

2021 Omnibus Transportation Bill - Section Analysis

Section Summary of House Bill 3055-A

<u>Section</u>	<u>Requester</u>	<u>Effect</u>
1-7 <i>Disabled parking permits and placards</i>	ODOT	Clarifies language related to issuing, renewing, and invalidating cards, placards, and decals that expire on the recipient's birthday eight years following year of issuance: <ul style="list-style-type: none"> • Eliminates renewal of disabled parking permits by mail (section 1); • Specifies when an individual or "wheelchair user" placard is to be invalidated (such as being licensed in another state, being deceased, discovery that it was issued under fraudulent circumstances, or no longer qualifies (section 3); • Clarifies information to be provided by applicant for disabled parking permit (section 4); • Specifies that an individual placard issued is valid for eight years from the date of issue, separate from renewal date of license or ID card, and may be renewed in manner determined by rule (section 5); • Specifies term and renewal process for "Wheelchair User" placards identical to that for individual placards (section 6); • Specifies term and renewal process for "Wounded Warrior" placards, identical to that for individual and Wheelchair User placards (section 7).
8 <i>Salvage titles – rebuilds and repairs</i>	ODOT	Clarifies that surrendering title or application for salvage title does not apply if the person does not intend to rebuild or repair the vehicle, transfer the vehicle, or use the frame or unibody for repairing or constructing another vehicle (which is current law), or if the person rebuilds or repairs the vehicle and applies to title the vehicle with the designation of assembled, reconstructed, or replica (new provision).
9 <i>Deletes reference to train sanitation facilities</i>	ODOT	Eliminates requirement that ODOT prescribe standards for sanitation facilities on railroad locomotives, and sanitation facilities and water quality on cabooses – this is part of a cleanup designed to remove outdated language (sanitation facilities) and requirements no longer relevant (cabooses, which are no longer in use) from railroad statutes.
10	ODOT	Provides for use of weight identifier or valid user's emblem for collection of tax on use fuels (such as propane or compressed natural gas) – this language was inadvertently amended out of

<i>Use fuel weight receipts for user emblems</i>		the statute by an earlier bill related to weight receipts (House Bill 2592, 2019).
11 <i>Fuel invoices for user emblems</i>	ODOT	Adds requirement that license plate number be recorded on fuel invoice in cases where no valid user's emblem or temporary pass number is present – previous legislation deleted reference to license plates, but there are situations where a license plate may be the only valid identifier (this is another clarifying change following House Bill 2592, 2019).
12 <i>Salvage titles – clarifying provisions</i>	ODOT	Modifies offense of failure to comply with requirements for destruction of vehicle by removing terms “substantial alteration” and “substantially alter” and “substantially alters” – both this section and section 8 (salvage titles) are related to House Bill 2576 (2019) and meant to clarify those provisions.
13-14 <i>Explicit authority for ODOT to collect local motor fuel taxes</i>	ODOT	Provides explicit statutory authority for ODOT to continue to collect local fuels taxes on behalf of cities, counties, and local governments that impose a local fuels tax under ORS 319.950 – this has been common practice since 1977; however, a close review of the statute amended here showed that the statutory authority to conduct this collection may not be airtight, so this section makes the amendment explicit (section 13); Section 14 makes the explicit authorization to collect local fuel taxes retroactive to January 1, 1977.
15 <i>Vendors at Rogue Valley-Medford Airport</i>	Jackson County Airport	Adds county-owned airports to definition of “visitor venue” to make them exempt from provisions providing preferences for persons who are blind with regard to operating vending facilities. This is a provision that already applied to commercial airports owned by cities and port districts, but not to the Rogue Valley International-Medford Airport, which is the state's only commercial airport owned and operated by a county (Jackson County) – it is thus considered a technical clarification to align that airport with other commercial airports in the state.
16 <i>Flashing yellow beacon traffic control devices</i>	Sen. Gelser	Requires drivers to pay extra attention to message provided by flashing yellow beacon and follow requirements of the other traffic control device which might otherwise not be applicable at all times – this is an enhancement to ORS 811.260 requested to address an issue with a particular interchange that had difficulty with the flashing yellow signal and had used additional signage to clarify how drivers are to proceed at the intersection – the additional language specifies that drivers are to also obey the additional traffic signs.

17	Port of Portland	--Deleted by Amendment--
18-20 <i>Motor carrier mandatory training programs</i>	Oregon Trucking Associations	Amends provisions related to motor carrier mandatory training programs in Oregon: <ul style="list-style-type: none"> • Requires motor carriers participating in mandatory education program to attend at least eight hours of classroom instruction, which may include a webinar option (section 18); • Specifies ODOT may appoint agents to carry out the program in accordance with rules prescribed by ODO; specifies ODOT may charge a \$2 service fee (section 19); • Repeals statute permitting ODOT to assess fee to defray cost of program (section 20).
21-23 <i>Utility rate recovery for transportation electrification and fuel diversification</i>	PGE and NW Natural	Allows electric company or natural gas utility to recover costs from consumers for expenses of infrastructure to support adoption of alternative forms of transportation vehicles if certain conditions are met: <ul style="list-style-type: none"> • Defines “infrastructure measures” for support of transportation electrification, which do not include education and outreach; allows electric companies to recover costs from retail electricity consumers for prudent infrastructure measures to support transportation electrification if they: support reductions in GHG from transportation sector; benefit the electric company’s customers through transmission/distribution, revenue, system efficiencies, or increased customer choice; requires allowing customer choice in selection of type of vehicle charging station to be installed; clarifies that cost recovery is from retail electricity customers in manner determined by Public Utility Commission (section 21); • Allows natural gas utilities to recover costs from investments related to infrastructure to support alternative fuel vehicles; specifies investments considered eligible for program, including those related to renewable natural gas or hydrogen (section 23).
24 <i>Date change for ODOT</i>	ODOT	Extends, from April 1 of each odd-numbered year to June 1 of each odd-numbered year, the reporting date for describing and reporting the condition of transportation infrastructure – this is a technical fix to better align the required report with other

<i>infrastructure annual report</i>		reports that are prepared and delivered by the Oregon Department of Transportation.
25 <i>Deletes outdated term "icing" from railroad statutes</i>	ODOT	Eliminates outdated term "icing from statutes regulating railroads. in the 19 th century, a 'reefer' refrigerated boxcar would use ice in compartments to keep temperatures in the car low enough to avoid spoilage on long trips and in warm weather; today, refrigeration is used to maintain cold temperatures, and so the term "icing" is finally being phased out as an anachronism.
26 <i>Replaces "stop and inspect" with "detain" for rail inspectors</i>	ODOT	Replaces term "stop and detain" with "inspect" to replace provisions related to oversight by railroad inspectors, to reflect changes in statute pre-empted by federal law – the updated terminology more accurately reflects current language used in the industry.
27-29 <i>Revises rail statutes for fire extinguishers and radio handsets</i>	ODOT	Makes additional modifications related to railroads: <ul style="list-style-type: none"> • Eliminates the requirement that locomotive engines and cabooses be equipped with fire extinguishers; specifies that fire extinguishers may be foam, dry chemical, or carbon dioxide; specifies minimum capacity, placement, and maintenance requirements for fire extinguishers on locomotives; and allows for limited-time exemption from updated fire extinguisher requirements (section 27); • Eliminates reference to October 1977 effective date for requirement that trains exceeding 2,000 feet in length and carrying hazardous materials be equipped with radio handsets (section 28); • Updates reference in violations section to the aforementioned fire extinguisher requirement updates (section 29).
30-31 <i>Aligns statute for odometer requirement with federal law</i>	ODOT	Aligns statutory odometer check requirement with federal law: <ul style="list-style-type: none"> • by limiting requirement to qualified vehicles at least 20 years old; specifies that ODOT may exempt vehicles from odometer disclosure requirements by rule in accordance with federal laws, rules and regulations (section 30); • Specifies that updated odometer requirements become operative January 1, 2022 (section 31).

32 <i>VIN numbers on park model RVs</i>	ODOT	Exempts park model recreational vehicles under ORS 803.035, thereby exempting their owners from VIN inspections during title transactions – this is consistent with past practice when DMV used to title park model vehicles under the definition of “manufactured structures.”
33 <i>Waiving motorcycle ed courses</i>	ODOT	Allows ODOT to waive test or demonstration requirements for completion of motorcycle rider education courses for applicants for motorcycle endorsement.
34-35 <i>Revises definition of “bicycle” for bicycle excise tax</i>	Staff	Clarification of definition of “bicycle” for purposes of bicycle excise tax imposed by HB 2017 (2017): <ul style="list-style-type: none"> • Adds “for the transportation of humans” to definition of vehicle designed to be operated on the ground on wheels and propelled exclusively by human power (section 34); • Applies definition to bicycles sold before, on, or after the effective date of measure (section 35).
36-41b <i>Eliminates sunset on aviation and jet fuel taxes and revises Board of Aviation grant programs</i>	Department of Aviation	Modifications to aviation fuel taxes and grant programs: <ul style="list-style-type: none"> • Eliminates sunset on temporary two-cent increases in jet fuel and aviation fuel taxes enacted with House Bill 2075 (2015) and that is currently scheduled to sunset January 2, 2022 (section 36, 37); • Clarifies effective date of permanent increase of aircraft fuel tax to 11 cents and jet fuel tax to three cents is January 1, 2022 (section 38); • Modifies grant programs administered by Oregon Department of Aviation by increasing from 50 percent to 75 percent the allocation to assist airports with match requirement for FAA Airport Improvement Program, by eliminating prioritizations among allowable uses, and by adding assisting rural commercial air service as an allowable use; directs Board of Aviation to establish priorities by rule; requires Board to submit reports on projects selected to Joint Committee on Transportation (section 39); • Applies modifications to grant program to applications submitted on or after measure’s effective date (section 40); • Deletes repeal provision from House Bill 2075 (2015) (section 41). • Allows Board of Aviation to enter into commercial arrangements of up to 40 years (instead of 30 for non-commercial arrangements) (sections 41a, 41b).

<p>42</p> <p><i>Waiving motorcycle ed courses</i></p>	<p>ODOT</p>	<p>Exempts applicants from motorcycle rider education course requirements for persons temporarily residing outside the state, domiciled in or is a resident, and who completes a motorcycle rider education course outside the state that is approved by ODOT by rule.</p>
<p>43</p> <p><i>Failure to carry traction tires or chains</i></p>	<p>ODOT</p>	<p>Modifies offense of failure to use vehicle traction tires or chains and fine for offense by modifying the fine from a Class C traffic violation to a specific presumptive fine of \$880</p>
<p>44-45</p> <p><i>Clarifies property eligible for short line railroad tax credit</i></p>	<p>ODOT</p>	<p>Short line railroad tax credit:</p> <ul style="list-style-type: none"> • Specifies that qualifying infrastructure includes tracks, switches, sidings, roadbeds, railroad bridges and industrial leads owned <i>or leased by</i> a short line railroad (section 44); • Applies previous section to tax years beginning January 1, 2020, and ending January 1, 2026 (section 45).
<p>46-50</p>	<p>ODOT</p>	<p>Expansion of contracting limits for Emerging Small Businesses in public contracting. Modifies delivery contracting methods:</p> <ul style="list-style-type: none"> • Increases maximum contract price from \$100,000 to \$250,000 (section 46); • Section 47 removed by amendment; • Revisions related to contracting that requires procurement of personal services (section 48); • Contracts awarded to emerging small businesses with funds from Emerging Small Business Account (section 49); • Applies to contracts entered into after measure's effective date (section 50).
<p>51-80</p>	<p>ODOT</p>	<p>--deleted by amendment--</p>
<p>81</p> <p><i>Local government speed-setting authority</i></p>	<p>City of Portland</p>	<p>Authorizes ODOT to delegate authority to Multnomah County, Clackamas County, or a city with jurisdiction over a highway to establish different speed limits for those highways upon determination that the entity will exercise the authority according to the criteria adopted by the Department.</p>
<p>82</p> <p><i>Short-term borrowing for</i></p>	<p>ODOT</p>	<p>Short-Term Borrowing (ORS 367.105)</p> <ul style="list-style-type: none"> • Increases maximum indebtedness from \$100 million to \$600 million; • Specifies maturity in five years instead of three years;

major transportation projects		<ul style="list-style-type: none"> • Clarifies Treasurer may issue refunding revenue bonds; • Clarifies repayment/securing of short-term borrowing and refunding revenue bonds from State Highway Fund or other funds legally available to ODOT or Treasurer
83-84 Driver license suspension hearings	ODOT	<p>Driver Suspension Hearings (ORS 809.440)</p> <ul style="list-style-type: none"> • Actions that serve as defense by petitioner (departmental error, in compliance on date specified, insurance company error, believed in good faith they were in compliance) (section 83) • Conforming amendment (section 84)
85-92 Repeal of vehicle registration suspensions	ODOT	<p>Repeal of Vehicle Registration Suspensions in response to conviction of driving while suspended or second or subsequent charge of DUII:</p> <ul style="list-style-type: none"> • Repeals (section 85) • Conforming amendments (sections 86-92)
93 OReGO applications	ODOT	<p>Allows for approval of vehicles to be included in OReGO road usage charge program if applicant is either the registered owner/lessee or has applied for registration. Addresses circumstance if application is subsequently denied.</p>
94-99 Creates offense of failure to carry traction tires or chains	ODOT	<p>Traction tire or chain use:</p> <ul style="list-style-type: none"> • Creates offense of failure to carry vehicle traction tires or chains; designated as Class C violation (sections 94-95); • Conforming amendments (sections 96-98) • Applies to offenses on or after effective date (section 99)
100-101 Interest charged on weight-mile tax	ODOT	<p>Revisions related to interest charged on reported weight-mile tax.</p>
102-124 Conforming Oregon law to federal changes in commercial driving privileges	ODOT	<p>Commercial Driving Privileges – intended to conform Oregon statute with changes to federal law:</p> <ul style="list-style-type: none"> • Allows ODOT to comply with entry level driver training; • Removes duplicative legal presence requirement for Hazardous Materials Endorsement; • Allows suspension, cancellation, or revocation if same occurs in another jurisdiction; • Treats record of DUII diversion the same as DUII conviction;

		<ul style="list-style-type: none"> • Allows 1-year suspension for DUII in non-commercial vehicle; • Allows lifetime suspension for human trafficking; • Allows provisions around reinstatement of lifetime suspension to administrative rule; • Clarifies lifetime CDL suspensions are consecutive to other CDL suspensions; • Removes medical officer reporting requirement for positive drug tests (no longer necessary due to FMCSA Drug and Alcohol Clearinghouse); • Corrects omissions related to applicability of commercial traffic violations and crimes to non-CDL; • Provides greater accuracy to implied consent rights and consequences.
125 <i>Definition of "autocycle"</i>	Rep. Nathanson For Arcimoto	Modifies definition of "autocycle" by eliminating reference to steering apparatus.
126-127 <i>Replacement vehicle registration plates</i>	Sen. Frederick	Clarifies that owner requesting identical replacement vehicle registration plates does not need to pay custom plate fee unless the original plates were also custom.
128 <i>General conforming amendments</i>		Conforming Amendments
129 <i>General repeals</i>		Repeals: <ul style="list-style-type: none"> • 184.631 (public private partnership research and development program); • 824.104 (train cabooses fire extinguishers); • Sections 2 & 3, HB 4064 (2018) (local registration fee moneys for bridge projects).
130-131 <i>Flexibility for \$30 million/yr spending</i>	ODOT	Flexibility in spending of \$30 million/year for Rose Quarter, Interstate 205 (Stafford Rd – OR 213), Interstate 5 Boone Bridge and Seismic Improvement Project, and toll program implementation: <ul style="list-style-type: none"> • Effective 2022 (section 130);

		<ul style="list-style-type: none"> Effective 2024 (section 131).
132-153 <i>Tolling statute revisions</i>	ODOT	<p>General revision of statutes related to tolling projects (intended to align with federal law and enable implementation of regional toll program for congestion management and to raise revenue; modifies language in original HB 3055:</p> <ul style="list-style-type: none"> to provide greater specificity regarding legislative findings; eligible use of toll program revenues; applicability of statutes to entities already assessing tolls (Port of Hood River, Port of Cascade Locks); who may assess a toll in the future; purpose/intent of toll program <p><i>Replaces sections 52-71 of original HB 3055</i></p>
154-163 <i>Tollway project financing revisions</i>	ODOT	<p>General revision of statutes related to financing of tollway projects:</p> <ul style="list-style-type: none"> contractual undertaking or instruments to borrow money, including commercial paper dealers (section 154); Clarifies applicable portions of tollway projects to include those constituting building or maintaining permanent roads (section 155); Clarifies G.O. bond proceeds may be paid into either State Highway Fund or Toll Program Fund for the purposes for which they were sold (section 156); Conforming amendments (sections 157-161); Requires ODOT to prepare report on method for establishing equitable, income-based toll rates and to present report to Joint Committee on Transportation and Oregon Transportation Commission (section 162); Repeals (section 163). <p><i>Replaces sections 72-80 of original HB 3055</i></p>
164		Captions
165		Operative Dates
166		Effective on 91 st Day following adjournment sine die.