an area of this state that has elevated concentrations**
8 **of air contaminants commonly attributable to motor vehicle emis-**
9 **sions, such as particulate matter, benzene and nitrogen oxides, rela-**
10 **tive to other areas of the state.**

11 **“(c) Document that the person will scrap or otherwise render inop-**
12 **erable a high-emission passenger motor vehicle that, on the date of**
13 **the rebate application, is registered as operable and has been contin-**
14 **uously registered for the last two years.**

15 **“(d) Purchase or lease a new or used light-duty zero-emission vehi-**
16 **cle. A lease must have a minimum term of 24 months.**

17 **“(e) Provide proof of an intent to use the light-duty zero-emission**
18 **vehicle primarily on the public highways of this state, which may be**
19 **satisfied by providing proof of registration of the vehicle in Oregon.**

20 **“(f) Submit an application for a charge ahead rebate to the admin-**
21 **istrator of the program within six months of the date of purchase or**
22 **six months from the date the lease begins.**

23 **“(g) Retain registration of the light-duty zero-emission vehicle for**
24 **a minimum of 24 consecutive months following the date of purchase**
25 **or following the date the lease begins.**

26 **“(9) A person that receives a charge ahead rebate may not make**
27 **or allow any modifications to the vehicle’s emissions control systems,**
28 **hardware, software calibrations or hybrid system.**

29 **“(10) If a charge ahead rebate recipient intends to sell the vehicle,**
30 **or otherwise terminate the vehicle lease before the end of 24 months,**

1 the charge ahead rebate recipient shall notify the administrator of the
2 program of the recipient's intent to sell the vehicle or terminate a
3 lease and shall reimburse the administrator for the entire charge
4 ahead rebate amount.

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

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

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

19 “(14) The administrator of the program shall, throughout the course
20 of implementing the program, conduct community outreach to low
21 income households, moderate income households and community
22 based organizations that are located in areas of this state that have
23 elevated concentrations of air contaminants attributable to motor ve-
24 hicle emissions, relative to other areas of the state, in order to:

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

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

27 “(15) A vehicle dealer may advertise the Charge Ahead Oregon
28 Program on the premises owned or operated by the vehicle dealer. If
29 no moneys are available from the program or the program otherwise
30 changes, a vehicle dealer who advertises the program may not be held

1 liable for advertising false or misleading information.

2 “(16) A charge ahead rebate may be combined with a rebate de-
3 scribed in section 149 of this 2017 Act.

4 “(17) An organization that the department has hired or contracted
5 with to implement and serve as the administrator of the program may
6 offer expanded financing mechanisms for program participants, in-
7 cluding, but not limited to, a loan or loan-loss reserve credit en-
8 hancement program to increase consumer access to new or used
9 light-duty zero-emission vehicles.

10 “(18) The Environmental Quality Commission may adopt any rules
11 necessary to carry out the provisions of this section.

12

13 “(Audits; Reports)

14

15 “SECTION 151. (1) The Department of Environmental Quality shall
16 periodically audit, or cause to be audited, the programs established
17 under sections 149 and 150 of this 2017 Act to determine whether the
18 programs are being implemented and administered in compliance with
19 the provisions of sections 148 to 152 of this 2017 Act.

20 (2) No later than September 15 of each even-numbered year, the
21 department shall provide a report to the Legislative Assembly, in the
22 manner provided in ORS 192.245, that includes, at a minimum:

23 (a) A description of the uses to date of moneys in the Zero-Emission
24 Incentive Fund established under section 152 of this 2017 Act;

25 (b) An analysis of the effectiveness of the rebate program estab-
26 lished under section 149 of this 2017 Act;

27 (c) An analysis of the effectiveness of the Charge Ahead Oregon
28 Program established under section 150 of this 2017 Act;

29 (d) Recommendations, which may include recommendations for
30 legislation, on ways to improve the programs established under

1 sections 149 and 150 of this 2017 Act; and

2 (e) The results of any audits conducted under subsection (1) of this
3 section.

4

5 (Zero-Emission Incentive Fund)

6

7 **“SECTION 152. (1) The Zero-Emission Incentive Fund is established**
8 **in the State Treasury, separate and distinct from the General Fund.**
9 **Interest earned by the Zero-Emission Incentive Fund shall be credited**
10 **to the fund.**

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

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

13 **“(b) Amounts transferred to the fund by the Department of Reve-**
14 **nue under section 96 of this 2017 Act;**

15 **“(c) Amounts appropriated or otherwise transferred to the fund by**
16 **the Legislative Assembly;**

17 **“(d) Other amounts deposited in the fund from any public or private**
18 **source; and**

19 **“(e) Interest earned by the fund.**

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

22 **“(4) Moneys in the fund are continuously appropriated to the de-**
23 **partment to be used to carry out the provisions of sections 148 to 152**
24 **of this 2017 Act.**

25 **“(5) No more than 10 percent of the moneys deposited in the fund**
26 **per biennium may be expended to pay the expenses incurred in the**
27 **administration of sections 148 to 152 of this 2017 Act by:**

28 **“(a) The department; and**

29 **“(b) Any third-party organization that the department hires or**
30 **contracts with under sections 149 and 150 of this 2017 Act.**

1 **“(6) The Environmental Quality Commission may adopt by rule**
2 **provisions for the allocation of moneys deposited in the fund between**
3 **the programs established under sections 149 and 150 of this 2017 Act.**
4 **Rules adopted under this subsection must require that at least 10**
5 **percent of the moneys deposited in the fund per biennium are allocated**
6 **to fund the provision of rebates through the Charge Ahead Oregon**
7 **Program established under section 150 of this 2017 Act.**

8
9 **“(Rebate Program; Provisions Operative January 1, 2019)**

10
11 **“SECTION 153. The amendments to sections 148 and 149 of this 2017**
12 **Act by sections 154 and 155 of this 2017 Act become operative January**
13 **1, 2019.**

14 **“SECTION 154. Section 148 of this 2017 Act is amended to read:**

15 **“Sec. 148.** As used in sections 148 to 152 of this 2017 Act:

16 “(1) ‘Light-duty zero-emission vehicle’ means a motor vehicle that:

17 “(a) Has a gross vehicle weight rating of 8,500 pounds or less;

18 “(b) Is capable of attaining a speed of 55 miles per hour or more; and

19 “(c) Is powered:

20 “(A) Primarily by an electric battery and may or may not use a flywheel
21 energy storage device or a capacitor that also stores energy to assist in ve-
22 hicle operation.

23 “(B) By polymer electrolyte membrane fuel cells or proton exchange
24 membrane fuel cells that use hydrogen fuel and oxygen from the air to
25 produce electricity.

26 “(C) Primarily by a zero-emission energy storage device that provides
27 enough power for the vehicle to travel 75 miles or more using only electricity
28 and may or may not use a backup alternative power unit that does not op-
29 erate until the energy storage device is fully depleted.

30 “(2) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

1 **“(3) ‘Neighborhood electric vehicle’ means a low-speed vehicle that:**
2 **“(a) Is powered using an electric battery;**
3 **“(b) Has a gross vehicle weight not exceeding 3,000 pounds; and**
4 **“(c) Has at least four wheels.**

5 **“[(3)] (4) ‘Person’ means a person as defined in ORS 174.100 or a public**
6 **body as defined in ORS 174.109.**

7 **“[(4)] (5) ‘Plug-in hybrid electric vehicle’ means a hybrid electric motor**
8 **vehicle that:**

9 “(a) Has zero evaporative emissions from its fuel system;

10 “(b) Has an onboard electrical energy storage device with useful capacity
11 of 10 or more miles of urban dynamometer driving schedule range, as de-
12 scribed by the United States Environmental Protection Agency, on electricity
13 alone;

14 “(c) Is equipped with an onboard charger;

15 “(d) Is rechargeable from an external connection to an off-board electrical
16 source;

17 “(e) Meets the super ultra-low emission vehicle standards for exhaust
18 emissions, as defined by the Environmental Quality Commission by rule;

19 “(f) Has a warranty of at least 15 years and 150,000 miles on emission
20 control components; and

21 “(g) Is capable of attaining a speed of 55 miles per hour or more.

22 **“[(5)] (6) ‘Qualifying vehicle’ means a motor vehicle that:**

23 “(a) Is a:

24 “(A) Light-duty zero-emission vehicle; or

25 “(B) Plug-in hybrid electric vehicle;

26 “(b) Is new, or has been previously used only as a dealership floor model
27 or test-drive vehicle;

28 “(c) Has not previously been registered;

29 “(d) Is constructed entirely from new parts that have never been the
30 subject of a retail sale;

1 “(e) Has a base manufacturer’s suggested retail price of less than \$50,000;

2 “(f) Is covered by a manufacturer’s express warranty on the vehicle drive
3 train, including the applicable energy storage system or battery pack, for at
4 least 24 months from the date of purchase; and

5 “(g) Is certified by the manufacturer to comply with all applicable federal
6 safety standards issued by the National Highway Traffic Safety Adminis-
7 tration for new motor vehicles and new motor vehicle equipment.

8 “[~~(6)(a)~~] **(7)(a)** ‘Vehicle dealer’ means:

9 “(A) A person engaged in business in this state that has been issued a
10 vehicle dealer certificate under ORS 822.020; and

11 “(B) A person engaged in business in another state that would be subject
12 to ORS 822.005 if the person engaged in business in this state.

13 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a
14 vehicle dealer for purposes of sections 148 to 152 of this 2017 Act to the ex-
15 tent the person:

16 “(A) Conducts an event that lasts less than seven consecutive days, for
17 which the public is charged admission and at which otherwise qualifying
18 vehicles are sold at auction; or

19 “(B) Sells an otherwise qualifying vehicle at auction at an event described
20 in this paragraph.

21 “**(8) ‘Zero-emission motorcycle’ means a motorcycle that:**

22 “**(a) Has zero evaporative emissions from its fuel system;**

23 “**(b) Is capable of attaining a speed of 55 miles per hour or more;**

24 “**(c) Is designed to travel on two wheels; and**

25 “**(d) Is powered by electricity.**

26 “**SECTION 155.** Section 149 of this 2017 Act is amended to read:

27 “**Sec. 149.** (1) The Department of Environmental Quality shall establish
28 a program for providing rebates to persons that purchase qualifying vehicles
29 for use in this state. The Director of the Department of Environmental
30 Quality may hire or contract with a third-party nonprofit organization to

1 implement and serve as the administrator of the program required by this
2 section.

3 “(2) The department may:

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

5 “(b) Establish procedures to:

6 “(A) Prioritize available moneys for specific qualifying vehicles; and

7 “(B) Limit the number of rebates available for each type of qualifying
8 vehicle.

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

12 “(4) Rebates under the program shall be made from moneys credited to
13 or deposited in the Zero-Emission Incentive Fund established under section
14 152 of this 2017 Act. A rebate may not be made until there are sufficient
15 moneys available in the fund to make the rebate.

16 “(5) The department shall prescribe the rebate application procedure for
17 purchasers and lessees. All rebate applications must include a declaration
18 under penalty of perjury in the form required by ORCP 1 E.

19 “(6) Rebates for qualifying vehicles shall be set annually by the depart-
20 ment as follows:

21 “(a) For light-duty zero-emission vehicles and plug-in hybrid electric ve-
22 hicles with an electrochemical energy storage capacity of 10 kilowatt hours
23 or more, up to \$2,500 but no less than \$1,500.

24 “(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehi-
25 cles with an electrochemical energy storage capacity of less than 10 kilowatt
26 hours, up to \$1,500 but no less than \$750.

27 “(c) **For neighborhood electric vehicles, up to \$750 but not less than**
28 **\$375.**

29 “(d) **For zero-emission motorcycles, up to \$750 but not less than**
30 **\$375.**

1 “(7) To be eligible for a rebate, a person requesting a rebate under the
2 program shall:

3 “(a) Purchase or lease a qualifying vehicle. A lease must have a minimum
4 term of 24 months.

5 “(b) Provide proof of an intent to use the qualifying vehicle primarily on
6 the public highways of this state, which may be satisfied by providing proof
7 of registration of the qualifying vehicle in Oregon.

8 “(c) Submit an application for a rebate to the administrator of the pro-
9 gram within six months after the date of purchase of the qualifying vehicle
10 or six months after the date the lease of the qualifying vehicle begins.

11 “(d) Retain registration of the qualifying vehicle for a minimum of 24
12 consecutive months after the date of purchase or the date the lease begins.

13 “(8) A rebate recipient may not make or allow any modifications to the
14 qualifying vehicle’s emissions control systems, hardware, software cali-
15 brations or hybrid system.

16 “(9) If a rebate recipient intends to sell the qualifying vehicle, or termi-
17 nate the qualifying vehicle lease before the end of 24 months, the rebate re-
18 cipient shall notify the administrator of the program of the recipient’s intent
19 to sell the vehicle or terminate the lease and shall reimburse the adminis-
20 trator for the entire rebate amount.

21 “(10) Rebate recipients may be requested to participate in ongoing re-
22 search efforts.

23 “(11) The administrator of the program shall work to ensure timely pay-
24 ment of rebates with a goal of paying rebates within 60 days after receiving
25 an application for a rebate.

26 “(12) A vehicle dealer may advertise the program on the premises owned
27 or operated by the vehicle dealer. If no moneys are available from the pro-
28 gram or the program otherwise changes, a vehicle dealer who advertises the
29 program may not be held liable for advertising false or misleading informa-
30 tion.

1 “(13) The Environmental Quality Commission may adopt any rules neces-
2 sary to carry out the provisions of this section.

3
4 “(Miscellaneous)

5
6 **“SECTION 156. Rebates may be issued under sections 149 and 150**
7 **of this 2017 Act for motor vehicles purchased or leased on or after the**
8 **effective date of this 2017 Act.**

9 **“SECTION 157. (1) Sections 148 to 152 of this 2017 Act are repealed**
10 **on January 2, 2024.**

11 **“(2) Any moneys remaining in the Zero-Emission Incentive Fund**
12 **established under section 152 of this 2017 Act on the date of the repeal**
13 **specified in subsection (1) of this subsection that are unexpended, un-**
14 **obligated and not subject to any conditions shall be transferred by the**
15 **State Treasurer to the credit of an account of the Department of En-**
16 **vironmental Quality to be used for vehicle emission reduction pro-**
17 **grams.**

18
19 **“LOW CARBON FUEL STANDARDS**
20 **“(Provisions Operative January 1, 2018)**

21
22 **“SECTION 158. (1) Sections 159 and 161 to 167 of this 2017 Act are**
23 **added to and made a part of ORS chapter 468A.**

24 **“(2) ORS 468A.275 is added to and made a part of sections 159 to 167**
25 **of this 2017 Act.**

26 **“SECTION 159. As used in sections 159 to 167 of this 2017 Act:**

27 **“(1) ‘Biodiesel’ means a motor vehicle fuel consisting of mono-alkyl**
28 **esters of long chain fatty acids derived from vegetable oils, animal fats**
29 **or other nonpetroleum resources, not including palm oil.**

30 **“(2) ‘Clean fuels program’ means the program adopted by rule by**

1 the Environmental Quality Commission under ORS 468A.275 (1)(b).

2 “(3) ‘Compliance period’ means the calendar year during which a
3 regulated party must demonstrate compliance with the low carbon fuel
4 standards through participation in the clean fuels program.

5 “(4) ‘Credit’ means a unit of measure generated when a fuel with
6 a carbon intensity that is less than the applicable low carbon fuel
7 standard is produced, imported or dispensed for use in Oregon, such
8 that one credit is equal to one metric ton of carbon dioxide equivalent.

9 “(5) ‘Credit aggregator’ means a person who voluntarily registers
10 to participate in the clean fuels program to facilitate credit generation
11 on behalf of a credit generator and to trade credits with regulated
12 parties, credit generators and other credit aggregators.

13 “(6) ‘Credit generator’ means a person eligible to generate credits
14 by providing fuels for use in Oregon with carbon intensities less than
15 the applicable low carbon fuel standard.

16 “(7) ‘Deferral’ means a delay or change in the applicability of a
17 scheduled applicable low carbon fuel standard for a period of time,
18 accomplished pursuant to an order issued under section 164 or 165 of
19 this 2017 Act.

20 “(8) ‘Deficit’ means a unit of measure generated when a fuel with
21 a carbon intensity that is more than the applicable low carbon fuel
22 standard is produced, imported or dispensed for use in Oregon, such
23 that one deficit is equal to one metric ton of carbon dioxide equivalent.

24 “(9) ‘Greenhouse gas’ has the meaning given that term in ORS
25 468A.210.

26 “(10) ‘Low carbon fuel standard’ means a standard adopted by the
27 commission by rule under ORS 468A.275 for the reduction of
28 greenhouse gas emissions, on average, per unit of fuel energy.

29 “(11) ‘Motor vehicle’ has the meaning given that term in ORS
30 801.360.

1 “(12) ‘Regulated party’ means a person responsible for complying
2 with the low carbon fuel standards.

3 “(13) ‘Small deficit’ means a net deficit balance at the end of a
4 compliance period, after retirement of all credits held by a regulated
5 party, that does not exceed a percentage set by the commission by rule
6 of the total number of deficits that the regulated party generated for
7 a compliance period and that may not be greater than 10 percent of
8 the total number of deficits that the regulated party generated for a
9 compliance period.

10 “**SECTION 160.** ORS 468A.275 is amended to read:

11 “468A.275. *[(1) As used in this section:]*

12 “*[(a) ‘Greenhouse gas’ has the meaning given that term in ORS 468A.210.]*

13 “*[(b) ‘Low carbon fuel standards’ means standards for the reduction of*
14 *greenhouse gas emissions, on average, per unit of fuel energy.]*

15 “*[(c) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.]*

16 “*[(2)(a)]* (1) The Environmental Quality Commission, **by rule:**

17 “(a) Shall adopt *[by rule]* low carbon fuel standards for gasoline, diesel
18 and fuels used as substitutes **or alternatives** for gasoline or diesel[.]; **and**

19 “(b) **Shall adopt a clean fuels program for facilitating compliance**
20 **with the low carbon fuel standards and for managing and containing**
21 **the costs of compliance with the low carbon fuel standards, in ac-**
22 **cordance with the requirements of sections 159 to 167 of this 2017 Act.**

23 “*[(b)]* (2) The commission may adopt *[the following]* **rules** related to the
24 **low carbon fuel** standards, including but not limited to:

25 “*[(A)]* (a) A schedule to phase in implementation of the standards in a
26 manner that reduces the average amount of greenhouse gas emissions per
27 unit of fuel energy of the fuels by 10 percent below 2010 levels by the year
28 2025 or by a later date if the commission determines that an extension is
29 appropriate to implement the **low carbon fuel** standards;

30 “*[(B)]* (b) Standards for greenhouse gas emissions attributable to the fuels

1 throughout *[their lifecycles]* **the lifecycles of the fuels**, including but not
2 limited to emissions from the production, storage, transportation and com-
3 bustion of the fuels and from changes in land use associated with the fuels;

4 “[*(C)*] **(c)** Provisions allowing the use of all types of low carbon fuels to
5 meet the low carbon fuel standards, including but not limited to biofuels,
6 biogas, natural gas, liquefied petroleum gas, gasoline, diesel, hydrogen and
7 electricity;

8 “[*(D)*] *Standards for the issuance of deferrals, established with adequate*
9 *lead time, as necessary to ensure adequate fuel supplies;*]

10 “[*(E)*] **(d)** Exemptions for fuels that are used in volumes below thresholds
11 established by the commission;

12 “[*(F)*] **(e)** Standards, specifications, testing requirements and other meas-
13 ures as needed to ensure the quality of fuels produced in accordance with
14 the low carbon fuel standards, including but not limited to the requirements
15 of ORS 646.910 to 646.923 and administrative rules adopted by the State De-
16 partment of Agriculture for motor fuel quality; and

17 “[*(G)*] **(f)** Adjustments to the amounts of greenhouse gas emissions per
18 unit of fuel energy assigned to fuels for combustion and drive train effi-
19 ciency.

20 “[*(c)*] **(3)** Before adopting **low carbon fuel** standards under this section,
21 the commission shall consider the low carbon fuel standards of other
22 states[, *including but not limited to Washington,*] for the purpose of deter-
23 mining schedules and goals for the reduction of the average amount of
24 greenhouse gas emissions per unit of fuel energy and the default values for
25 these reductions for applicable fuels.

26 “[*(d)*] *The commission shall adopt by rule provisions for managing and*
27 *containing the costs of compliance with the standards, including but not lim-*
28 *ited to provisions to facilitate compliance with the standards by ensuring that*
29 *persons may obtain credits for fuels used as substitutes for gasoline or diesel*
30 *and by creating opportunities for persons to trade credits.]*

1 “[(e)] (4) The commission shall exempt from the **low carbon fuel** stan-
2 dards any person who imports in a calendar year less than 500,000 gallons
3 of gasoline and diesel fuel, in total. Any fuel imported by persons that are
4 related or share common ownership or control shall be aggregated together
5 to determine whether a person is exempt under this [paragraph]
6 **subsection.**

7 “[(f)(A) *The commission by rule shall prohibit fuels that contain biodiesel*
8 *from being considered an alternative fuel under these standards unless the fuel*
9 *meets the following standards:]*

10 “[(i) *Fuel that consists entirely of biodiesel, designated as B100, shall*
11 *comply with ASTM D 6751 and shall have an oxidation stability induction*
12 *period of not less than eight hours as determined by the test method described*
13 *in European standard EN 15751; and]*

14 “[(ii) *Fuel that consists of a blend of diesel fuel and between 6 and 20*
15 *volume percent biodiesel, and designated as biodiesel blends B6 to B20, shall*
16 *comply with ASTM D 7467 and shall have an oxidation stability induction*
17 *period of not less than 20 hours as determined by the test method described*
18 *in European standard EN 15751.]*

19 “[(B) *The commission may adopt rules different from those required under*
20 *subparagraph (A) of this paragraph if an ASTM or EN standard applicable*
21 *to biodiesel is approved or amended after March 12, 2015, or if the commission*
22 *finds that different rules are necessary due to changes in technology or fuel*
23 *testing or production methods.]*

24 “[(C) *As used in this subsection, ‘biodiesel’ means a motor vehicle fuel*
25 *consisting of mono-alkyl esters of long chain fatty acids derived from vegetable*
26 *oils, animal fats or other nonpetroleum resources, not including palm oil.]*

27 “[(3)] (5) In adopting rules under this section, the [Environmental
28 Quality] commission shall evaluate:

29 “(a) Safety, feasibility, net reduction of greenhouse gas emissions and
30 cost-effectiveness;

1 “(b) Potential adverse impacts to public health and the environment, in-
2 cluding but not limited to air quality, water quality and the generation and
3 disposal of waste in this state;

4 “(c) Flexible implementation approaches to minimize compliance costs;
5 and

6 “(d) Technical and economic studies of comparable greenhouse gas emis-
7 sions reduction measures implemented in other states and any other studies
8 as determined by the commission.

9 “[*(4)(a) The provisions of this section do not apply to fuel that is demon-*
10 *strated to have been used in any of the following:*]

11 “[*(A) Motor vehicles registered as farm vehicles under the provisions of*
12 *ORS 805.300.*]

13 “[*(B) Farm tractors, as defined in ORS 801.265.*]

14 “[*(C) Implements of husbandry, as defined in ORS 801.310.*]

15 “[*(D) Motor trucks, as defined in ORS 801.355, used primarily to transport*
16 *logs.*]

17 “[*(E) Motor vehicles that are not designed primarily to transport persons*
18 *or property, that are operated on highways only incidentally, and that are used*
19 *primarily for construction work.*]

20 “[*(F) Watercraft.*]

21 “[*(G) Railroad locomotives.*]

22 “[*(b) The Environmental Quality Commission shall by rule adopt standards*
23 *for persons to qualify for the exemptions provided in this subsection.*]

24 **“SECTION 161. (1) The Environmental Quality Commission by rule**
25 **shall prohibit fuel that consists entirely of biodiesel, designated as**
26 **B100, from being considered a low carbon fuel under the low carbon**
27 **fuel standards unless the fuel complies with ASTM D 6751 and has an**
28 **oxidation stability induction period of not less than eight hours as**
29 **determined by the test method described in European standard EN**
30 **15751.**

1 “(2) The commission may adopt rules different from those required
2 under subsection (1) of this section if an ASTM or EN standard appli-
3 cable to biodiesel is approved or amended after March 12, 2015, or if
4 the commission finds that different rules are necessary due to changes
5 in technology or fuel testing or production methods.

6 “SECTION 162. (1) The clean fuels program adopted by the Envi-
7 ronmental Quality Commission by rule under ORS 468A.275 must be
8 designed such that:

9 “(a) Regulated parties generate deficits and may reconcile the defi-
10 cits, and thus comply with the low carbon fuel standards for a com-
11 pliance period, by obtaining and retiring credits;

12 “(b) Regulated parties and credit generators may generate credits
13 for fuels used as substitutes or alternatives for gasoline or diesel;

14 “(c) Regulated parties, credit generators and credit aggregators
15 shall have opportunities to trade credits; and

16 “(d) Regulated parties shall be allowed to carry over to the next
17 compliance period a small deficit without penalty.

18 “(2) The Department of Environmental Quality shall, throughout a
19 compliance period, regularly monitor the availability of fuels needed
20 for compliance with the low carbon fuel standards.

21 “(3)(a) Under the clean fuels program, the department shall
22 monthly calculate the volume-weighted average price of credits and,
23 no later than the last day of the month immediately following the
24 month for which the calculation is completed, post the formula and
25 the nonaggregated data the department used for the calculation and
26 the results of the calculation on the department’s website.

27 “(b) In completing the calculation required by this subsection, the
28 department may exclude from the data set credit transfers without a
29 price or other credit transfers made for a price that falls two standard
30 deviations outside of the mean credit price for the month. The data

1 posted on the department's website under this section may not include
2 any individually identifiable information or information that would
3 otherwise constitute a trade secret under ORS 192.501.

4 “(4)(a) In addition to the calculation required under subsection (3)
5 of this section, the department shall annually calculate for the pre-
6 ceding calendar year:

7 (A) The average cost or cost-savings of the low carbon fuel stan-
8 dards per gallon of gasoline and per gallon of diesel; and

9 (B) The total greenhouse gas emissions reductions attributable to
10 the low carbon fuel standards.

11 (b) No later than April 15 of each year, the department shall post
12 the formula the department used for the calculations required by this
13 subsection and the results of the calculations on the department's
14 website.

15 (c) The State Department of Agriculture shall furnish the formula
16 and results of the calculations required by this subsection to each gas
17 station in this state to facilitate compliance by gas station owners or
18 operators with ORS 646.932.

19 **“SECTION 163. (1) The division of the Oregon Department of Ad-
20 ministrative Services that serves as office of economic analysis shall
21 annually coordinate with the Department of Environmental Quality
22 to develop a fuel supply forecast to project the availability of fuels to
23 Oregon necessary for compliance with the low carbon fuel standards.
24 The fuel supply forecast shall include, but need not be limited to, the
25 following with reference to the next compliance period of the clean
26 fuels program:**

27 **“(a) An estimate of the potential volumes of gasoline, gasoline
28 substitutes and gasoline alternatives and diesel, diesel fuel substitutes
29 and diesel alternatives available to Oregon;**

30 **“(b) An estimate of the total banked credits and carried over defi-**

1 **cits held by regulated parties, credit generators and credit aggregators**
2 **at the beginning of the compliance period and an estimate of the total**
3 **credits attributable to fuels described in paragraph (a) of this sub-**
4 **section;**

5 **“(c) An estimate of the credits needed to meet the scheduled appli-**
6 **cable low carbon fuel standard during the forecast compliance period;**
7 **and**

8 **“(d) A comparison of the estimates under paragraphs (a) and (b) of**
9 **this subsection with the estimate under paragraph (c) of this sub-**
10 **section to indicate the availability of fuels needed for compliance with**
11 **the low carbon fuel standards.**

12 **“(2) In developing the estimate required under subsection (1)(a) of**
13 **this section, the division shall consider, but need not be limited to**
14 **considering:**

15 **“(a) Constraints that may be preventing access to available and**
16 **cost-effective low carbon fuels by Oregon, such as geographic and lo-**
17 **gistical factors, and alleviating factors to the constraints; and**

18 **“(b) The existing and future vehicle fleet in Oregon.**

19 **“(3) The division may appoint, in coordination with the Department**
20 **of Environmental Quality, a forecast review team of relevant experts**
21 **to participate in the fuel supply forecast or examination of data re-**
22 **quired by this section. The team may perform any functions assigned**
23 **by the division, including but not limited to consulting on the design**
24 **of the forecast. The forecast required by this section must be com-**
25 **pleted and provided to the department no later than 90 calendar days**
26 **before the commencement of the compliance period for which the**
27 **forecast is developed.**

28 **“SECTION 164. (1) No later than 30 calendar days before the com-**
29 **mencement of a compliance period, the Department of Environmental**
30 **Quality shall issue an order declaring a forecast deferral if the fuel**

1 supply forecast developed under section 163 of this 2017 Act projects
2 that the amount of credits that will be available during the forecast
3 compliance period will be less than 100 percent of the credits projected
4 to be necessary for regulated parties to comply with the scheduled
5 applicable low carbon fuel standard for the forecast compliance period.

6 “(2) An order declaring a forecast deferral under this section must
7 set forth:

8 “(a) The duration of the forecast deferral;

9 “(b) The types of fuel to which the forecast deferral applies; and

10 “(c) Which of the following methods the department has selected
11 for deferring compliance with the scheduled applicable low carbon fuel
12 standard during the forecast deferral:

13 “(A) Temporarily adjusting the scheduled applicable low carbon fuel
14 standard to a standard identified in the order that better reflects the
15 forecast availability of credits during the forecast compliance period
16 and requiring regulated parties to comply with the temporary stand-
17 ard;

18 “(B) Requiring regulated parties to comply only with the low carbon
19 fuel standard applicable during the compliance period prior to the
20 forecast compliance period; or

21 “(C) Suspending deficit accrual for part or all of the forecast
22 deferral period.

23 “(3)(a) In implementing a forecast deferral, the department may
24 take an action for deferring compliance with the low carbon fuel
25 standard other than, or in addition to, selecting a method under sub-
26 section (2)(c) of this section only if the department determines that
27 none of the methods under subsection (2)(c) of this section will provide
28 a sufficient mechanism for containing the costs of compliance with the
29 low carbon fuel standards during the forecast deferral.

30 “(b) If the department makes the determination specified in para-

1 **graph (a) of this subsection, the department shall:**

2 **“(A) Include in the order declaring a forecast deferral the determi-**
3 **nation and the action to be taken; and**

4 **“(B) Provide written notification and justification of the determi-**
5 **nation and the action to:**

6 **“(i) The Governor;**

7 **“(ii) The President of the Senate;**

8 **“(iii) The Speaker of the House of Representatives;**

9 **“(iv) The majority and minority leaders of the Senate; and**

10 **“(v) The majority and minority leaders of the House of Represen-**
11 **tatives.**

12 **“(4) The duration of a forecast deferral may not be less than one**
13 **calendar quarter or longer than one compliance period. Only the En-**
14 **vironmental Quality Commission may terminate, by order, a forecast**
15 **deferral before the expiration date of the forecast deferral. Termi-**
16 **nation of a forecast deferral is effective on the first day of the next**
17 **calendar quarter after the date that the order declaring the termi-**
18 **nation is adopted.**

19 **“SECTION 165. (1) The Department of Environmental Quality shall**
20 **issue an order declaring an emergency deferral:**

21 **“(a) No later than 15 calendar days after the date that the depart-**
22 **ment determines that:**

23 **“(A) There is a known shortage of a fuel or low carbon fuel that is**
24 **needed for regulated parties to comply with the low carbon fuel**
25 **standard; and**

26 **“(B) The magnitude of the shortage of that fuel is greater than the**
27 **equivalent of five percent of the amount of the fuel forecasted to be**
28 **available during the effective compliance period; or**

29 **“(b) Immediately upon the issuance by the Governor of a procla-**
30 **mation, executive order or directive pursuant to ORS 176.750 to 176.815**

1 **declaring an energy emergency due to a shortage of gasoline or diesel.**

2 **“(2) An order declaring an emergency deferral under this section**
3 **must set forth:**

4 **“(a) The duration of the emergency deferral;**

5 **“(b) The types of fuel to which the emergency deferral applies; and**

6 **“(c) Which of the following methods the department has selected**
7 **for deferring compliance with the scheduled applicable low carbon fuel**
8 **standard during the emergency deferral:**

9 **“(A) Temporarily adjusting the scheduled applicable low carbon fuel**
10 **standard to a standard identified in the order that better reflects the**
11 **availability of credits during the emergency deferral and requiring**
12 **regulated parties to comply with the temporary standard;**

13 **“(B) Allowing for the carryover of deficits accrued during the**
14 **emergency deferral into one or more future compliance periods with-**
15 **out penalty; or**

16 **“(C) Suspending deficit accrual during the emergency deferral pe-**
17 **riod.**

18 **“(3)(a) In implementing an emergency deferral, the department may**
19 **take an action for deferring compliance with the low carbon fuel**
20 **standard other than, or in addition to, selecting a method under sub-**
21 **section (2)(c) of this section only if the department determines that**
22 **none of the methods under subsection (2)(c) of this section will provide**
23 **a sufficient mechanism for containing the costs of compliance with the**
24 **low carbon fuel standards during the emergency deferral.**

25 **“(b) If the department makes the determination specified in para-**
26 **graph (a) of this subsection, the department shall:**

27 **“(A) Include in the order declaring an emergency deferral the de-**
28 **termination and the action to be taken; and**

29 **“(B) Provide written notification and justification of the determi-**
30 **nation and the action to:**

1 “(i) The Governor;
2 “(ii) The President of the Senate;
3 “(ii) The Speaker of the House of Representatives;
4 “(iv) The majority and minority leaders of the Senate; and
5 “(v) The majority and minority leaders of the House of Represen-
6 tatives.

7 “(4)(a) Except as provided in paragraph (b) of this subsection, the
8 duration of an emergency deferral:

9 “(A) Implemented using the method described in subsection
10 (2)(c)(A) of this section may not be less than one calendar quarter; and

11 “(B) Implemented using a method described in subsection (2)(c)(B)
12 or (C) or subsection (3) of this section may not be less than 30 calendar
13 days.

14 “(b) An emergency deferral may not continue past the end of the
15 compliance period during which the emergency deferral is issued.

16 “(c) An emergency deferral may be terminated prior to the expira-
17 tion date of the emergency deferral only if new information becomes
18 available indicating that the shortage for which the emergency deferral
19 was issued has ended. Only the Environmental Quality Commission
20 may terminate, by order, an emergency deferral before the expiration
21 date of the emergency deferral. Termination of an emergency deferral
22 is effective 15 calendar days after the date that the order declaring the
23 termination is adopted.

24 “SECTION 166. (1) The clean fuels program adopted by the Envi-
25 ronmental Quality Commission by rule under ORS 468A.275 must in-
26 clude provisions necessary for the Department of Environmental
27 Quality to hold credit clearance markets as a means to facilitate
28 compliance with the low carbon fuel standards.

29 “(2)(a) The department shall hold a credit clearance market for any
30 compliance period in which at least one regulated party reports that

1 the regulated party has a net deficit balance at the end of the com-
2 pliance period, after retirement of all credits held by the regulated
3 party, that is greater than a small deficit. A regulated party described
4 by this paragraph is required to participate in the credit clearance
5 market.

6 “(b) If a regulated party has a small deficit at the end of a compli-
7 ance period, the regulated party shall notify the department that it
8 will achieve compliance with the low carbon fuel standard during the
9 compliance period by either:

10 “(A) Participating in a credit clearance market; or

11 “(B) Carrying forward the small deficit.

12 “(3) For purposes of administering a credit clearance market re-
13 quired by this section, the department shall:

14 “(a) Allow any regulated party, credit generator or credit
15 aggregator that holds excess credits at the end of a compliance period
16 to voluntarily participate in the credit clearance market as a seller by
17 pledging a specified number of credits for sale in the market.

18 “(b) Require each regulated party participating in the credit clear-
19 ance market as a purchaser of credits to:

20 “(A) Have retired all credits in the party’s possession prior to par-
21 ticipating in the credit clearance market; and

22 “(B) Purchase the specified number of the total pledged credits that
23 the department has determined are that party’s pro rata share of the
24 pledged credits.

25 “(c) Require all sellers to:

26 “(A) Agree to sell pledged credits at a price no higher than a max-
27 imum price for credits;

28 “(B) Accept all offers to purchase pledged credits at the maximum
29 price for credits; and

30 “(C) Agree to withhold any pledged credits from sale outside the

1 credit clearance market until the credit clearance market is closed.

2 “(4)(a) The commission shall set the maximum price for credits in
3 a credit clearance market, which may not exceed \$200 for 2018.

4 “(b) For 2019 and subsequent years, the maximum price for credits
5 may exceed \$200, but only to the extent that a greater maximum price
6 for credits is necessary to annually adjust for inflation, beginning on
7 January 1, 2019, pursuant to the increase, if any, from the preceding
8 calendar year in the West Region Consumer Price Index for All Urban
9 Consumers for All Items, as published by the Bureau of Labor Statis-
10 tics of the United States Department of Labor.

11 “(5) A regulated party that has a net deficit balance after the close
12 of a credit clearance market:

13 “(a) Must carry over the remaining deficits into the next compli-
14 ance period; and

15 “(b) May not be subject to interest greater than five percent, pen-
16 alties or assertions of noncompliance that accrue based on the
17 carryover of deficits under this subsection.

18 “(6) If a regulated party has been required under subsection (2) of
19 this section to participate as a purchaser in two consecutive credit
20 clearance markets and continues to have a net deficit balance after
21 the close of the second consecutive credit clearance market, the De-
22 partment of Environmental Quality shall complete, no later than two
23 months after the close of the second credit clearance market, an
24 analysis of the root cause of the inability of the regulated party to
25 retire the remaining deficits. The department may recommend and
26 implement any remedy that the department determines is necessary
27 to address the root cause identified in the analysis, including but not
28 limited to issuing a deferral, provided that the remedy implemented
29 does not:

30 “(a) Require the regulated party to purchase credits for an amount

1 that exceeds the maximum price for credits in the most recent credit
2 clearance market; or

3 “(b) Compel a person to sell credits.

4 “(7) If credits sold in a credit clearance market are subsequently
5 invalidated as a result of fraud or any other form of noncompliance
6 on the part of the generator of the credit, the department may not
7 pursue civil penalties against, or require credit replacement by, the
8 regulated party that purchased the credits unless the regulated party
9 was a party to the fraud or other form of noncompliance.

10 “(8) The department may not disclose the deficit balances or pro
11 rata share purchase requirements of a regulated party that partic-
12 ipates in the credit clearance market.

13 **“SECTION 167. (1) In addition to rules adopted under ORS 468A.275**
14 **and section 161 of this 2017 Act, the Environmental Quality Commis-**
15 **sion may adopt rules necessary to carry out the provisions of sections**
16 **159 to 167 of this 2017 Act, including but not limited to standards for**
17 **persons to qualify for exemptions provided for in subsection (2) of this**
18 **section.**

19 “(2) The provisions of sections 159 to 167 of this 2017 Act do not
20 apply to fuel that is demonstrated to have been used in any of the
21 following:

22 “(a) Motor vehicles registered as farm vehicles under the provisions
23 of ORS 805.300.

24 “(b) Farm tractors, as defined in ORS 801.265.

25 “(c) Implements of husbandry, as defined in ORS 801.310.

26 “(d) Motor trucks, as defined in ORS 801.355, used primarily to
27 transport logs.

28 “(e) Motor vehicles that are not designed primarily to transport
29 persons or property, that are operated on highways only incidentally
30 and that are used primarily for construction work.

1 **“(f) Watercraft.**

2 **“(g) Railroad locomotives.**

3
4 **“(Provisions Operative January 1, 2019)**

5
6 **“SECTION 168. The amendments to section 165 of this 2017 Act by**
7 **section 169 of this 2017 Act become operative on January 1, 2019.**

8 **“SECTION 169.** Section 165 of this 2017 Act is amended to read:

9 **“Sec. 165.** (1) The Department of Environmental Quality shall issue an
10 order declaring an emergency deferral:

11 “(a) No later than 15 calendar days after the date that the department
12 determines that:

13 “(A) There is a known shortage of a fuel or low carbon fuel that is needed
14 for regulated parties to comply with the low carbon fuel standard; and

15 “(B) The magnitude of the shortage of that fuel is greater than the
16 equivalent of five percent of the amount of the fuel forecasted to be available
17 during the effective compliance period; or

18 “(b) Immediately upon the issuance by the Governor of a proclamation,
19 executive order or directive pursuant to ORS 176.750 to 176.815 declaring an
20 energy emergency due to a shortage of gasoline or diesel.

21 “(2) An order declaring an emergency deferral under this section must set
22 forth:

23 “(a) The duration of the emergency deferral;

24 “(b) The types of fuel to which the emergency deferral applies; and

25 “(c) Which of the following methods the department has selected for de-
26 ferring compliance with the scheduled applicable low carbon fuel standard
27 during the emergency deferral:

28 “(A) Temporarily adjusting the scheduled applicable low carbon fuel
29 standard to a standard identified in the order that better reflects the avail-
30 ability of credits during the emergency deferral and requiring regulated

1 parties to comply with the temporary standard;

2 “(B) Allowing for the carryover of deficits accrued during the emergency
3 deferral into one or more future compliance periods without penalty; or

4 “(C) Suspending deficit accrual during the emergency deferral period.

5 “(3)(a) In implementing an emergency deferral, the department may take
6 an action for deferring compliance with the low carbon fuel standard other
7 than, or in addition to, selecting a method under subsection (2)(c) of this
8 section only if the department determines that none of the methods under
9 subsection (2)(c) of this section will provide a sufficient mechanism for con-
10 taining the costs of compliance with the low carbon fuel standards during
11 the emergency deferral.

12 “(b) If the department makes the determination specified in paragraph (a)
13 of this subsection, the department shall:

14 “(A) Include in the order declaring an emergency deferral the determi-
15 nation and the action to be taken; and

16 “(B) Provide written notification and justification of the determination
17 and the action to:

18 “(i) The Governor;

19 “(ii) The President of the Senate;

20 “(iii) The Speaker of the House of Representatives;

21 “(iv) The majority and minority leaders of the Senate; and

22 “(v) The majority and minority leaders of the House of Representatives.

23 “(4)(a) Except as provided in paragraph (b) of this subsection, the dura-
24 tion of an emergency deferral:

25 “(A) Implemented using the method described in subsection (2)(c)(A) of
26 this section may not be less than one calendar quarter; and

27 “(B) Implemented using a method described in subsection (2)(c)(B) or (C)
28 or subsection (3) of this section may not be less than 30 calendar days.

29 “(b) An emergency deferral may not continue past the end of the compli-
30 ance period during which the emergency deferral is issued.

1 **terim committees of the Legislative Assembly related to environment**
2 **and natural resources in the manner provided by ORS 192.245.**

3 **“(2) The review required by this section must consider all program**
4 **compliance data available and must include, but need not be limited**
5 **to, a review of the following:**

6 **“(a) The progress of this state, through implementation of sections**
7 **159 to 167 of this 2017 Act and rules adopted pursuant to sections 159**
8 **to 167 of this 2017 Act, toward achieving the goal of reducing the av-**
9 **erage amount of greenhouse gas emissions per unit of fuel energy of**
10 **the fuels by 10 percent below 2010 levels by the year 2025.**

11 **“(b) The environmental, economic, health and other benefits real-**
12 **ized through the implementation of sections 159 to 167 of this 2017 Act**
13 **and rules adopted pursuant to sections 159 to 167 of this 2017 Act, in-**
14 **cluding but not limited to the economic benefits of supplying low**
15 **carbon fuels or electric vehicle charging and related infrastructure.**

16 **“(c) The projected availability of low carbon fuels and credits**
17 **through the year 2025, using the methodology described in section 163**
18 **(2) of this 2017 Act.**

19 **“(d) Additional mechanisms that may be necessary to manage and**
20 **contain the costs of compliance with the low carbon fuel standards.**

21 **“(e) Whether adjustments to the low carbon fuel standards or the**
22 **clean fuels program are necessary, including for purposes of achieving**
23 **regional harmonization and consistency with the strategy described in**
24 **ORS 184.617 (1)(j).**

25 **“(f) The effects of the maximum price for credits in the credit**
26 **clearance market, as provided for in section 166 of this 2017 Act, on**
27 **implementation of sections 159 to 167 of this 2017 Act.**

28 **“(g) Adjustments that could serve to strengthen and enhance the**
29 **low carbon fuel standards or the clean fuels program in terms of in-**
30 **creased emissions reductions or other net benefits attributable to the**

1 standards or program.

2 “(3) The review conducted by the department under this section
3 must take into consideration the fuel supply forecast required by sec-
4 tion 163 of this 2017 Act and may be conducted in coordination with
5 the division of the Oregon Department of Administrative Services that
6 serves as office of economic analysis.

7

8 “INDICATION OF INFLUENCE OF LOW CARBON FUEL
9 STANDARDS ON COST OF GASOLINE

10

11 “SECTION 171. ORS 646.932 is amended to read:

12 “646.932. (1) As used in this section, ‘gas station’ includes a filling station,
13 servicestation, garage or any other place where gasoline is sold for use in
14 motor vehicles.

15 “(2) The owner or operator of a gas station shall post, in a manner visible
16 to customers, the following information:

17 “(a) The amount of the price per gallon that is federal tax;

18 “(b) The amount of the price per gallon that is state tax;

19 “(c) The amount of the price per gallon that is local tax; and

20 “(d) The total amount of federal, state and local taxes per gallon.

21 “(3) The Department of Transportation shall furnish the information de-
22 scribed in subsection (2) of this section to each gas station in [*the*] **this** state.

23 “(4) **The owner or operator of a gas station may disclose to cus-**
24 **tomers the cost, per gallon of gasoline and diesel, of the low carbon**
25 **fuel standards adopted by rule under ORS 468A.275 after viewing on the**
26 **Department of Environmental Quality’s website or receiving from the**
27 **State Department of Agriculture the annual calculations described in**
28 **section 162 of this 2017 Act. An owner or operator that posts the cost**
29 **per gallon of the low carbon fuel standard shall also post the calcu-**
30 **lation of the concurrent total greenhouse gas emissions reductions**

1 attributable to the low carbon fuel standard. The owner or operator
2 may make the disclosures provided for in this subsection by:

3 “(A) Posting the disclosures on a gasoline pump in a manner that
4 is visible to customers;

5 “(B) Printing the disclosures on a receipt that the owner or opera-
6 tor provides to a customer; or

7 “(C) Otherwise displaying the disclosures near the point of payment
8 or another location that is visible to customers.

9 “SECTION 172. The amendments to ORS 646.932 by section 171 of
10 this 2017 Act apply to any transaction for a purchase of gasoline or
11 diesel in this state that occurs on or after the operative date specified
12 in section 173 of this 2017 Act.

13

14

“MISCELLANEOUS

15

“(Operative Date)

16

17 “SECTION 173. (1) Sections 158, 159 and 161 to 167 of this 2017 Act
18 and the amendments to ORS 468A.275 and 646.932 by sections 160 and
19 171 of this 2017 Act become operative on January 1, 2018.

20 “(2) The Environmental Quality Commission may adopt rules and
21 the commission, the Department of Environmental Quality and the
22 Oregon Department of Administrative Services may take any action
23 before the operative date specified in subsection (1) of this section that
24 is necessary for the commission and the departments to exercise, on
25 and after the operative date specified in subsection (1) of this section,
26 all of the duties, functions and powers conferred on the commission
27 and the departments by sections 158, 159 and 161 to 167 of this 2017 Act
28 and the amendments to ORS 468A.275 and 646.932 by sections 160 and
29 171 of this 2017 Act. Rules adopted by the commission under this sub-
30 section become operative January 1, 2018.

