

HB 3055-15
(LC 2448)
5/21/21 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Lee Byer
and Representative Susan McLain)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3055**

1 On page 1 of the printed bill, line 2, delete “166.360,”.

2 Delete lines 3 through 8 and insert “279C.307, 279C.335, 315.591, 319.020,
3 319.330, 319.665, 319.671, 319.890, 319.950, 320.400, 346.510, 367.010, 367.095,
4 367.105, 367.555, 367.560, 367.615, 367.806, 367.816, 381.312, 383.001, 383.003,
5 383.004, 383.009, 383.014, 383.015, 383.017, 383.035, 383.045, 383.075, 383.150,
6 757.357, 801.133, 803.102, 803.210, 803.525, 803.530, 806.040, 806.070, 806.200,
7 806.240, 807.072, 807.173, 807.175, 809.120, 809.130, 809.310, 809.440, 809.510,
8 809.515, 809.520, 809.545, 809.700, 810.180, 810.530, 811.182, 811.260, 811.602,
9 811.604, 811.605, 811.613, 811.616, 813.055, 813.130, 813.410, 813.460, 815.045,
10 815.140, 815.145, 819.010, 819.016, 824.022, 824.026, 824.060, 824.068, 824.088,
11 824.990, 824.992, 825.400, 825.402, 825.410, 825.415, 825.490, 825.496, 825.960 and
12 836.055 and section 7, chapter 700, Oregon Laws 2015; repealing ORS 184.631,
13 383.006, 383.013, 383.023, 383.065, 383.155, 809.010, 809.020, 809.030, 809.040,
14 809.050, 809.080, 824.104, 825.404, 825.412 and 825.418”.

15 In line 9, delete “383.155 and 824.104”.

16 On page 2, line 8, after the second “for” insert “up to”.

17 In line 37, after “(1)” insert “The department receives information that”.

18 In line 45, after “(4)” insert “The department determines that”.

19 On page 3, line 23, after the period delete the rest of the line and delete
20 lines 24 and 25.

21 On page 5, line 3, delete “The person”.

1 On page 7, line 3, delete “agreement” and insert “intergovernmental
2 agreement under ORS 190.010”.

3 In line 7, before “agreements” insert “intergovernmental”.

4 On page 10, delete lines 16 through 45.

5 On page 11, delete lines 1 through 13 and insert:

6 “**NOTE:** Section 17 was deleted by amendment. Subsequent sections were
7 not renumbered.”.

8 Delete lines 40 through 45.

9 Delete pages 12 through 14.

10 On page 15, delete lines 1 through 9 and insert:

11 “**SECTION 19.** ORS 825.400 is amended to read:

12 “825.400. (1) The Department of Transportation shall [*adopt rules to*] es-
13 tablish a program for the education of motor carriers that covers, at a min-
14 imum, safety, weight mile tax and [*insurance*] **registration** and size and
15 weight regulations administered by the department.

16 “(2) **The department may appoint agents to carry out the program**
17 **established under this section.**

18 “(3) **The department shall prescribe fees sufficient to defray the**
19 **costs of the program. Agents appointed by the department may assess**
20 **the fees.**

21 “(4) **The department shall adopt rules to carry out the provisions**
22 **of this section.**

23 “**SECTION 20.** ORS 825.404 is repealed.

24 “**SECTION 21.** ORS 757.357 is amended to read:

25 “757.357. (1) As used in this section:

26 “(a) ‘Electric company’ has the meaning given that term in ORS 757.600.

27 “(b)(A) ‘**Infrastructure measures**’ includes, but is not limited to,
28 **investments in, expenses related to or rebates for:**

29 “(i) **Distribution system infrastructure that supports transportation**
30 **electrification;**

1 “(ii) **Communication and control technologies that support trans-**
2 **portation electrification; and**

3 “(iii) **Behind-the-meter infrastructure that supports transportation**
4 **electrification and is owned by an electric company or by a customer.**

5 “(B) **‘Infrastructure measures’ does not include investments in or**
6 **expenses related to education and outreach activities related to**
7 **transportation electrification, or other transportation electrification-**
8 **related activities determined by the Public Utility Commission to be**
9 **separate and distinct from the development of infrastructure.**

10 “(c) **‘Retail electricity consumer’ has the meaning given that term**
11 **in ORS 757.600.**

12 “[(b)] (d) **‘Transportation electrification’ means:**

13 “(A) **The use of electricity from external sources to provide power to all**
14 **or part of a vehicle;**

15 “(B) **Programs related to developing the use of electricity for the purpose**
16 **described in subparagraph (A) of this paragraph; [and]**

17 “(C) **Infrastructure [investments] measures related to developing the use**
18 **of electricity for the purpose described in subparagraph (A) of this**
19 **paragraph[.]; and**

20 “(D) **Programs related to supporting the adoption and service of**
21 **vehicles powered as described in subparagraph (A) of this paragraph.**

22 “[(c)] (e) **‘Vehicle’ means a vehicle, vessel, train, boat or any other**
23 **equipment that is mobile.**

24 “(2) **The Legislative Assembly finds and declares that:**

25 “(a) **Transportation electrification is necessary to reduce petroleum use,**
26 **achieve optimum levels of energy efficiency and carbon reduction, meet fed-**
27 **eral and state air quality standards, meet this state’s greenhouse gas emis-**
28 **sions reduction goals described in ORS 468A.205 and improve the public**
29 **health and safety;**

30 “(b) **Widespread transportation electrification requires that electric com-**

1 panies increase access to the use of electricity as a transportation fuel;

2 “(c) Widespread transportation electrification requires that electric com-
3 panies increase access to the use of electricity as a transportation fuel in low
4 and moderate income communities;

5 “(d) Widespread transportation electrification should stimulate innovation
6 and competition, provide consumers with increased options in the use of
7 charging equipment and in procuring services from suppliers of electricity,
8 attract private capital investments and create high quality jobs in this state;

9 “(e) Transportation electrification and the purchase and use of electric
10 vehicles should assist in managing the electrical grid, integrating generation
11 from renewable energy resources and improving electric system efficiency
12 and operational flexibility, including the ability of an electric company to
13 integrate variable generating resources;

14 “(f) Deploying transportation electrification and electric vehicles creates
15 the opportunity for an electric company to propose, to the [*Public Utility*]
16 commission, that a net benefit for the customers of the electric company is
17 attainable; and

18 “(g) Charging electric vehicles in a manner that provides benefits to
19 electrical grid management affords fuel cost savings for vehicle drivers.

20 “(3)(a) The [*Public Utility*] commission shall direct each electric company
21 to file [*applications, in a form and manner prescribed by the commission, for*
22 *programs to accelerate transportation electrification.*]:

23 “(A) **Applications for programs to support transportation**
24 **electrification; and**

25 “(B) **A plan, for acceptance by the commission, that integrates the**
26 **electric company’s transportation electrification actions.**

27 “(b) **The applications and plan must be filed in a form and manner**
28 **prescribed by the commission.**

29 “(c) A program proposed by an electric company may include prudent
30 investments in or customer rebates for electric vehicle charging and related

1 infrastructure.

2 “(4) The commission may allow an electric company to recover
3 costs from retail electricity consumers for prudent infrastructure
4 measures to support transportation electrification if the infrastructure
5 measures are consistent with and meet the requirements of subsection
6 (5) of this section.

7 “(5) If undertaken by an electric company, an infrastructure meas-
8 ure to support transportation electrification is a utility service and a
9 benefit to utility customers if the infrastructure measure can be rea-
10 sonably anticipated to:

11 “(a) Support reductions of transportation sector greenhouse gas
12 emissions over time; and

13 “(b) Benefit the electric company’s customers in ways that may
14 include, but need not be limited to:

15 “(A) Distribution or transmission management benefits;

16 “(B) Revenues to utilities from electric vehicle charging to offset
17 utilities’ fixed costs that may otherwise be charged to customers;

18 “(C) System efficiencies or other economic values inuring to the
19 benefit of customers over the long term; or

20 “(D) Increased customer choice through greater transportation
21 electrification infrastructure deployment to increase the availability
22 of and access to public and private electric vehicle charging stations.

23 “[4] (6) When considering a transportation electrification program and
24 determining cost recovery for investments and other expenditures **that are**
25 **not infrastructure measures and that are** related to a program proposed
26 by an electric company under subsection (3) of this section, the commission
27 shall consider whether the investments and other expenditures:

28 “(a) Are within the service territory of the electric company;

29 “(b) Are prudent as determined by the commission;

30 “(c) Are reasonably expected to be used and useful as determined by the

1 commission;

2 “(d) Are reasonably expected to enable the electric company to support
3 the electric company’s electrical system;

4 “(e) Are reasonably expected to improve the electric company’s electrical
5 system efficiency and operational flexibility, including the ability of the
6 electric company to integrate variable generating resources; and

7 “(f) Are reasonably expected to stimulate innovation, competition and
8 customer choice in electric vehicle charging and related infrastructure and
9 services.

10 **“(7) In undertaking infrastructure measures that involve the in-**
11 **stallation of one or more electric vehicle charging stations, an electric**
12 **company must allow for customer choice in the selection of the type**
13 **of electric vehicle charging station to be installed, subject to equip-**
14 **ment eligibility as determined by the electric company. An electric**
15 **company may prequalify multiple types of eligible electric vehicle**
16 **charging stations based on criteria determined by the electric com-**
17 **pany.**

18 **“(8) Nothing in this section restricts or prohibits a corporation,**
19 **company, partnership, individual or association of individuals exempt**
20 **from regulation under ORS 757.005 (1)(b)(G) from furnishing electricity**
21 **to any number of customers for use in motor vehicles.**

22 “[~~(5)(a)~~] **(9)(a)** Tariff schedules and rates allowed pursuant to [~~subsection~~
23 **(3)**] **subsections (3) to (6)** of this section:

24 “(A) May allow a return of and a return on an investment made by an
25 electric company under [~~subsection (3)~~] **subsections (3) to (6)** of this section;
26 and

27 “(B) Shall be recovered from [~~all customers~~] **the retail electricity con-**
28 **sumers** of an electric company in a manner [~~that is similar to the recovery~~
29 ~~of distribution system investments~~] **determined by the commission.**

30 “(b) A return on investment allowed under this subsection may be earned

1 for a period of time that does not exceed the depreciation schedule of the
2 investment approved by the commission. When an electric company's invest-
3 ment is fully depreciated, the commission may authorize the electric company
4 to donate the electric vehicle charging infrastructure to the owner of the
5 property on which the infrastructure is located.

6 “[6] (10) For purposes of ORS 757.355, electric vehicle charging
7 infrastructure provides utility service to the customers of an electric com-
8 pany.

9 “[7] (11) In authorizing programs described in subsection (3) of this
10 section, the commission shall review data concerning current and future
11 adoption of electric vehicles and utilization of electric vehicle charging
12 infrastructure. If market barriers unrelated to the investment **or expendi-**
13 **tures** made by an electric company prevent electric vehicles from adequately
14 utilizing available electric vehicle charging infrastructure, the commission
15 may not permit additional investments in **or expenditures related to sup-**
16 **porting** transportation electrification without a reasonable showing that the
17 investments **or expenditures** would not result in long-term stranded costs
18 recoverable from the [customers] **retail electricity consumers** of electric
19 companies.

20 **“SECTION 22. Section 23 of this 2021 Act and ORS 757.357 are added**
21 **to and made a part of ORS chapter 757.**

22 **“SECTION 23. (1) As used in this section, ‘natural gas utility’**
23 **means a natural gas utility regulated by the Public Utility Commission**
24 **under ORS chapter 757.**

25 **“(2) The commission may allow a natural gas utility to recover**
26 **costs from all retail natural gas customers for prudent investments in**
27 **or expenses related to infrastructure measures that support the**
28 **adoption and service of alternative forms of transportation vehicles if**
29 **the investments or expenses are consistent with and meet the re-**
30 **quirements of subsection (3) of this section. An investment or expense**

1 by a natural gas utility may include an investment in or an expense
2 related to infrastructure behind the customer meter.

3 “(3) An investment in or expense related to infrastructure measures
4 that support the adoption and service of alternative forms of trans-
5 portation vehicles is a utility service and a benefit to retail natural
6 gas customers if the investment or expense can be reasonably antic-
7 ipated to:

8 “(a) Support the adoption of alternative vehicles that are powered
9 by renewable natural gas or hydrogen;

10 “(b) Support reductions of transportation sector greenhouse gas
11 emissions over time; and

12 “(c) Benefit the natural gas utility system. Benefits may include,
13 but need not be limited to:

14 “(A) Distribution or transmission management benefits;

15 “(B) System efficiencies or other economic values inuring to the
16 benefit of retail natural gas customers over the long term; or

17 “(C) Revenues to natural gas utilities from fueling alternative forms
18 of transportation vehicles to offset utilities’ fixed costs that may oth-
19 erwise be charged to retail natural gas customers.”.

20 On page 20, delete lines 27 through 29.

21 On page 24, delete lines 17 through 21 and insert:

22 “(D) To assist commercial air service to rural Oregon.

23 “(b) The Oregon Department of Aviation may adopt a definition of ‘rural
24 Oregon’ for purposes of paragraph (a)(D) of this subsection.

25 “(c) The State Aviation Board may establish by rule priorities for the
26 distributions made pursuant to this subsection.”.

27 On page 25, after line 2, insert:

28 “**SECTION 41a.** ORS 836.055 is amended to read:

29 “836.055. (1) In operating an airport or air navigation facility owned or
30 controlled by the state, the Oregon Department of Aviation, as authorized

1 by the State Aviation Board, may enter into contracts, leases and other ar-
2 rangements, for a term not exceeding 30 years [*with any persons*] **for non-**
3 **commercial arrangements or 50 years for commercial arrangements:**

4 “(a) Granting the privilege of using or improving [*such*] **the** airport or
5 air navigation facility, or any portion or facility [*thereof*] **of**, or space
6 [*therein*]**in, the airport or air navigation facility**, for commercial purposes;

7 “(b) Conferring the privilege of supplying goods, commodities, things,
8 services or facilities at [*such*] **the** airport or air navigation facility; or

9 “(c) Making available services to be furnished by the department or its
10 agents at [*such*] **the** airport or air navigation facility.

11 “(2) In each [*such*] case the department may establish the terms and con-
12 ditions and fix the charges, rentals or fees for the privileges or services,
13 which shall be reasonable and uniform for the same class of privilege or
14 service and shall be established with due regard to the property and im-
15 provements used and the expenses of operation to the state; provided, that
16 in no case shall the public be deprived of its rightful, equal and uniform use
17 of the airport, air navigation facility, or portion or facility [*thereof*] **of the**
18 **airport or air navigation facility.**

19 “**SECTION 41b. The amendments to ORS 836.055 by section 41a of**
20 **this 2021 Act apply to contracts, leases and other arrangements en-**
21 **tered into on or after the effective date of this 2021 Act.”.**

22 On page 26, delete lines 27 through 45 and delete page 27.

23 On page 28, delete lines 1 through 27 and insert:

24 “**NOTE:** Section 47 was deleted by amendment. Subsequent sections were
25 not renumbered.

26 “**SECTION 48.** ORS 279C.307 is amended to read:

27 “279C.307. (1) Except as provided in [*subsection (2)*] **subsections (2) and**
28 **(3)** of this section, a contracting agency that procures personal services for
29 the purpose of administering, managing, monitoring, inspecting, evaluating
30 compliance with or otherwise overseeing a public contract that is subject to

1 this chapter may not:

2 “(a) Procure the personal services from a contractor or an affiliate of a
3 contractor who is a party to the public contract that is subject to adminis-
4 tration, management, monitoring, inspection, evaluation or oversight by
5 means of the personal services; or

6 “(b) Procure the personal services through the public contract that is
7 subject to administration, management, monitoring, inspection, evaluation
8 or oversight by means of the personal services.

9 “(2) Subsection (1) of this section does not apply to a **combination of**
10 **preconstruction services and construction services in a** procurement for
11 construction manager/general contractor services or to a **combination of**
12 **design services and construction services in** a design-build procurement,
13 as defined in rules the Attorney General or a contracting agency adopts
14 under ORS 279A.065.

15 “(3)(a) **If a contracting agency anticipates that the contracting**
16 **agency must procure personal services of the type described in sub-**
17 **section (1) of this section and the contracting agency intends to accept**
18 **a bid or proposal from a contractor that would be subject to the pro-**
19 **hibition set forth in subsection (1) of this section, the contracting**
20 **agency shall apply to an appropriate authority for an exception to the**
21 **prohibition before awarding a public contract for the personal services**
22 **or amending an existing public contract to include the personal ser-**
23 **vices.**

24 “(b) **For a state contracting agency, the appropriate authority is the**
25 **Director of the Oregon Department of Administrative Services. For a**
26 **local contracting agency, the appropriate authority is the local con-**
27 **tracting agency’s local contract review board. For the Department of**
28 **Transportation, with respect to a procurement described in ORS**
29 **279A.050 (3)(b), the appropriate authority is the Director of Transpor-**
30 **tation.**

1 “(c) In preparing an application under paragraph (a) of this sub-
2 section, a contracting agency shall consult with legal counsel to en-
3 sure compliance with the provisions of this section and this chapter.
4 The requirements of this paragraph are in addition to any require-
5 ments for legal sufficiency approval under ORS 291.047.

6 “(d) An application under paragraph (a) of this subsection must
7 include findings and justifications, along with sufficient facts to sup-
8 port the findings and justifications, that enable the authority to make
9 an independent judgment as to whether:

10 “(A) The contracting agency requires the personal services de-
11 scribed in subsection (1) of this section;

12 “(B) Accepting a bid or proposal from a contractor that would be
13 subject to the prohibition described in subsection (1) of this section is
14 in the best interest of the contracting agency; and

15 “(C) Approving an exception:

16 “(i) Is unlikely to encourage favoritism in awarding public contracts
17 or to substantially diminish competition for public contracts; and

18 “(ii)(I) Is reasonably expected to result in substantial cost savings
19 to the contracting agency or the public; or

20 “(II) Otherwise substantially promotes the public interest in a
21 manner that could not be practicably realized by complying with the
22 prohibition described in subsection (1) of this section.

23 “(e)(A) If the appropriate authority approves the contracting
24 agency’s application under paragraph (a) of this subsection, the ap-
25 propriate authority shall prepare written findings and justifications for
26 the approval. The contracting agency’s findings, justifications and
27 facts and the appropriate authority’s findings, justifications and ap-
28 proval are public records that are subject to disclosure as provided in
29 ORS 192.311 to 192.478.

30 “(B) If the appropriate authority disapproves the contracting

1 **agency’s application, the appropriate authority shall state the reasons**
2 **for the disapproval in a written notice to the contracting agency and**
3 **shall indicate whether the disapproval extends only to the contracting**
4 **agency’s acceptance of a bid or proposal from a contractor that would**
5 **be subject to the prohibition described in subsection (1) of this section**
6 **or whether the appropriate authority also disagrees with the con-**
7 **tracting agency’s stated need for the personal services.**

8 **“(C) The appropriate authority’s approval or disapproval is final.**

9 **“(f) In approving an exception under this subsection, the appropri-**
10 **ate authority may direct a contracting agency to consult with legal**
11 **counsel to ensure compliance with applicable law in conducting a**
12 **procurement for personal services of the type described in subsection**
13 **(1) of this section.”.**

14 On page 31, delete lines 25 through 45 and delete pages 32 through 47.

15 On page 48, delete lines 1 through 13 and insert:

16 **“SECTION 50. The amendments to ORS 279A.142, 279C.307 and**
17 **279C.335 by sections 46, 48 and 49 of this 2021 Act apply to contracts**
18 **that a contracting agency or state agency advertises or otherwise so-**
19 **licits, or, if the contracting agency or state agency does not advertise**
20 **or solicit the public contract, to public contracts into which the con-**
21 **tracting agency or state agency enters or amends on or after the ef-**
22 **fective date of this 2021 Act.**

23 **“NOTE: Sections 51 to 80 were deleted by amendment. Subsequent**
24 **sections were not renumbered.”.**

25 On page 49, line 40, delete “Lane” and insert “Clackamas”.

26 In line 42, delete “Lane” and insert “Clackamas”.

27 In line 43, delete “Lane” and insert “Clackamas”.

28 On page 51, delete lines 28 through 45 and delete page 52 and insert:

29
30 **“SHORT-TERM BORROWING**

1 **“SECTION 82.** ORS 367.105 is amended to read:

2 “367.105. (1) In addition to the authority for short-term borrowing granted
3 in ORS 286A.025 (2)(d) and 286A.045, the Department of Transportation, act-
4 ing through the State Treasurer, may borrow money by entering into a credit
5 agreement, a line of credit or a revolving line of credit, or by issuing a note,
6 a warrant, a short-term promissory note, commercial paper or another simi-
7 lar obligation, for the following purposes:

8 “(a) Providing matching funds as set forth in ORS 366.564.

9 “(b) Providing funds with which to pay when due the principal or interest
10 of bonded indebtedness created for highway purposes, the payment of which
11 is necessary to preserve the financial credit of the state.

12 “(c) Meeting emergencies.

13 “(d) Providing funds for use by the department during times when ex-
14 penditures exceed revenues, whether or not the department anticipated that
15 expenditures would exceed revenues.

16 “(e) Providing funds for the payment of current expenses in anticipation
17 of revenue, grants or other moneys intended for payment of the current ex-
18 penses.

19 “(f) Providing funds for interim financing of a capital asset or project to
20 be undertaken by the department.

21 “(g) Refunding an outstanding obligation.

22 “(2) Short-term borrowing under this section may be in such denomi-
23 nations or for such sums as the department fixes and may draw interest at
24 a negotiated rate.

25 “(3) The total outstanding indebtedness created by the short-term bor-
26 rowing under this section may not exceed [~~\$100~~] **\$600** million in outstanding
27 principal amount.

28 “(4) All short-term borrowing issued pursuant to this section shall mature
29 within [~~three~~] **five** years from the date of issuance. **This subsection does**
30 **not apply to refunding revenue bonds issued under subsection (5) of**

1 **this section.**

2 **“(5) The State Treasurer may issue refunding revenue bonds to re-**
3 **fund outstanding short-term borrowings issued under this section.**

4 *“(5) The department shall pay for and secure short-term borrowing under*
5 *this section with funds from the State Highway Fund or other funds that are*
6 *legally available to the department for the purposes for which the moneys were*
7 *borrowed, including moneys received by the department from the United States*
8 *government.]*

9 **“(6) Using funds from the State Highway Fund or other funds that**
10 **are legally available to the department or State Treasurer for the**
11 **purposes for which the moneys were borrowed, including moneys re-**
12 **ceived by the department or State Treasurer from the United States**
13 **government:**

14 **“(a) The department shall pay for and secure short-term borrowing**
15 **under this section; and**

16 **“(b) The department shall pay for any refunding revenue bonds is-**
17 **sued under this section.**

18 **“(7) ORS 286A.035 does not apply to borrowings under this section.**

19

20 **“DRIVER SUSPENSION HEARINGS**

21

22 **“SECTION 83.** ORS 809.440 is amended to read:

23 **“809.440. (1) When other procedures described under this section are not**
24 **applicable to a suspension or revocation under ORS 809.409 to 809.421, the**
25 **procedures described in this subsection shall be applicable. All of the fol-**
26 **lowing apply to this subsection:**

27 **“(a) The hearing shall be given before the department imposes the sus-**
28 **pension or revocation of driving privileges.**

29 **“(b) Before the hearing, the department shall notify the person in the**
30 **manner described in ORS 809.430.**

1 “(c) The hearing shall be in the county where the person resides unless
2 the person and the department agree otherwise.

3 “(d) The hearing shall be conducted by an administrative law judge as-
4 signed from the Office of Administrative Hearings established under ORS
5 183.605.

6 “(2) The following apply when administrative review is provided under
7 any statute or rule of the department:

8 “(a) An administrative review shall consist of an informal administrative
9 process to assure prompt and careful review by the department of the docu-
10 ments upon which an action is based.

11 “(b) It shall be a defense to the department’s action if a petitioner can
12 establish that:

13 “(A) A conviction on which the department’s action is based was for an
14 offense that did not involve a motor vehicle and the department’s action is
15 permitted only if the offense involves a motor vehicle.

16 “(B) An out-of-state conviction on which the department’s action is based
17 was for an offense that is not comparable to an offense under Oregon law.

18 “(C) The records relied on by the department identify the wrong person.

19 “(c) A person requesting administrative review has the burden of showing
20 by a preponderance of the evidence that the person is not subject to the
21 action.

22 “(d) Actions subject to administrative review shall be exempt from the
23 provisions of ORS chapter 183 applicable to contested cases, and from the
24 provisions of subsection [(4)] (5) of this section applicable to post-imposition
25 hearings. A suspension, revocation or cancellation may not be stayed during
26 the administrative review process or by the filing of a petition for judicial
27 review. A court having jurisdiction may order the suspension, revocation or
28 cancellation stayed pending judicial review.

29 “(e) Judicial review of a department order affirming a suspension or re-
30 vocation after an administrative review shall be available as for review of

1 orders other than contested cases, and the department may not be subject to
2 default for failure to appear in such proceedings. The department shall cer-
3 tify its record to the court within 20 days after service upon the department
4 of the petition for judicial review.

5 “(f) If the suspension or revocation is upheld on review by a court, the
6 suspension or revocation shall be ordered for the length of time appropriate
7 under the appropriate statute except that the time shall be reduced by any
8 time prior to the determination by the court that the suspension or revoca-
9 tion was in effect and was not stayed.

10 “(g) The department shall adopt any rules governing administrative re-
11 view that are considered necessary or convenient by the department.

12 **“(3) At a hearing for failure to make a future responsibility filing
13 or false certification of financial responsibility requirements under
14 ORS 809.415, it is a defense to the department’s action if the petitioner
15 can establish that:**

16 **“(a) An error was committed by the department;**

17 **“(b) The person in fact was in compliance with financial responsi-
18 bility requirements on the date specified by the department by rule
19 under ORS 806.150;**

20 **“(c) An error was committed by an insurance company in notifying
21 the department regarding the correctness of proof of compliance with
22 financial responsibility requirements provided under ORS 806.150;**

23 **“(d) The person was not in compliance with financial responsibility
24 requirements on the date specified by the department by rule under
25 ORS 806.150, and the department also determines that the person rea-
26 sonably and in good faith believed that the person was in compliance
27 with financial responsibility requirements on the date the department
28 sent the notice of verification and that the person currently is in
29 compliance with financial responsibility requirements; or**

30 **“(e) At the time of the accident the person reasonably and in good**

1 **faith believed that the person was in compliance with financial re-**
2 **sponsibility requirements, and the person is currently in compliance**
3 **with financial responsibility requirements.**

4 “[3] (4) When permitted under this section or under any other statute,
5 a hearing may be expedited under procedures adopted by the department by
6 rule. The procedures may include a limited time in which the person may
7 request a hearing, requirements for telephone hearings, expedited procedures
8 for issuing orders and expedited notice procedures.

9 “[4] (5) When permitted under ORS 809.417, 809.419, 809.421 or 809.510
10 to 809.545, a hearing may be a post-imposition hearing under this subsection.
11 A post-imposition hearing is a hearing that occurs after the department im-
12 poses the suspension or revocation of driving privileges. All of the following
13 apply to this subsection:

14 “(a) The department must provide notice in the manner described in ORS
15 809.430 before the suspension or revocation may take effect.

16 “(b) Except as provided in this subsection, the hearing shall be conducted
17 as a contested case in accordance with ORS chapter 183.

18 “(c) Unless there is an agreement between the person and the department
19 that the hearing be conducted elsewhere, the hearing shall be held either in
20 the county where the person resides or at any place within 100 miles, as es-
21 tablished by the department by rule.

22 “[5] (6) The department has complied with a requirement for a hearing
23 or administrative review if the department has provided an opportunity for
24 hearing or review and the person with the right to the hearing or review has
25 not requested it. Any request for hearing or review must be made in writing.

26 “[6] (7) For any hearing described under this section, and for adminis-
27 trative review described under this section, no further notice need be given
28 by the department if the suspension or revocation is based upon a conviction
29 and the court gives notice, in a form established by the department, of the
30 rights to a hearing or review and of the suspension or revocation.

1 **“SECTION 84.** ORS 809.515, as amended by section 9, chapter 10, Oregon
2 Laws 2020 (first special session), is amended to read:

3 “809.515. (1)(a) The Department of Transportation shall suspend the com-
4 mercial driving privileges of a person if the department receives a notice
5 from another jurisdiction that the person failed to appear in a prosecution
6 on a citation for a traffic offense or for a violation in the other jurisdiction
7 that, if committed in this state, would be grounds for suspension under ORS
8 809.220, and the person held commercial driving privileges or was operating
9 a commercial motor vehicle at the time of the offense. The period of a sus-
10 pension under this subsection is the shorter of:

11 “(A) Ten years; or

12 “(B) Until the department receives notice from the other jurisdiction that
13 the person appeared.

14 “(b) The department shall suspend a person’s commercial driving privi-
15 leges under this subsection without regard to whether the other jurisdiction
16 suspends any driving privileges of the person by reason of the person’s fail-
17 ure to appear.

18 “(c) This subsection does not apply to failure to appear in a proceeding
19 relating to a parking, pedestrian, vehicle defect or bicycling offense.

20 “(2) The department shall suspend the commercial driving privileges of a
21 person if the department receives a notice from the Federal Motor Carrier
22 Safety Administration that the person has been disqualified from operating
23 a commercial motor vehicle and that the disqualification is due to a deter-
24 mination that the driving of that person constitutes an imminent hazard. The
25 department shall immediately suspend commercial driving privileges under
26 this subsection without hearing, but the person may request a post-
27 imposition hearing under ORS 809.440 [(4)] (5), without regard to any
28 hearings conducted by the Federal Motor Carrier Safety Administration. The
29 period of a suspension under this section is the period of suspension pre-
30 scribed by the Federal Motor Carrier Safety Administration, or one year,

1 whichever is shorter.

2

3 **“REPEAL OF VEHICLE REGISTRATION SUSPENSIONS**

4

5 **“SECTION 85. ORS 809.010, 809.020, 809.030, 809.040, 809.050 and**
6 **809.080 are repealed.**

7 **“SECTION 86.** ORS 806.040 is amended to read:

8 “806.040. Financial responsibility requirements are designed to provide for
9 minimum payment of judgments of the type described in this section. For the
10 purposes of ORS 806.130, 806.140, [809.020,] 809.130 and 809.470, judgments of
11 the type described in this section must:

12 “(1) Have become final by expiration, without appeal, of the time within
13 which an appeal might have been perfected or by final affirmation on appeal;

14 “(2) Be rendered by a court of competent jurisdiction of any state or of
15 the United States;

16 “(3) Be upon a cause of action for damages of the type described under
17 subsection (4) of this section or upon a cause of action on an agreement of
18 settlement for such damages; and

19 “(4) Be for one or more of the following kinds of damage arising out of
20 a motor vehicle accident on public or private property:

21 “(a) Damages, including damages for care and loss of services, because
22 of bodily injury to or death of any person.

23 “(b) Damages because of injury to or destruction of property, including
24 the loss of use thereof.

25 **“SECTION 87.** ORS 806.070 is amended to read:

26 “806.070. (1) This section establishes a schedule of payments for the fol-
27 lowing purposes:

28 “(a) An insurance policy described under ORS 806.080 must provide for
29 payment of at least amounts necessary to cover the minimum required pay-
30 ments under this section to qualify for use for financial responsibility under

1 ORS 806.060.

2 “(b) A person who is self-insured under ORS 806.130 must agree to pay
3 according to the payment schedule established by this section.

4 “(c) The payment schedule is the minimum required payment of a judg-
5 ment for purposes of ORS [809.020,] 809.130 and 809.415.

6 “(2) The schedule of payments is as follows:

7 “(a) \$25,000 because of bodily injury to or death of one person in any one
8 accident;

9 “(b) Subject to that limit for one person, \$50,000 because of bodily injury
10 to or death of two or more persons in any one accident; and

11 “(c) \$20,000 because of injury to or destruction of the property of others
12 in any one accident.

13 **“SECTION 88.** ORS 806.200 is amended to read:

14 “806.200. (1) A person commits the offense of failure to make a future re-
15 sponsibility filing after an accident if:

16 “(a) The person is the owner or driver of a motor vehicle involved in an
17 accident;

18 “(b) At the time of the accident the vehicle was operated in violation of
19 ORS 806.010;

20 “(c) The person does not make a future responsibility filing within 30 days
21 after the accident; and

22 “(d) The person is not exempt under ORS 806.210 from making a future
23 responsibility filing.

24 “(2) The employer of a driver is subject to the requirements and penalties
25 under this section if the driver is an employee exempted from this section
26 under ORS 806.210. *[If an employer is subject to this section, the registration*
27 *of the employer’s vehicles may be suspended as provided under ORS 809.050.]*

28 “(3) In addition to any other penalties under this section, violation of this
29 section subjects the violator to suspension of driving privileges as provided
30 under ORS 809.415.

1 “(4) The offense described in this section, failure to make a future re-
2 sponsibility filing after an accident, is a Class B traffic violation.

3 “**SECTION 89.** ORS 806.240 is amended to read:

4 “806.240. Future responsibility filings required by ORS 806.200, 806.220 or
5 806.230 or by any other law of this state are subject to all of the following:

6 “(1) Except as provided in subsection (3) of this section, the person re-
7 quired to make the filing must file with the Department of Transportation,
8 or have filed with the department for the benefit of the person, proof of
9 compliance that meets the requirements of this section and must maintain
10 the proof of compliance as required under ORS 806.245. The filing is made
11 on the date it is received by the department if it is received during regular
12 business hours.

13 “(2) The proof of compliance filed under subsection (1) of this section
14 must be:

15 “(a) A certificate or certificates of insurance that meet the requirements
16 under ORS 806.270; or

17 “(b) A valid certificate of self-insurance issued by the department under
18 ORS 806.130.

19 “(3) The owner of a motor vehicle may make a future responsibility filing
20 under this section on behalf of the owner’s employee or a member of the
21 owner’s immediate family or household in lieu of the filing being made by
22 the person. Filing under this subsection permits the person on whose behalf
23 the filing is made to operate only a motor vehicle covered by the proof of
24 compliance given in the filing. The department shall endorse restrictions, as
25 appropriate, on any license or driver permit the person holds as the depart-
26 ment determines necessary to limit the person’s ability to operate vehicles
27 consistent with this subsection.

28 “(4) Whenever proof of compliance filed under this section no longer
29 meets the requirements of this section, the department shall require the
30 furnishing of other proof of compliance for the future responsibility filing.

1 If other proof of compliance is not furnished, the department shall suspend
2 the driving privileges of the person as provided under ORS 809.415 [*or, if*
3 *applicable, any registration as provided under ORS 809.050*].

4 **SECTION 90.** ORS 809.120 is amended to read:

5 “809.120. (1) In addition to any other punishment imposed under ORS
6 818.040, a convicting court has authority to order the suspension of the
7 driving privileges of the operator of the vehicle used to violate ORS 818.040
8 or the registration of the vehicle if the vehicle is required to be registered
9 by the Department of Transportation. The authority of a court to order the
10 suspension of driving privileges or registration under this section is subject
11 to the following:

12 “(a) Subject to paragraph (b) of this subsection, the court may only order
13 suspension for a period of up to 90 days.

14 “(b) For a second or subsequent violation of ORS 818.040, within one year
15 after the first conviction, the court shall order the suspension for not less
16 than 30 days nor more than 90 days.

17 “(2) Upon ordering a suspension under this section, a court shall secure
18 the license, driver permit or registration plates ordered suspended and shall
19 immediately forward them to the department with the order of suspension
20 as provided under ORS 809.275.

21 “(3) Upon receipt of an order under this section, the department shall
22 proceed as provided under ORS [*809.020 or*] 809.280.

23 **SECTION 91.** ORS 809.130 is amended to read:

24 “809.130. (1) If a court notifies the Department of Transportation under
25 this section that a judgment remains unsettled as described by ORS 809.470,
26 the department must initiate action to determine whether to suspend or re-
27 voke driving privileges under ORS 809.415 [*or vehicle registration of the em-*
28 *ployer under ORS 809.020*]. A court shall immediately give the department
29 notice of an unsettled judgment under this section if:

30 “(a) A judgment of the type described under ORS 806.040 is rendered

1 against a person by a court of this state;

2 “(b) The person fails within 60 days to settle the judgment in the manner
3 required under ORS 809.470; and

4 “(c) The judgment creditor or the judgment creditor’s attorney makes a
5 written request for forwarding to the department a certificate stating the
6 judgment has not been settled as described in ORS 809.470.

7 “(2) A court that has given the department notice of an unsettled judg-
8 ment under this section shall immediately forward to the department a cer-
9 tificate stating that the judgment is appropriately settled and describing the
10 judgment and parties sufficiently for identification if:

11 “(a) The judgment is settled in the manner required under ORS 809.470;
12 and

13 “(b) The judgment debtor or the judgment debtor’s attorney makes a
14 written request for forwarding to the department a certificate stating the
15 judgment has been settled as described in ORS 809.470.

16 “(3) The notice made to the department under this section shall be given
17 by the clerk of the court or, if the court has no clerk, by the judge.

18 **“SECTION 92.** ORS 809.700 is amended to read:

19 “809.700. A court may order a motor vehicle impounded or immobilized
20 upon conviction for the traffic offenses described in this section. The au-
21 thority to impound or immobilize a vehicle under this section is subject to
22 all of the following:

23 “(1) The court may order a vehicle impounded or immobilized under this
24 section when a person is convicted:

25 “(a) For driving a motor vehicle while the person’s license is suspended
26 or revoked in violation of ORS 811.175 or 811.182; or

27 “(b) On a second or subsequent charge of driving while under the influ-
28 ence of intoxicants in violation of ORS 813.010.

29 “(2) A vehicle may be impounded or immobilized under this section for
30 not more than one year from judgment.

1 “(3) The following vehicles may be impounded under this section:

2 “(a) Any motor vehicle of which the convicted person is the owner.

3 “(b) Any motor vehicle which the convicted person is operating at the
4 time of arrest.

5 “(4) A vehicle may be immobilized under this section if the vehicle is
6 registered in this state and is a vehicle that may be impounded under sub-
7 section (3) of this section.

8 “(5)(a) If a vehicle is ordered to be immobilized under this section and if
9 the convicted person resides in the jurisdiction of the law enforcement
10 agency that arrested the person for the offense described in subsection (1)
11 of this section, the arresting law enforcement agency shall install a vehicle
12 immobilization device on the vehicle. If the convicted person does not reside
13 in the jurisdiction of the law enforcement agency that arrested the person,
14 the sheriff of the county in which the person resides shall install the device.

15 “(b) A vehicle ordered immobilized under this section shall be immobilized
16 at the residence of the owner of the vehicle or at the location where the
17 owner regularly parks the vehicle.

18 “(c) A vehicle ordered immobilized under this section may be immobilized
19 only in a location at which the vehicle may be legally stored for the period
20 of the immobilization order. If no location is available at which the vehicle
21 may be legally stored, the vehicle may be impounded for the period of the
22 immobilization order.

23 “(d) A vehicle owner who fails to allow installation of a vehicle
24 immobilization device ordered under this section shall be subject to contempt
25 of court proceedings under ORS 33.015 to 33.155.

26 “(6)(a) If a vehicle is impounded under this section, the person convicted
27 shall be liable for the expenses incurred in the towing and storage of the
28 vehicle under this section, whether or not the vehicle is returned to the
29 person convicted.

30 “(b) If a vehicle is immobilized under this section, the person convicted

1 shall be liable for the expenses incurred in installation and removal of the
2 vehicle immobilization device and for rental of the device during the period
3 the device is installed on the vehicle, whether or not the vehicle is released
4 to the person convicted.

5 “(7) A vehicle shall be released or returned to the person convicted or the
6 owner only upon payment of the expenses incurred in the immobilization or
7 towing and storage of the vehicle under this section.

8 “(8) If a vehicle is not reclaimed within 30 days after the time set for the
9 return of the vehicle in an impounding order or release of the vehicle in an
10 immobilization order, the vehicle may be disposed of in accordance with
11 procedures under ORS 819.110 to 819.215.

12 “(9) The court may order that a motor vehicle of which the convicted
13 person is not the owner be impounded or immobilized under this section only
14 if the court is satisfied by a preponderance of the evidence that the owner
15 knew or had good reason to know that the convicted person:

16 “(a) Did not have a valid license and knowingly consented to the opera-
17 tion of the vehicle by the convicted person; or

18 “(b) Was operating the vehicle while under the influence of intoxicants.

19 “(10) The authority to impound or immobilize a vehicle under this section
20 is subject to the rights of a security interest holder under a security agree-
21 ment executed before an arrest for violation of an offense for which the ve-
22 hicle may be impounded or immobilized under this section. A vehicle shall
23 be released for the purpose of satisfying a security interest if:

24 “(a) **A** request in writing is made to the court; **and**

25 “(b) *[If the vehicle has been impounded or immobilized,]* The security in-
26 terest holder pays the expenses in towing and storage or in immobilization
27 of the vehicle[; *and*]

28 “[*c*] *If the registration of the vehicle has been suspended under ORS*
29 *809.010, the security interest holder takes possession of the vehicle subject to*
30 *the suspension of the registration remaining in effect against the registered*

1 owner].

2 “(11) A security interest holder’s obligation to pay and right to recover
3 towing and storage or immobilization expenses under subsection (10) of this
4 section are limited to the recovery of those towing and storage or
5 immobilization expenses incurred during the initial 20-day period when the
6 vehicle was in public storage or immobilized, unless the authority taking the
7 vehicle into custody or immobilizing the vehicle under this section has
8 transmitted by certified mail a written notice to the holder concerning the
9 accrual of storage or immobilization expenses. If the vehicle is in private
10 storage, the lien claimant shall transmit the written notice.

11

12

“OReGO

13

14 “**SECTION 93.** ORS 319.890 is amended to read:

15 “319.890. (1) A person wishing to pay the per-mile road usage charge im-
16 posed under ORS 319.885 must apply to the Department of Transportation
17 on a form prescribed by the department.

18 “(2) The department shall approve a valid and complete application sub-
19 mitted under this section if:

20 “(a) The applicant **has applied for registration or** is the registered
21 owner or lessee of a motor vehicle;

22 “(b) The motor vehicle is equipped with a method selected pursuant to
23 ORS 319.900 for collecting and reporting the metered use by the motor vehi-
24 cle of the highways in Oregon;

25 “(c) The motor vehicle is classified as a passenger vehicle by the depart-
26 ment; and

27 “(d) The vehicle has a rating of at least 20 miles per gallon, such rating
28 to be established by the department.

29 “(3) An electric vehicle or a vehicle with a rating of 40 miles per gallon
30 or greater for which an application [*is*] **has been submitted or** approved

1 under this section is not subject to the additional amount of registration fees
2 imposed under ORS 803.422.

3 “(4) Approval of an application under this section subjects the applicant
4 to the requirements of ORS 319.920 until the person ends the person’s vol-
5 untary participation in the road usage charge program in the manner re-
6 quired under subsection (5) of this section.

7 “(5) A person may end the person’s voluntary participation in the road
8 usage charge program at any time by notifying the department, returning any
9 emblem issued under ORS 319.945 to the department and paying any out-
10 standing amount of road usage charge for metered use by the person’s subject
11 vehicle.

12 “(6)(a) This subsection applies to a person whose subject vehicle is de-
13 scribed in subsection (3) of this section[.] **and:**

14 “[*(b)*] **(A)** [*If the person*] **Who** ends [*the person’s*] voluntary participation
15 in the per-mile road usage charge program with respect to the subject
16 vehicle[.];

17 **“(B) Whose application is not approved under this section; or**

18 **“(C) Whose subject vehicle has been removed from the per-mile
19 road usage charge program.**

20 **“(b)** In addition to any amount due under subsection (5) of this section,
21 the **department may collect an** additional amount [*of*] **equal to the** regis-
22 tration fees that would otherwise have been due **with respect to the sub-**
23 **ject vehicle** for the current registration period under ORS 803.422 [*becomes*
24 *due and*] **or a portion of the fees.**

25 **“(c) The department shall establish by rule the circumstances in**
26 **which a person described in paragraph (a)(C) of this subsection is re-**
27 **quired to pay an additional amount under paragraph (b) of this sub-**
28 **section.**

29 **“(d)** The department may deny registration for the subject vehicle until
30 the additional amount [*of registration fees is*] **imposed under paragraph (b)**

1 **of this subsection has been paid.**

2 “(7) The Department of Transportation shall consult with vehicle dealers
3 that sell passenger vehicles to determine the most effective methods, at the
4 point of sale, to encourage participation in the per-mile road usage charge
5 program.

6

7 **“TRACTION TIRE OR CHAIN USE**

8

9 **“SECTION 94. Section 95 of this 2021 Act is added to and made a**
10 **part of the Oregon Vehicle Code.**

11 **“SECTION 95. (1) A person commits the offense of failure to carry**
12 **vehicle traction tires or chains if the person drives or moves or owns**
13 **and causes or knowingly permits to be driven or moved any motor**
14 **vehicle or trailer on any highway if the highway is posted showing**
15 **conditions that require the person to carry vehicle traction tires or**
16 **chains within the vehicle and the vehicle does not contain vehicle**
17 **traction tires or chains.**

18 **“(2) Traction tires or chains that are referred to in this section are**
19 **those established by rule under the authority granted under ORS**
20 **815.045.**

21 **“(3) This section does not apply to vehicles exempted from this**
22 **section under ORS 815.145.**

23 **“(4) This section applies only to sections of highway on which a**
24 **road authority requires a person to carry traction tires or chains**
25 **within the vehicle and on which signs requiring the carrying of**
26 **traction tires or chains have been posted as provided in ORS 815.045.**

27 **“(5) A court may not find a person to be in violation of the offense**
28 **described under this section if the court determines that the condi-**
29 **tions of the highway at the time the person was cited did not require**
30 **posting under rules adopted under ORS 815.045. The defense under this**

1 **subsection may be affirmatively asserted by any person cited for vio-**
2 **lation of the offense described in this section.**

3 **“(6) The offense described in this section, failure to carry vehicle**
4 **traction tires or chains, is a Class C traffic violation.**

5 **“SECTION 96.** ORS 810.530 is amended to read:

6 “810.530. (1) A weighmaster or motor carrier enforcement officer in whose
7 presence an offense described in this subsection is committed may arrest or
8 issue a citation for the offense in the same manner as under ORS 810.410 as
9 if the weighmaster or motor carrier enforcement officer were a police officer.
10 This subsection applies to the following offenses:

11 “(a) Violation of maximum weight limits under ORS 818.020.

12 “(b) Violation of posted weight limits under ORS 818.040.

13 “(c) Violation of administratively imposed weight or size limits under
14 ORS 818.060.

15 “(d) Violation of maximum size limits under ORS 818.090.

16 “(e) Exceeding maximum number of vehicles in combination under ORS
17 818.110.

18 “(f) Violation of posted limits on use of road under ORS 818.130.

19 “(g) Violation of towing safety requirements under ORS 818.160.

20 “(h) Operating with sifting or leaking load under ORS 818.300.

21 “(i) Dragging objects on highway under ORS 818.320.

22 “(j) Unlawful use of devices without wheels under ORS 815.155.

23 “(k) Unlawful use of metal objects on tires under ORS 815.160.

24 “(L) Operation without pneumatic tires under ORS 815.170.

25 “(m) Operation in violation of vehicle variance permit under ORS 818.340.

26 “(n) Failure to carry and display permit under ORS 818.350.

27 “(o) Failure to comply with commercial vehicle enforcement requirements
28 under ORS 818.400.

29 “(p) Violation of any provision of ORS chapter 825.

30 “(q) Operation without proper fenders or mudguards under ORS 815.185.

1 “(r) Operating a vehicle without driving privileges in violation of ORS
2 807.010 if the person is operating a commercial motor vehicle and the person
3 does not have commercial driving privileges.

4 “(s) Violation driving while suspended or revoked in violation of ORS
5 811.175 if the person is operating a commercial motor vehicle while the
6 person’s commercial driving privileges are suspended or revoked.

7 “(t) Failure to use vehicle traction tires or chains in violation of ORS
8 815.140 if the person is operating a motor vehicle subject to ORS chapter 825
9 or 826.

10 **“(u) Failure to carry vehicle traction tires or chains in violation of**
11 **section 95 of this 2021 Act if the person is operating a motor vehicle**
12 **subject to ORS chapter 825 or 826.**

13 “[*u*] (v) Illegally altering or displaying registration plate in violation
14 of ORS 803.550.

15 “(2) A weighmaster or motor carrier enforcement officer in whose pres-
16 ence an offense described in this subsection is committed by a person oper-
17 ating a commercial motor vehicle may issue a citation for the offense. A
18 weighmaster or motor carrier enforcement officer who finds evidence that
19 an offense described in this subsection has been committed by a person op-
20 erating a commercial motor vehicle or by a motor carrier for which the
21 person is acting as an agent may issue a citation for the offense. A
22 weighmaster or motor carrier enforcement officer issuing a citation under
23 this subsection has the authority granted a police officer issuing a citation
24 under ORS 810.410. A citation issued under this subsection to the operator
25 of a commercial motor vehicle shall be considered to have been issued to the
26 motor carrier that owns the commercial motor vehicle if the operator is not
27 the owner. This subsection applies to the following offenses, all of which are
28 Class A traffic violations under ORS 825.990 (1):

29 “(a) Repeatedly violating or avoiding any order or rule of the Department
30 of Transportation.

1 “(b) Repeatedly refusing or repeatedly failing, after being requested to do
2 so, to furnish service authorized by certificate.

3 “(c) Refusing or failing to file the annual report as required by ORS
4 825.320.

5 “(d) Refusing or failing to maintain records required by the department
6 or to produce such records for examination as required by the department.

7 “(e) Failing to appear for a hearing after notice that the carrier’s certifi-
8 cate or permit is under investigation.

9 “(f) Filing with the department an application that is false with regard
10 to the ownership, possession or control of the equipment being used or the
11 operation being conducted.

12 “(g) Delinquency in reporting or paying any fee, tax or penalty due to the
13 department under ORS chapter 825 or 826.

14 “(h) Refusing or failing to file a deposit or bond as required under ORS
15 825.506.

16 “(i) Failing to comply with the applicable requirements for attendance at
17 a motor carrier education program as required by ORS 825.402.

18 “(3) A weighmaster or motor carrier enforcement officer who finds evi-
19 dence that a person operating a commercial motor vehicle has committed the
20 offense of failure to pay the appropriate registration fee under ORS 803.315
21 may issue a citation for the offense in the same manner as under ORS 810.410
22 as if the weighmaster or motor carrier enforcement officer were a police of-
23 ficer.

24 “(4) The authority of a weighmaster or motor carrier enforcement officer
25 to issue citations or arrest under this section is subject to ORS chapter 153.

26 “(5)(a) A person is a weighmaster for purposes of this section if the person
27 is a county weighmaster or a police officer.

28 “(b) A person is a motor carrier enforcement officer under this section if
29 the person is duly authorized as a motor carrier enforcement officer by the
30 Department of Transportation.

1 “(6) A weighmaster or motor carrier enforcement officer may accept se-
2 curity in the same manner as a police officer under ORS 810.440 and 810.450
3 and may take as security for the offenses, in addition to other security per-
4 mitted under this section, the sum fixed as the presumptive fine for the of-
5 fense.

6 “(7) A weighmaster or motor carrier enforcement officer may arrest a
7 person for the offense of failure to appear in a violation proceeding under
8 ORS 153.992 if the violation is based upon a citation for any offense de-
9 scribed in subsection (1) or (3) of this section except those described in sub-
10 section (1)(p) of this section.

11 “(8) A weighmaster or motor carrier enforcement officer may exercise the
12 same authority as a police officer under ORS 810.490 to enforce vehicle re-
13 quirements and detain vehicles. A person who fails to comply with the au-
14 thority of a weighmaster or motor carrier enforcement officer under this
15 subsection is subject to penalty under ORS 818.400.

16 **“SECTION 97.** ORS 815.045 is amended to read:

17 “815.045. (1) The Oregon Transportation Commission shall adopt rules
18 necessary to carry out ORS 815.140 **and section 95 of this 2021 Act.** The
19 rules adopted by the commission:

20 “(a) Shall establish the various types of conditions under which vehicle
21 traction tires or chains must be used **or carried.**

22 “(b) Shall define types of vehicle traction tires or chains that may be used
23 **or carried** under various road conditions. The commission rules under this
24 paragraph shall comply with the following:

25 “(A) Traction tire shall be defined to include any tire that meets traction
26 standards established by the Department of Transportation.

27 “(B) Retractable studded tires or tires with studs that are permitted under
28 ORS 815.165 shall be allowed as traction tires under the rules.

29 “(C) The department may require that traction tires without studs bear
30 identifying marks, defined by the department, that indicate that the tire was

1 manufactured specifically for adverse weather conditions.

2 “(D) Chains shall be defined to include link chains, cable chains or any
3 other device that attaches to the wheel, vehicle or outside of the tire and
4 that augments the traction of a vehicle.

5 “(E) Retractable studded tires shall be defined to include tires with em-
6 bedded studs that project beyond the tread surface only when a vehicle op-
7 erator extends the studs to augment the traction of the vehicle.

8 “(c) Shall establish signs to be posted under conditions that require ve-
9 hicle traction tires or chains **to be used or carried**.

10 “(d) May establish types or classes of vehicles that are exempt from re-
11 quirements to use **or carry** vehicle traction tires or chains under certain
12 conditions if the commission determines that the operation of the class or
13 type of vehicle would be safe under those conditions.

14 “(2) A road authority shall:

15 “(a) Determine when conditions on a segment of highway require [*the use*
16 *of*] **a person to use or carry** vehicle traction tires or chains as defined by
17 the commission;

18 “(b) Determine which segments of a highway shall be posted as described
19 under this section to require **a person to use or carry** vehicle traction tires
20 or chains; and

21 “(c) Provide for the placement and removal of signs requiring [*the use*
22 *of*] **a person to use or carry** vehicle traction tires or chains.

23 **“SECTION 98.** ORS 815.145 is amended to read:

24 “815.145. (1) This section establishes exemptions from ORS 815.140 **and**
25 **section 95 of this 2021 Act.**

26 “(2) The following are completely or partially exempt as described:

27 “[*1*] (a) Police vehicles under any conditions.

28 “[*2*] (b) Fire vehicles when responding to a fire.

29 “[*3*] (c) An ambulance when responding to an emergency.

30 “[*4*] (3) A passenger vehicle or truck is not required to use chains if the

1 vehicle or truck:

2 “(a) Has an unloaded weight of 6,500 pounds or less;

3 “(b) Is equipped and operated to provide power to both front and rear
4 wheels;

5 “(c) Is carrying chains as defined in ORS 815.045;

6 “(d) Is equipped with tires, on all wheels, that are vehicle traction tires
7 as defined in ORS 815.045;

8 “(e) Is not towing another vehicle other than as may be necessary to re-
9 move disabled vehicles from the roadway; and

10 “(f) Is not being operated in a manner or under conditions where the ve-
11 hicle loses traction while stopping, cornering or moving.

12 “[5] *Vehicles exempt by rule under ORS 815.045.*]

13 **“SECTION 99. Section 95 of this 2021 Act and the amendments to**
14 **ORS 810.530, 815.045 and 815.145 by sections 96 to 98 of this 2021 Act**
15 **apply to offenses occurring on or after the effective date of this 2021**
16 **Act.**

17

18 **“INTEREST CHARGED ON REPORTED WEIGHT-MILE TAX**

19

20 **“SECTION 100.** ORS 825.490 is amended to read:

21 “825.490. (1) On or before the last day of each month, except for the time
22 of payment provided in ORS 825.480 and 825.492, all persons shall report and
23 pay to the Department of Transportation the amount of taxes and fees due
24 from them for the preceding calendar month. However, taxes and fees in-
25 curred after the 15th day of any month may be reported and paid to the de-
26 partment on or before the last day of the second calendar month following
27 the month in which the taxes or fees were incurred. If no taxes or fees are
28 due in any reporting period, the report shall so state. If payment is not made
29 on or before the date it is due, there shall be added as a late payment charge
30 a sum equal to 10 percent of the unpaid amount of the tax.

1 “(2) The department may permit a person to report and pay motor carrier
2 taxes and fees on a periodic basis other than the calendar-month basis pre-
3 scribed in subsection (1) of this section, provided that the number of report-
4 ing periods in any 12-month period is not less than 12. If no taxes or fees
5 are due in any reporting period, the report shall so state. If payment is not
6 made on or before the date it is due, there shall be added as a late payment
7 charge a sum equal to 10 percent of the unpaid amount of the tax.

8 “[(3) *Whenever practicable, and in no event later than three years after any*
9 *report of taxes or fees is filed, the department shall audit the report if the*
10 *department deems such audit practicable. If the department is not satisfied*
11 *with the report filed or amount of taxes or fees, including fees for temporary*
12 *passes required under ORS 825.470, paid to the state by any person, the de-*
13 *partment may, not later than three years after the report was filed or the taxes*
14 *or fees were paid, make a proposed assessment of additional taxes or fees due*
15 *from such person based upon any information available to the department.*
16 *There shall be added to each such assessment, as a late payment charge, a sum*
17 *equal to 10 percent of the amount of additional taxes or fees due.*]

18 “[(4) *Every such additional assessment shall bear interest at the rate of one*
19 *percent per month, or fraction thereof, from the last day of the month following*
20 *the close of the month for which the additional assessment is imposed until*
21 *paid.*]

22 “(3) **Whenever practicable, and in no event later than three years**
23 **after any report of taxes or fees is filed, the department shall audit the**
24 **report. If the department is not satisfied with the report filed or the**
25 **amount received, including fees for temporary passes required under**
26 **ORS 825.470, the department may calculate the remaining amount due**
27 **based on any information available to the department. The department**
28 **shall add a late payment charge equal to 10 percent of the remaining**
29 **amount due.**

30 “(4) **The department may require a person who fails to pay any tax**

1 **or fee due to pay interest. Interest shall be computed at the rate of**
2 **one percent per month, or fraction thereof, beginning on the last day**
3 **of the month following the close of the month for which the remaining**
4 **amount due was incurred, until paid.**

5 “(5) If the [*additional assessment imposed*] **remaining amount due** ex-
6 ceeds by at least five percent but not more than 15 percent the amount of
7 taxes or fees reported or paid, a penalty of five percent of the **remaining**
8 amount **due** [*of the additional assessment*] shall be added thereto in addition
9 to the 10 percent late payment charge provided in subsection (3) of this sec-
10 tion.

11 “(6) If the [*additional assessment imposed*] **remaining amount due** ex-
12 ceeds by more than 15 percent the amount of taxes or fees reported or paid,
13 a penalty of 20 percent of the **remaining amount due** [*of the additional as-*
14 *essment*] shall be added thereto in addition to the 10 percent late payment
15 charge provided in subsection (3) of this section.

16 “(7) The department shall give to the person concerned written notice of
17 [*such additional assessment*] **any amounts due**.

18 “(8) Except as provided in ORS 825.484 (3), the department shall refund
19 to any person the amount of any overpayment caused by any incorrect re-
20 port.

21 “(9) Whenever the department has made an assessment pursuant to this
22 section that has become final the department may not reopen or reassess
23 such taxes, interest or penalties unless the department is satisfied that the
24 taxpayer fraudulently or with intent to evade taxation destroyed, concealed
25 or withheld any books, accounts, papers, records or memoranda required to
26 be maintained by the taxpayer pursuant to this chapter or the rules of the
27 department.

28 “**SECTION 101.** ORS 825.496 is amended to read:

29 “825.496. (1) Any person against whom an assessment is made under ORS
30 825.490 or 825.494, may petition the Department of Transportation for a re-

1 assessment within 30 days after service upon the person of notice. If a peti-
2 tion is not filed within the 30-day period, the assessment becomes final. If a
3 petition for reassessment is filed within the 30-day period the department
4 shall reconsider the assessment and, if the person has requested in the peti-
5 tion, shall grant such person a hearing and give the person 10 days' notice
6 of the time and place of the hearing. The department has power to continue
7 the hearing from time to time as may be necessary. The decision of the de-
8 partment upon a petition for reassessment shall become final 30 days after
9 service of notice upon the person concerned.

10 “(2) The department may waive or reduce the interest and penalties pro-
11 vided in ORS 825.490 [(1) to (6)] or 825.494 (2) or (3) on those terms as the
12 department considers proper if request for waiver or reduction is made
13 within 30 days after service of notice of assessment upon the person con-
14 cerned, or as part of the pleas made in the department’s reconsideration of
15 the assessment.

16 “(3) Every assessment made by the department under ORS 825.490 to
17 825.496 becomes due and payable at the time it becomes final and if not paid
18 to the department when due and payable there shall be added to the assess-
19 ment a penalty of 10 percent of the amount of the tax.

20 “(4) If any person who has requested a hearing pursuant to this section
21 fails to appear at the scheduled hearing and failed to withdraw the petition
22 for reassessment at least five days before the date of the hearing, the de-
23 partment may require such person to pay a charge of \$150 in addition to any
24 other fees, taxes and charges which may be imposed under this chapter.

25

26

“COMMERCIAL DRIVING PRIVILEGES

27

28 “**SECTION 102.** Section 103 of this 2021 Act is added to and made a
29 part of the Oregon Vehicle Code.

30 “**SECTION 103.** (1) The Department of Transportation shall estab-

1 **lish requirements for entry-level commercial motor vehicle driver**
2 **training. Entry-level commercial motor vehicle drivers include, but**
3 **are not limited to:**

4 **“(a) Individuals obtaining a Class A or Class B commercial driver**
5 **license for the first time;**

6 **“(b) Individuals upgrading an existing Class B commercial driver**
7 **license to a Class A commercial driver license; and**

8 **“(c) Individuals obtaining a school bus, a passenger or a hazardous**
9 **materials endorsement for the first time.**

10 **“(2) The department may cancel or suspend an individual’s com-**
11 **mercial driving privileges if the person has not completed the training**
12 **required by rules adopted under this section. A person is entitled to**
13 **administrative review under ORS 809.440 when the department does**
14 **not issue a commercial driver license or cancels or suspends commer-**
15 **cial driving privileges under this section.**

16 **“(3) The department shall adopt rules to carry out the provisions**
17 **of this section.**

18 **“SECTION 104.** ORS 807.173, as amended by section 19, chapter 701,
19 Oregon Laws 2019, is amended to read:

20 **“807.173. (1) Notwithstanding ORS 807.170, the Department of Transpor-**
21 **tation may not issue or renew a commercial driver license with a hazardous**
22 **materials endorsement and may cancel a commercial driver license with a**
23 **hazardous materials endorsement if a person:**

24 **“(a) Does not complete and pass a security threat assessment from the**
25 **federal Transportation Security Administration, including receipt by the de-**
26 **partment of a notice from the federal Transportation Security Administration**
27 **showing that the person does not pose a security threat. The department**
28 **shall establish by rule the process and frequency for obtaining a security**
29 **threat assessment.**

30 **“(b) Is assessed as a security threat by the federal Transportation Secu-**

1 rity Administration. The assessment must be received by the department in
2 the form of a notice from the federal Transportation Security Administration.

3 “[*c*) *Is not a U.S. citizen or lawful permanent resident as defined by the*
4 *department by rule.*]

5 “(2) A person is entitled to administrative review under ORS 809.440 when
6 the department does not issue or renew a commercial driver license with a
7 hazardous materials endorsement under this section or cancels a commercial
8 driver license with a hazardous materials endorsement under this section.

9 “(3) To the extent possible, rules promulgated by the department under
10 this section should be uniform with any applicable federal regulations re-
11 lated to the holding of a commercial driver license with a hazardous mate-
12 rials endorsement.

13 **“SECTION 105.** ORS 809.310 is amended to read:

14 “809.310. (1) The Department of Transportation may cancel any driving
15 privileges upon determining that the person is not entitled to the driving
16 privileges under the vehicle code. The department may reissue driving priv-
17 ileges canceled under this subsection when the applicant has satisfied all
18 requirements for the driving privileges sought.

19 “(2) The department may cancel any driver license or permit that contains
20 any error or defect or that is found to have been issued on the basis of false
21 information given to the department. Cancellation under this subsection is
22 in addition to any suspension of driving privileges authorized for the same
23 conduct.

24 “(3) The department may suspend any driving privileges or right to apply
25 for privileges or any identification card or right to apply for a card upon
26 determining that the person issued or applying for the driving privileges or
27 identification card has committed any of the following acts:

28 “(a) Failed to give the required or correct information in the application
29 for the driving privileges or for an identification card, in violation of ORS
30 807.430 or 807.530.

1 “(b) Committed false swearing in making application for the driving
2 privileges in violation of ORS 807.520.

3 “(c) Used an invalid license or identification card in violation of ORS
4 807.430 or 807.580.

5 “(d) Permitted misuse of license, permit or identification card in violation
6 of ORS 807.430 or 807.590.

7 “(e) Used the license, permit or identification card of another in violation
8 of ORS 807.430 or 807.600.

9 “(f) Produced identification cards, licenses, permits, forms or camera
10 cards in violation of ORS 807.500.

11 “(4) **The department may determine by rule circumstances in which**
12 **the department may cancel the commercial driving privileges, or the**
13 **right to apply for commercial driving privileges, of an individual if the**
14 **individual’s commercial driving privileges are suspended, cancelled or**
15 **revoked for any reason in another jurisdiction.**

16 “[4] (5) Upon suspension or cancellation of driving privileges under this
17 section, a person whose privileges are suspended or canceled shall surrender
18 to the department any license or driver permit issued for the driving privi-
19 leges. Failure to comply with this subsection is subject to penalty as pro-
20 vided under ORS 809.500.

21 “[5] (6) To obtain driving privileges after the period of suspension or
22 cancellation under this section, a person must reapply for driving privileges
23 in the manner established by law.

24 “**SECTION 106.** ORS 809.510 is amended to read:

25 “809.510. (1) Except as otherwise provided by ORS 809.510 to 809.545, the
26 Department of Transportation shall suspend the commercial driving privi-
27 leges of a person for a period of one year when the department receives:

28 “(a) A record of conviction under ORS 811.700 or 811.705 of failure to
29 perform the duties of a driver.

30 “(b) A record of conviction of a crime punishable as a felony involving

1 the operation of a motor vehicle.

2 “(c) A record of conviction for driving a commercial motor vehicle while,
3 as a result of prior violations committed while operating a commercial motor
4 vehicle, the commercial driving privileges of the driver were suspended.

5 “(d) A record of conviction of assault in the first degree, or any degree
6 of criminally negligent homicide, manslaughter or murder, if the conviction
7 results from the operation of a commercial motor vehicle.

8 “(e) A record of conviction of aggravated vehicular homicide or aggra-
9 vated driving while suspended or revoked.

10 “(f) A record of conviction for driving while under the influence of
11 intoxicants under ORS 813.010.

12 “(g) **A record of diversion under ORS 813.230.**

13 “(2) The department shall suspend the commercial driving privileges of a
14 person for a period of three years if the department receives a record of a
15 conviction under subsection (1) of this section and the person was driving a
16 commercial motor vehicle containing a hazardous material at the time of the
17 offense.

18 “(3) The department shall suspend the commercial driving privileges of a
19 person for a period of one year if the department receives a report from a
20 police officer pursuant to ORS 813.120 that the person was driving a com-
21 mercial motor vehicle and submitted to a breath or blood test and the
22 [*person’s blood, as shown by the test, had 0.04 percent or more by weight of*
23 *alcohol*] **level of alcohol in the person’s blood was 0.04 percent or more**
24 **by weight of alcohol in the blood of the person as shown by chemical**
25 **analysis of the breath or blood.** The department shall suspend the com-
26 mercial driving privileges of the person for a period of three years if the
27 person was driving a commercial motor vehicle containing a hazardous ma-
28 terial at the time of the offense.

29 “(4) **The department shall suspend the commercial driving privileges**
30 **of a person for a period of one year if the department receives a report**

1 **from a police officer pursuant to ORS 813.120 that the person was**
2 **driving a motor vehicle and submitted to a breath or blood test and**
3 **the level of alcohol in the person’s blood was 0.08 percent or more by**
4 **weight of alcohol in the blood of the person as shown by chemical**
5 **analysis of the breath or blood.**

6 “[4] (5) The department shall suspend the commercial driving privileges
7 of a person for a period of three years if the department receives a report
8 from a police officer pursuant to ORS 813.120 that the person was driving a
9 motor vehicle and refused to submit to a test under ORS 813.100. The de-
10 partment shall suspend the commercial driving privileges of the person for
11 a period of five years if the person was driving a commercial motor vehicle
12 containing a hazardous material at the time of the offense.

13 “[5] (6) The department shall suspend the commercial driving privileges
14 of a person if the department receives a notice of a conviction in another
15 jurisdiction of an offense that, if committed in this state, would be grounds
16 for the suspension of the person’s commercial driving privileges. The period
17 of suspension under this subsection shall be the same as would be imposed
18 on the person if the conviction were for an offense committed in this state.
19 For the purposes of this subsection, ‘conviction’ means an unvacated adju-
20 dication of guilt, a determination that a person has violated or failed to
21 comply with the law in a court of original jurisdiction or in an authorized
22 administrative tribunal, **entry into a diversion program**, an unvacated
23 forfeiture of bail or collateral deposited to secure the person’s appearance
24 in court, a plea of guilty or nolo contendere accepted by the court, the pay-
25 ment of a fine or court cost or the violation of a condition of release without
26 bail, regardless of whether or not the penalty is rebated, suspended or pro-
27 bated.

28 “[6] (7) The department shall suspend the commercial driving privileges
29 of a person in this state if the department receives a notice from another
30 jurisdiction that the person has had commercial driving privileges suspended

1 or revoked in another jurisdiction for reasons that would be grounds for
2 suspension of the person's commercial driving privileges in this state. The
3 period of suspension under this subsection is the same as would be imposed
4 on the person if the violation were committed in this state.

5 "[7] (8) If the department receives a record, report or notice under this
6 section for a person who does not hold commercial driving privileges in this
7 state, the department shall suspend the person's right to apply for commer-
8 cial driving privileges as provided in ORS 809.540 (1).

9 "[8] (9) A suspension imposed under this section is consecutive to any
10 other suspension imposed under ORS 809.525, 809.530 or 809.535 if the sus-
11 pensions do not arise out of the same incident.

12 "**SECTION 107.** ORS 809.520 is amended to read:

13 "809.520. (1) Notwithstanding ORS 809.510, the Department of Transpor-
14 tation shall permanently suspend a person's commercial driving privileges for
15 the lifetime of the person if the department receives a record of conviction
16 for a crime punishable as a felony in which a motor vehicle was used and
17 that involved the manufacturing, distributing or dispensing of a controlled
18 substance, as defined in ORS 475.005. The department may not reinstate
19 commercial driving privileges of a person whose commercial driving privi-
20 leges are suspended under this subsection.

21 "**(2) Notwithstanding ORS 809.510, the department shall perma-**
22 **nently suspend a person's commercial driving privileges for the life-**
23 **time of the person if the department receives a record of conviction**
24 **for a crime in which a commercial motor vehicle was used and that**
25 **involved an act or practice of severe forms of trafficking in persons**
26 **as defined by the department by rule. The department may not rein-**
27 **state commercial driving privileges of a person whose commercial**
28 **driving privileges are suspended under this subsection.**

29 "[2] (3) Notwithstanding ORS 809.510, the department shall suspend a
30 person's commercial driving privileges for the lifetime of the person if the

1 department receives a second or subsequent record, report or notice described
2 in ORS 809.510 that does not arise out of the same incident and that would
3 be grounds for suspension of the person's commercial driving privileges un-
4 der ORS 809.510.

5 “[3] (4) Except as provided in subsections (1), (2) and [(4)] (5) of this
6 section, a person whose commercial driving privileges were suspended under
7 subsection [(2)] (3) of this section may apply to the department for rein-
8 statement of the person's commercial driving privileges. An application for
9 reinstatement may not be made under this subsection earlier than 10 years
10 after the date that the person's commercial driving privileges were suspended
11 under subsection [(2)] (3) of this section. The department may reinstate the
12 person's commercial driving privileges if:

13 “(a) The person meets all other requirements for the granting of com-
14 mercial driving privileges;

15 “(b) The department, in its sole discretion, finds good cause exists for
16 reinstatement; and

17 “(c) The department finds that the person has successfully completed re-
18 habilitation as approved by the department.

19 “[4] (5) The department shall permanently suspend a person's commer-
20 cial driving privileges for the lifetime of the person if the department re-
21 ceives a record, report or notice described in subsection [(2)] (3) of this
22 section that relates to conduct that occurred after the person's commercial
23 driving privileges were reinstated under subsection [(3)] (4) of this section.
24 The department may not reinstate the commercial driving privileges for the
25 lifetime of a person whose commercial driving privileges are suspended under
26 this subsection.

27 **“SECTION 108.** ORS 809.520, as amended by section 107 of this 2021 Act,
28 is amended to read:

29 “809.520. (1) Notwithstanding ORS 809.510, the Department of Transpor-
30 tation shall permanently suspend a person's commercial driving privileges for

1 the lifetime of the person if the department receives a record of conviction
2 for a crime punishable as a felony in which a motor vehicle was used and
3 that involved the manufacturing, distributing or dispensing of a controlled
4 substance, as defined in ORS 475.005. The department may not reinstate
5 commercial driving privileges of a person whose commercial driving privi-
6 leges are suspended under this subsection.

7 “(2) Notwithstanding ORS 809.510, the department shall permanently sus-
8 pend a person’s commercial driving privileges for the lifetime of the person
9 if the department receives a record of conviction for a crime in which a
10 commercial motor vehicle was used and that involved an act or practice of
11 severe forms of trafficking in persons as defined by the department by rule.
12 The department may not reinstate commercial driving privileges of a person
13 whose commercial driving privileges are suspended under this subsection.

14 “(3)(a) Notwithstanding ORS 809.510, the department shall suspend a
15 person’s commercial driving privileges for the lifetime of the person if the
16 department receives a second or subsequent record, report or notice described
17 in ORS 809.510 that does not arise out of the same incident and that would
18 be grounds for suspension of the person’s commercial driving privileges un-
19 der ORS 809.510.

20 “(b) **The department may adopt rules providing for the rein-**
21 **statement of commercial driving privileges suspended under this sub-**
22 **section. The department may not reinstate commercial driving**
23 **privilege suspensions under this subsection earlier than 10 years after**
24 **the date that the person’s commercial driving privileges are suspended**
25 **under paragraph (a) of this subsection.**

26 “(c) **The department shall permanently suspend a person’s com-**
27 **mercial driving privileges for the lifetime of the person if the depart-**
28 **ment receives a record, report or notice described in paragraph (a) of**
29 **this subsection that relates to conduct that occurred after the person’s**
30 **commercial driving privileges were reinstated under paragraph (b) of**

1 **this subsection. The department may not reinstate the commercial**
2 **driving privileges of a person whose commercial driving privileges are**
3 **suspended under this paragraph.**

4 **“(4) A suspension imposed under this section is consecutive to any**
5 **other suspension imposed under ORS 809.510, 809.525, 809.530 or 809.535,**
6 **if the suspensions do not arise out of the same incident.**

7 *“(4) Except as provided in subsections (1), (2) and (5) of this section, a*
8 *person whose commercial driving privileges were suspended under subsection*
9 *(3) of this section may apply to the department for reinstatement of the person’s*
10 *commercial driving privileges. An application for reinstatement may not be*
11 *made under this subsection earlier than 10 years after the date that the*
12 *person’s commercial driving privileges were suspended under subsection (3) of*
13 *this section. The department may reinstate the person’s commercial driving*
14 *privileges if:]*

15 *“(a) The person meets all other requirements for the granting of commer-*
16 *cial driving privileges;]*

17 *“(b) The department, in its sole discretion, finds good cause exists for*
18 *reinstatement; and]*

19 *“(c) The department finds that the person has successfully completed re-*
20 *habilitation as approved by the department.]*

21 *“(5) The department shall permanently suspend a person’s commercial*
22 *driving privileges for the lifetime of the person if the department receives a*
23 *record, report or notice described in subsection (3) of this section that relates*
24 *to conduct that occurred after the person’s commercial driving privileges were*
25 *reinstated under subsection (4) of this section. The department may not rein-*
26 *state the commercial driving privileges for the lifetime of a person whose*
27 *commercial driving privileges are suspended under this subsection.]*

28 **“SECTION 109. (1) The amendments to ORS 809.520 by section 107**
29 **of this 2021 Act become operative on September 23, 2022.**

30 **“(2) The amendments to ORS 809.520 by section 108 of this 2021 Act**

1 **become operative on January 1, 2023.**

2 **“SECTION 110.** ORS 809.545 is amended to read:

3 “809.545. (1) Except as provided in subsections (2) and (3) of this section,
4 a person is entitled to administrative review under ORS 809.440 for a sus-
5 pension of commercial driving privileges under ORS 809.510 to 809.545, or a
6 suspension of the right to apply for commercial driving privileges under ORS
7 809.540.

8 “(2) A person is entitled to a hearing under ORS 813.410 for a suspension
9 of commercial driving privileges under ORS 809.510 (3) or (4), or a suspension
10 of the right to apply for commercial driving privileges under ORS 809.540
11 based on ORS 809.510 (3) or (4).

12 “(3) A person is entitled to a hearing under ORS 813.410 for a suspension
13 of commercial driving privileges under ORS 809.520 [(2) or (4)] **(3) or (5)**
14 when the suspension is based on conduct described in ORS 809.510 (3) or (4),
15 or a suspension of the right to apply for commercial driving privileges under
16 ORS 809.540 when the suspension is based on conduct described in ORS
17 809.510 (3) or (4).

18 **“SECTION 111.** ORS 809.545, as amended by section 110 of this 2021 Act,
19 is amended to read:

20 “809.545. (1) Except as provided in subsections (2) and (3) of this section,
21 a person is entitled to administrative review under ORS 809.440 for a sus-
22 pension of commercial driving privileges under ORS 809.510 to 809.545, or a
23 suspension of the right to apply for commercial driving privileges under ORS
24 809.540.

25 “(2) A person is entitled to a hearing under ORS 813.410 for a suspension
26 of commercial driving privileges under ORS 809.510 [(3) or (4)] **(3), (4) or**
27 **(5)**, or a suspension of the right to apply for commercial driving privileges
28 under ORS 809.540 based on ORS 809.510 [(3) or (4)] **(3), (4) or (5)**.

29 “(3) A person is entitled to a hearing under ORS 813.410 for a suspension
30 of commercial driving privileges under ORS 809.520 (3) [or (5)] when the

1 suspension is based on conduct described in ORS 809.510 [(3) or (4)] (3), (4)
2 or (5), or a suspension of the right to apply for commercial driving privileges
3 under ORS 809.540 when the suspension is based on conduct described in
4 ORS 809.510 [(3) or (4)] (3), (4) or (5).

5 **“SECTION 112. (1) The amendments to ORS 809.545 by section 110**
6 **of this 2021 Act become operative on September 23, 2022.**

7 **“(2) The amendments to ORS 809.545 by section 111 of this 2021 Act**
8 **become operative on January 1, 2023.**

9 **“SECTION 113.** ORS 811.182 is amended to read:

10 “811.182. (1) A person commits the offense of criminal driving while sus-
11 pended or revoked if the person violates ORS 811.175 and the suspension or
12 revocation is one described in this section, or if the hardship permit violated
13 is based upon a suspension or revocation described in subsection (3) or (4)
14 of this section.

15 “(2) Affirmative defenses to the offense described in this section are es-
16 tablished under ORS 811.180.

17 “(3) The offense described in this section, criminal driving while sus-
18 pended or revoked, is a Class B felony if the suspension or revocation re-
19 sulted from any degree of murder, manslaughter, criminally negligent
20 homicide or assault resulting from the operation of a motor vehicle, if the
21 suspension or revocation resulted from aggravated vehicular homicide or
22 aggravated driving while suspended or revoked or if the revocation resulted
23 from a conviction for felony driving while under the influence of intoxicants.

24 “(4) The offense described in this section, criminal driving while sus-
25 pended or revoked, is a Class A misdemeanor if the suspension or revocation
26 is any of the following:

27 “(a) A suspension under ORS 809.411 (2) resulting from commission by the
28 driver of any degree of recklessly endangering another person, menacing or
29 criminal mischief, resulting from the operation of a motor vehicle.

30 “(b) A suspension under ORS 813.410 resulting from refusal to take a test

1 prescribed in ORS 813.100 or for taking a breath or blood test the result of
2 which discloses a blood alcohol content of:

3 “(A) 0.08 percent or more by weight if the person was not driving a
4 commercial motor vehicle;

5 “(B) 0.04 percent or more by weight if the person was driving a commer-
6 cial motor vehicle; or

7 “(C) Any amount if the person was under 21 years of age.

8 “(c) A suspension of commercial driving privileges under ORS 809.510 re-
9 sulting from failure to perform the duties of a driver under ORS 811.700.

10 “(d) A suspension of commercial driving privileges under ORS 809.510
11 [(6)] (7) where the person’s commercial driving privileges have been sus-
12 pended or revoked by the other jurisdiction for failure of or refusal to take
13 a chemical test to determine the alcoholic content of the person’s blood un-
14 der a statute that is substantially similar to ORS 813.100.

15 “(e) A suspension of commercial driving privileges under ORS 809.520.

16 “(f) A revocation resulting from habitual offender status under ORS
17 809.640.

18 “(g) A suspension resulting from any crime punishable as a felony with
19 proof of a material element involving the operation of a motor vehicle, other
20 than a crime described in subsection (3) of this section.

21 “(h) A suspension for failure to perform the duties of a driver under ORS
22 811.705.

23 “(i) A suspension for reckless driving under ORS 811.140.

24 “(j) A suspension for fleeing or attempting to elude a police officer under
25 ORS 811.540.

26 “(k) A suspension or revocation resulting from misdemeanor driving while
27 under the influence of intoxicants under ORS 813.010.

28 “(L) A suspension for use of a motor vehicle in the commission of a crime
29 punishable as a felony.

30 “(5) In addition to any other sentence that may be imposed, if a person

1 is convicted of the offense described in this section and the underlying sus-
2 pension resulted from driving while under the influence of intoxicants, the
3 court shall impose a minimum fine of at least \$1,000 if it is the person's first
4 conviction for criminal driving while suspended or revoked and a minimum
5 fine of at least \$2,000 if it is the person's second or subsequent conviction.

6 “(6)(a) The Oregon Criminal Justice Commission shall classify a violation
7 of this section that is a felony as crime category 4 of the rules of the com-
8 mission.

9 “(b) Notwithstanding paragraph (a) of this subsection, the commission
10 shall classify a violation of this section that is a felony as crime category
11 6 of the rules of the commission, if the suspension or revocation resulted
12 from:

13 “(A) Any degree of murder, manslaughter or criminally negligent
14 homicide or an assault that causes serious physical injury, resulting from the
15 operation of a motor vehicle; or

16 “(B) Aggravated vehicular homicide or aggravated driving while sus-
17 pended or revoked.

18 **“SECTION 114. Section 115 of this 2021 Act is added to and made a
19 part of the Oregon Vehicle Code.**

20 **“SECTION 115. The provisions of ORS 809.510 to 809.545 apply:**

21 **“(1) When an individual's conduct involves driving a commercial
22 motor vehicle, without regard to whether an individual held commer-
23 cial driving privileges on the date the conduct occurred.**

24 **“(2) When an individual's conduct involves driving a motor vehicle,
25 if the individual held commercial driving privileges in any jurisdiction
26 on the date the conduct occurred.**

27 **“SECTION 116. ORS 813.055 is amended to read:**

28 **“813.055. (1) The Department of Transportation shall impose a civil pen-
29 alty on the operator of a commercial motor vehicle if:**

30 **“(a) The operator has violated an out-of-service order issued under ORS**

1 813.050 or any other out-of-service order or notice issued by the department
2 or an authorized representative of the department; or

3 “(b) The department receives notification that a person has violated any
4 out-of-service order or notice issued by a state or federal agency.

5 “(2) For the purposes of this section, ‘notification’ may include, but is not
6 limited to, a record of conviction or a record of a determination by a state
7 or federal agency with jurisdiction to determine that the operator has vio-
8 lated an out-of-service order or notice.

9 “**(3) The department may adopt rules establishing a schedule of civil**
10 **penalties that may be imposed under this section. The civil penalties**
11 **imposed may not be reduced.**

12 “[~~(3)~~] (4) Civil penalties under this section shall be imposed in the manner
13 provided in ORS 183.745. [*and may not be reduced. The civil penalties are:*]

14 “[*(a) \$2,500 for the first violation of an out-of-service order or notice.*]

15 “[*(b) \$5,000 for a second or subsequent violation of an out-of-service order*
16 *or notice.*]

17 “**SECTION 117.** ORS 813.130 is amended to read:

18 “813.130. [*This section establishes the requirements for information about*
19 *rights and consequences for purposes of ORS 813.100 and 813.410. The follow-*
20 *ing apply to the information about rights and consequences:*]

21 “(1) **For the purposes of ORS 813.100 and 813.410**, the information about
22 rights and consequences shall be substantially in the form prepared by the
23 Department of Transportation. The department may establish any form it
24 determines appropriate and convenient.

25 “(2) Except as provided in subsection (3) of this section, the information
26 about rights and consequences shall be substantially as follows:

27 “(a) Driving under the influence of intoxicants is a crime in Oregon, and
28 the person is subject to criminal penalties if a test under ORS 813.100 shows
29 that the person is under the influence of intoxicants. If the person fails a
30 test, evidence of the failure may also be offered against the person.

1 “(b) The person will fail a test under ORS 813.100 for purposes of criminal
2 penalties if the test discloses a blood alcohol content of 0.08 percent or more
3 by weight of alcohol in the blood of the person as shown by chemical anal-
4 ysis of the breath or blood. The person will fail a test for purposes of the
5 Motorist Implied Consent Law if the test discloses a blood alcohol content
6 of:

7 “(A) 0.08 percent or more by weight of alcohol in the blood of the person
8 as shown by chemical analysis of the breath or blood if the person was not
9 driving a commercial motor vehicle;

10 “(B) 0.04 percent or more by weight of alcohol in the blood of the person
11 as shown by chemical analysis of the breath or blood if the person was
12 driving a commercial motor vehicle; or

13 “(C) Any amount if the person was under 21 years of age.

14 “(c) If the person fails a test under ORS 813.100, the person’s driving
15 privileges will be suspended. The outcome of a criminal charge for driving
16 under the influence of intoxicants will not affect the suspension.

17 “(d) If the person fails a breath test under ORS 813.100 and has an Oregon
18 driver license or permit, the license or permit will be taken immediately and,
19 unless the person does not currently have full valid driving privileges, a
20 temporary driving permit will be issued to the person.

21 “(e) After taking a test under ORS 813.100, the person will have a rea-
22 sonable opportunity, upon request, for an additional chemical test for blood
23 alcohol content to be performed at the person’s own expense by a qualified
24 individual of the person’s choosing.

25 “(f) The person has a right to a hearing to challenge the validity of the
26 suspension before the suspension becomes effective. The person must make
27 a written request to the department for such a hearing. If the person wins
28 at the hearing, the person’s driving privileges will not be suspended. If the
29 person loses at the hearing, the suspension will remain in effect during any
30 court review of the hearing.

1 “(g) If the person is issued a temporary driving permit under ORS 813.100,
2 the information provided to the person shall include the number of hours
3 before the driving permit will be effective and the number of days the permit
4 will be effective.

5 “(h) The information provided to the person shall include the number of
6 days within which a person must request a hearing under ORS 813.410.

7 “(i) The information provided to the person shall include the number of
8 days within which a hearing under ORS 813.410 will be held.

9 “(j) The person may possibly qualify for a hardship permit in 30 days if
10 the person fails a test, depending on the person’s driving record.

11 “(k) If the person is driving a commercial motor vehicle, and takes a
12 breath or blood test under ORS 813.100 after being informed of the rights and
13 consequences under paragraphs (a) to (j) of this subsection, the following
14 additional information shall be provided:

15 “(A) If the level of alcohol in the person’s blood is 0.04 percent or more
16 by weight of alcohol in the blood of the person as shown by chemical anal-
17 ysis of the breath or blood, the person’s commercial driving privileges or
18 right to apply for commercial driving privileges will be suspended and no
19 hardship permit authorizing the person to drive a commercial motor vehicle
20 will be issued.

21 “(B) The suspension of the person’s commercial driving privileges or right
22 to apply for commercial driving privileges will be for the person’s lifetime
23 if the person takes a breath or blood test and the level of alcohol in the
24 person’s blood is 0.04 percent or more by weight of alcohol in the blood of
25 the person as shown by chemical analysis of the breath or blood and:

26 “(i) The person previously has been convicted of failure to perform the
27 duties of a driver **while holding commercial driving privileges or while**
28 **driving a commercial motor vehicle;**

29 “(ii) The person previously has been convicted of a crime punishable as
30 a felony and the person was driving a motor vehicle **while holding com-**

1 **mercial driving privileges** at the time the offense was committed;

2 **“(iii) The person previously has been convicted of a crime**
3 **punishable as a felony and the person was driving a commercial motor**
4 **vehicle;**

5 **“[(iii)] (iv) The person previously has been convicted of driving a com-**
6 **mercial motor vehicle while the person’s commercial driving privileges or**
7 **right to apply for commercial driving privileges was suspended or revoked**
8 **for offenses committed while operating a commercial motor vehicle;**

9 **“[(iv)] (v) The person previously has been convicted of any degree of**
10 **murder, manslaughter or criminally negligent homicide resulting from the**
11 **operation of a commercial motor vehicle or assault in the first degree re-**
12 **sulting from the operation of a commercial motor vehicle;**

13 **“(vi) The person previously has been convicted of aggravated ve-**
14 **hicular homicide while holding commercial driving privileges or while**
15 **driving a commercial motor vehicle;**

16 **“(vii) The person previously has been convicted of aggravated driv-**
17 **ing while suspended or revoked while holding commercial driving**
18 **privileges or while driving a commercial motor vehicle;**

19 **“[(v)] (viii) The person previously has been convicted of driving while**
20 **under the influence of intoxicants while holding commercial driving**
21 **privileges or while driving a commercial motor vehicle;**

22 **“(ix) The person’s commercial driving privileges previously have**
23 **been suspended under ORS 809.510 for a diversion agreement entered**
24 **into under ORS 813.230 with respect to conduct that occurred while the**
25 **person held commercial driving privileges;**

26 **“[(vi)] (x) The person’s commercial driving privileges previously have**
27 **been suspended or revoked for refusal to submit to, or failure of, a breath**
28 **or blood test under ORS 813.100 for conduct that occurred while the**
29 **person held commercial driving privileges or was operating a com-**
30 **mercial motor vehicle; or**

1 “[(vii)] **(xi)** The person’s right to apply for commercial driving privileges
2 previously has been suspended or revoked for refusal to submit to, or failure
3 of, a breath or blood test under ORS 813.100 resulting from the operation of
4 a commercial motor vehicle **or resulting from the operation of a motor**
5 **vehicle while holding commercial driving privileges.**

6 “(3) A person who refuses to submit to a chemical test after being in-
7 formed of the rights and consequences in subsection (2) of this section shall
8 be provided additional information, substantially as follows:

9 “(a) If the person refuses to provide consent to a breath or blood test, and
10 is thereafter requested to provide only physical cooperation to submit to a
11 breath or blood test, and the person refuses to physically submit to a test,
12 evidence of that refusal may be offered against the person.

13 “(b) If the person refuses to submit to a test under ORS 813.100, the
14 person’s driving privileges will be suspended. The outcome of a criminal
15 charge for driving under the influence of intoxicants will not affect the
16 suspension. The suspension will be substantially longer if a person refuses
17 a test.

18 “(c) If the person refuses to submit to a breath test under ORS 813.100
19 and has an Oregon driver license or permit, the license or permit will be
20 taken immediately and, unless the person does not currently have full valid
21 driving privileges, a temporary driving permit will be issued to the person.

22 “(d) If the person refuses to submit to a test under ORS 813.100, the per-
23 son is not eligible for a hardship permit for at least 90 days, and possibly for
24 three years, depending on the following factors set forth in ORS 813.430:

25 “(A) Whether the person is presently participating in a driving while
26 under the influence of intoxicants diversion program in this state or in any
27 similar alcohol or drug rehabilitation program in this or another jurisdic-
28 tion; or

29 “(B) Whether within the five years preceding the date of arrest any of the
30 following occurred:

1 “(i) A suspension of the person’s driving privileges under ORS 813.410 or
2 482.540 (1981 Replacement Part) became effective;

3 “(ii) The person was convicted of driving while under the influence of
4 intoxicants in violation of ORS 813.010 or the statutory counterpart to ORS
5 813.010 in another jurisdiction, as described in ORS 813.430;

6 “(iii) The person was convicted of driving while under the influence of
7 intoxicants in violation of a municipal ordinance in this state or another
8 jurisdiction, as described in ORS 813.430; or

9 “(iv) The person commenced participating in a driving while under the
10 influence of intoxicants diversion program in this state or in any similar
11 alcohol or drug rehabilitation program in this or another jurisdiction, as
12 described in ORS 813.430.

13 “(e) If the person refuses to submit to a breath test under ORS 813.100,
14 or refuses to provide a urine sample under ORS 813.131 and 813.132, the
15 person is subject to a fine of at least \$500 and not more than \$1,000.

16 “(f) The person has a right to a hearing to challenge the validity of the
17 suspension before the suspension becomes effective. The person must make
18 a written request to the department for such a hearing. If the person wins
19 at the hearing, the person’s driving privileges will not be suspended. If the
20 person loses at the hearing, the suspension will remain in effect during any
21 court review of the hearing.

22 “(g) If the person is issued a temporary driving permit under ORS 813.100,
23 the number of hours before the driving permit will be effective and the
24 number of days the permit will be effective.

25 “(h) The number of days within which a person must request a hearing
26 under ORS 813.410.

27 “(i) The number of days within which a hearing under ORS 813.410 will
28 be held.

29 “(j) The person may possibly qualify for a hardship permit in 30 days if
30 the person fails a test, depending on the person’s driving record.

1 “(k) If the person is driving a commercial motor vehicle, further infor-
2 mation as follows:

3 “(A) If the person refuses to submit to a test under ORS 813.100, the
4 person’s commercial driving privileges or right to apply for commercial
5 driving privileges will be suspended and no hardship permit authorizing the
6 person to drive a commercial motor vehicle will be issued. The suspension
7 will be substantially longer if the person refuses the test.

8 “(B) The suspension of the person’s commercial driving privileges or right
9 to apply for commercial driving privileges will be for the person’s lifetime
10 if the person refuses to submit to a test under ORS 813.100 and:

11 “(i) The person previously has been convicted of failure to perform the
12 duties of a driver **while holding commercial driving privileges or while**
13 **driving a commercial motor vehicle;**

14 “(ii) The person previously has been convicted of a crime punishable as
15 a felony and the person was driving a motor vehicle **while holding com-**
16 **mercial driving privileges** at the time the offense was committed;

17 “(iii) **The person previously has been convicted of a crime**
18 **punishable as a felony and the person was driving a commercial motor**
19 **vehicle;**

20 “~~[(iii)]~~ (iv) The person previously has been convicted of driving a com-
21 mercial motor vehicle while the person’s commercial driving privileges or
22 right to apply for commercial driving privileges was suspended or revoked
23 for offenses committed while operating a commercial motor vehicle;

24 “~~[(iv)]~~ (v) The person previously has been convicted of any degree of
25 murder, manslaughter or criminally negligent homicide resulting from the
26 operation of a commercial motor vehicle or assault in the first degree re-
27 sulting from the operation of a commercial motor vehicle;

28 “(vi) **The person previously has been convicted of aggravated ve-**
29 **hicular homicide while holding commercial driving privileges or while**
30 **driving a commercial motor vehicle;**

1 “(vii) **The person previously has been convicted of aggravated driv-**
2 **ing while suspended or revoked while holding commercial driving**
3 **privileges or while driving a commercial motor vehicle;**

4 “[(v)] (viii) The person previously has been convicted of driving while
5 under the influence of intoxicants **while holding commercial driving**
6 **privileges or while driving a commercial motor vehicle;**

7 “(ix) **The person’s commercial driving privileges previously have**
8 **been suspended under ORS 809.510 for a diversion agreement entered**
9 **into under ORS 813.230 with respect to conduct that occurred while the**
10 **person held commercial driving privileges;**

11 “[(vi)] (x) The person’s commercial driving privileges previously have
12 been suspended or revoked for refusal to submit to, or failure of, a breath
13 or blood test under ORS 813.100 **for conduct that occurred while the**
14 **person held commercial driving privileges or was operating a com-**
15 **mercial motor vehicle; or**

16 “[(vii)] (xi) The person’s right to apply for commercial driving privileges
17 previously has been suspended or revoked for refusal to submit to, or failure
18 of, a breath or blood test under ORS 813.100 resulting from the operation of
19 a commercial motor vehicle **or resulting from the operation of a motor**
20 **vehicle while holding commercial driving privileges.**

21 “(4) Nothing in this section prohibits the department from providing ad-
22 ditional information concerning rights and consequences that the department
23 considers convenient or appropriate.

24 “**SECTION 118.** ORS 813.410 is amended to read:

25 “813.410. (1) If the Department of Transportation receives from a police
26 officer a report that is in substantial compliance with ORS 813.120, the de-
27 partment shall suspend the driving privileges of the person in this state on
28 the 30th day after the date of arrest or, if the report indicates that the per-
29 son failed a blood test, on the 60th day after receipt of the report, unless,
30 at a hearing described under this section, the department determines that the

1 suspension would not be valid as described in this section. A suspension of
2 driving privileges imposed under this subsection shall be for a period of time
3 established under ORS 813.420.

4 “(2) If the department receives from a police officer a report under ORS
5 813.120 and the person holds commercial driving privileges and the person
6 was driving a motor vehicle or commercial motor vehicle and refused to
7 submit to a test under ORS 813.100 or the person was driving a commercial
8 motor vehicle and submitted to a breath or blood test and the person’s blood,
9 as shown by the test, had 0.04 percent or more by weight of alcohol, the de-
10 partment shall suspend the person’s commercial driving privileges on the
11 30th day after the date of arrest or, if the report indicates that the person
12 failed a blood test, on the 60th day after receipt of the report, unless, at a
13 hearing described under this section, the department determines that the
14 suspension would not be valid as described in this section. A commercial
15 driving privileges suspension imposed under this subsection shall be for a
16 period of time established under ORS 809.510 or 809.520.

17 **“(3) If the department receives from a police officer a report under**
18 **ORS 813.120 and the person holds commercial driving privileges and**
19 **the person was driving a motor vehicle that is not a commercial motor**
20 **vehicle and submitted to a breath or blood test and the person’s blood,**
21 **as shown by the test, had 0.08 percent or more by weight of alcohol,**
22 **the department shall suspend the person’s commercial driving privi-**
23 **leges on the 30th day after the date of arrest or, if the report indicates**
24 **that the person failed a blood test, on the 60th day after receipt of the**
25 **report, unless, at a hearing described under this section, the depart-**
26 **ment determines that the suspension would not be valid as described**
27 **in this section. A commercial driving privileges suspension imposed**
28 **under this subsection shall be for a period of time established under**
29 **ORS 809.510 or 809.520.**

30 “[3] (4) If within 10 days from the date of arrest, or, if the person fails

1 a blood test, within 10 days from the date the department sends notice of
2 suspension, the department receives a request for a hearing from a person
3 whose driving privileges or commercial driving privileges the department
4 proposes to suspend under this section, the department shall provide a
5 hearing in accordance with this section. The person shall request a hearing
6 in the form and manner prescribed by the department by rule. Except as
7 otherwise provided under this section, a hearing held by the department un-
8 der this section is subject to the provisions for contested cases, other than
9 appeal provisions, under ORS chapter 183. The applicable appeal provisions
10 are as provided under ORS 813.450 and section 24, chapter 672, Oregon Laws
11 1985. Notwithstanding ORS 809.430, the department is not required to give
12 any notice of intent to suspend or suspension in addition to that provided
13 under ORS 813.100.

14 “[~~(4)~~] (5) Except as provided in subsection [~~(5)~~] (6) of this section, a
15 hearing required by this section is subject to all of the following:

16 “(a) The hearing shall be conducted by an administrative law judge as-
17 signed from the Office of Administrative Hearings established under ORS
18 183.605.

19 “(b) The administrative law judge shall conduct the hearing by telephone
20 or other two-way electronic communication device.

21 “(c) The department may authorize the administrative law judge to issue
22 a final order in any case.

23 “(d) A person who requests a hearing under this section and who fails,
24 without just cause, to appear personally or through an attorney waives the
25 right to a hearing. If a person waives a right to a hearing under this para-
26 graph, the department is not required to make any showing at hearing.

27 “(e) Except as provided in ORS 813.440 or upon remand under ORS
28 813.450, the department shall hold the hearing and issue a final order within
29 30 days of the date of the arrest or, if the person fails a blood test, within
30 60 days from the date the department received the report of the failure.

1 “(f) In connection with the hearing, the department or its authorized
2 representative may administer oaths and shall issue subpoenas for the ap-
3 pearance of witnesses by telephone or other two-way electronic communi-
4 cation device at the hearing requested by the person or the department and
5 the production of relevant documents.

6 “(g) The hearing shall be recorded by whatever means may be determined
7 by the department and shall include testimony and exhibits, if any. The re-
8 cord of the proceedings may not be transcribed unless requested by a party
9 to the proceeding.

10 “[5)(a)] **(6)(a)** A person or a police officer may request that a hearing
11 required by this section be conducted in person.

12 “(b) The department, by rule, shall establish the manner and time limita-
13 tion requirements by which a person or a police officer may request that a
14 hearing be conducted in person.

15 “(c) Unless there is an agreement between the person and the department
16 that the hearing be conducted elsewhere, a hearing requested under this
17 subsection shall be held either in the county where the alleged offense oc-
18 curred or at any place within 100 miles of the place where the offense is
19 alleged to have occurred, as established by the department by rule.

20 “(d) In connection with the hearing, the department or its authorized
21 representative may administer oaths and shall issue subpoenas for the at-
22 tendance of witnesses at the hearing requested under this subsection by the
23 person and the production of relevant documents.

24 “[6)] **(7)** This subsection shall be narrowly construed so as to effect the
25 legislative purpose of limiting the scope of hearings under this section. The
26 scope of a hearing under this section shall be limited to whether the sus-
27 pension is valid as described in this subsection. A suspension under this
28 section is valid if all of the following requirements have been met:

29 “(a) The person, at the time the person was requested to submit to a test
30 under ORS 813.100, was under arrest for driving while under the influence

1 of intoxicants in violation of ORS 813.010 or a municipal ordinance.

2 “(b) The police had reasonable grounds to believe, at the time the request
3 was made, that the person arrested had been driving under the influence of
4 intoxicants in violation of ORS 813.010 or of a municipal ordinance.

5 “(c) The person refused a test under ORS 813.100, or took a breath or
6 blood test and the test disclosed that the level of alcohol in the person’s
7 blood at the time of the test was:

8 “(A) 0.08 percent or more by weight if the person was not driving a
9 commercial motor vehicle;

10 “(B) 0.04 percent or more by weight if the person was driving a commer-
11 cial motor vehicle; or

12 “(C) Any amount if the person was under 21 years of age.

13 “(d) If the report under ORS 813.120 indicates that the person was driving
14 a commercial motor vehicle, the vehicle was in fact a commercial motor ve-
15 hicle as defined in ORS 801.208.

16 “(e) The person had been informed under ORS 813.100 of rights and con-
17 sequences as described under ORS 813.130.

18 “(f) The person was given written notice required under ORS 813.100.

19 “(g) If the person arrested submitted to a test under ORS 813.100, the
20 person administering the test was qualified to administer the test under ORS
21 813.160.

22 “(h) If the person arrested submitted to a test under ORS 813.100, the
23 methods, procedures and equipment used in the test complied with require-
24 ments under ORS 813.160.

25 “[7] (8) A suspension imposed under this section shall remain in effect
26 pending any appeal or remand of a final order issued under this section and
27 there shall be no stay of the suspension pending appeal or remand.

28 “[8] (9) Unless a person fails, without just cause, to appear personally
29 or through an attorney at a hearing requested under this section, a person
30 shall have the right to appeal any final order by the department after a

1 hearing under this section by filing a petition. The following apply to this
2 subsection:

3 “(a) The person shall file the petition in the circuit court for the county
4 where the person resides or, if the person does not reside in Oregon, in the
5 circuit court of the county in which the arrest took place within 30 days
6 after issuance of the final order of the department.

7 “(b) The court upon receipt of the petition shall set the matter for hearing
8 upon 10 days’ notice to the department and the petitioner unless hearing is
9 waived by both the department and the petitioner.

10 **“SECTION 119.** ORS 813.460 is amended to read:

11 “813.460. If the Department of Transportation verifies to its satisfaction
12 that it has suspended the driving privileges of the wrong person under ORS
13 813.410 because a person arrested for driving under the influence of
14 intoxicants gave false identification at the time of the arrest, all the fol-
15 lowing apply:

16 “(1) The department shall immediately rescind the suspension order under
17 the false name and shall issue a suspension order for the period set forth in
18 ORS 813.420 to the person arrested.

19 “(2) The department shall issue the order in the manner set forth in ORS
20 809.430.

21 “(3) No further notice of suspension need be given.

22 “(4) The time limitations in ORS 813.410 (1), (2), (3) [*and (4)(e)*], **(4) and**
23 **(5)(e)** do not apply to a suspension order issued under this section.

24 **“SECTION 120.** ORS 825.410 is amended to read:

25 “825.410. (1) Every motor carrier must:

26 “(a) Have an in-house drug and alcohol testing program that meets the
27 federal requirements of 49 C.F.R. part 382; or

28 “(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that
29 provides testing that meets the federal requirements.

30 “(2) At the time of registration or renewal of registration of a commercial

1 vehicle or a commercial motor vehicle under any provision of ORS chapter
2 803 or 826, a motor carrier must certify to the Department of Transportation
3 that the carrier is in compliance with subsection (1) of this section and, if
4 the carrier belongs to a consortium, must provide the department with the
5 names of persons who operate the consortium.

6 “[3] *When a medical review officer of a motor carrier’s testing program or*
7 *of the consortium the carrier belongs to determines that a positive test result*
8 *is valid, the officer must report the finding to the department.*]

9 **“SECTION 121.** ORS 825.415 is amended to read:

10 “825.415. (1) As used in this section [*and ORS 825.418*], ‘school transpor-
11 tation provider’ means a school district or a school district contractor that
12 uses school buses or school activity vehicles for:

13 “(a) The transportation of students or school personnel to or from school
14 or school-related activities; or

15 “(b) Public transportation purposes as provided in ORS 332.427.

16 “(2) Every school transportation provider shall:

17 “(a) Have an in-house drug and alcohol testing program that meets the
18 federal requirements of 49 C.F.R. part 382; or

19 “(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that
20 provides testing that meets the federal requirements.

21 “(3) Each calendar year, a school transportation provider shall certify to
22 the Department of Education that the provider is in compliance with sub-
23 section (2) of this section and, if the provider belongs to a consortium, shall
24 provide the department with the names of persons who operate the consor-
25 tium.

26 “(4) When a medical review officer of a school transportation provider’s
27 testing program or of the consortium the provider belongs to determines that
28 a positive test result is valid, the officer shall report the finding to the
29 [*Department of Transportation and to the*] department [*of Education*].

30 **“SECTION 122.** ORS 825.960 is amended to read:

1 “825.960. (1) When the Department of Transportation receives notification
2 that a person has violated an out-of-service order or notice, the department
3 shall impose a civil penalty [*of not less than \$2,750 or more than \$25,000*] on
4 the employer of an operator of a commercial motor vehicle if the department
5 finds that the employer knowingly allowed, permitted, authorized or required
6 the operator to violate the order or notice.

7 “(2) For purposes of this section, ‘notification’ includes, but is not neces-
8 sarily limited to, a record of conviction and a record of a determination by
9 a state or federal agency with jurisdiction to make such determinations that
10 the person has violated an out-of-service order or notice.

11 “(3) Civil penalties under this section shall be imposed in the manner
12 provided by ORS 183.745.

13 “(4) If the amount of the penalty is not paid to the department, the At-
14 torney General, at the request of the department, shall bring an action in the
15 name of the State of Oregon in the Circuit Court of Marion County to re-
16 cover such penalty. The action shall not be commenced until after the time
17 has expired for an appeal from the findings, conclusions and order of the
18 department. In all such actions the procedure and rules of evidence shall be
19 the same as an ordinary civil action except as otherwise provided in this
20 chapter.

21 “(5) **The department may adopt by rule a schedule establishing the**
22 **amount of the civil penalty that may be imposed under this section.**

23 **“SECTION 123. ORS 825.412 and 825.418 are repealed.**

24 **“SECTION 124. (1) Section 115 of this 2021 Act and the amendments**
25 **to statutes by sections 104 to 108, 113, 116 to 119 and 122 of this 2021**
26 **Act apply to conduct giving rise to a driving privilege restriction,**
27 **cancellation, suspension or revocation imposed on or after the appli-**
28 **cable operative date specified in section 165 of this 2021 Act. Driving**
29 **privilege restrictions, cancellations, suspensions or revocations im-**
30 **posed before the applicable operative date specified in section 165 of**

1 this 2021 Act shall continue to be governed by the law applicable to
2 driving privilege restrictions, cancellations, suspensions and revoca-
3 tions in effect immediately before the applicable operative date speci-
4 fied in section 165 of this 2021 Act.

5 “(2) Section 103 of this 2021 Act does not apply to a person who
6 holds a commercial driver license, school bus endorsement, passenger
7 endorsement or hazardous materials endorsement before February 7,
8 2022.

9 “(3) Section 103 of this 2021 Act applies to conduct giving rise to a
10 driving privilege cancellation or suspension imposed on or after Feb-
11 ruary 7, 2022.

12
13 **“DEFINITION OF AUTOCYCLE**

14
15 **“SECTION 125.** ORS 801.133 is amended to read:

16 “801.133. ‘Autocycle’ means a motorcycle that:

17 “(1) Is manufactured to travel on three wheels;

18 “[~~(2)~~ *Has a steering wheel for steering control;*]

19 “[~~(3)~~] **(2)** Has nonstraddle seating; and

20 “[~~(4)~~] **(3)** Is equipped with a manufacturer-installed three-point safety belt
21 or safety harness.

22
23 **“REPLACING VEHICLE REGISTRATION PLATES**

24
25 **“SECTION 126.** ORS 803.530 is amended to read:

26 “803.530. (1) Registration plates assigned to a vehicle by the Department
27 of Transportation shall remain with the vehicle to which the plates are as-
28 signed and are valid only during the registration period for which the plates
29 are issued except as provided in this section.

30 “(2) The department may allow registration plates to be transferred to

1 another vehicle if:

2 “(a) The department receives an application;

3 “(b) The applicant pays the plate transfer fee under ORS 803.575; and

4 “(c) The applicant complies with the registration qualifications described
5 in ORS 803.350.

6 “(3) The department shall transfer registration plates under this section
7 if the applicant and the vehicle qualify for the plates and the plates are:

8 “(a) Legible and capable of being used for identification purposes; and

9 “(b) Any of the following:

10 “(A) From a current issue of registration plates;

11 “(B) Customized registration plates described under ORS 805.240;

12 “(C) Oregon Trail commemorative registration plates issued under section
13 113, chapter 741, Oregon Laws 1993;

14 “(D) Special registration plates issued under ORS 805.255, 805.260, 805.263,
15 805.266, 805.278 or 805.283;

16 “(E) Group registration plates issued under ORS 805.205;

17 “(F) Veterans’ recognition registration plates issued under ORS 805.105;

18 “(G) Pacific Wonderland registration plates issued under ORS 805.287; or

19 “(H) Registration plates issued through the special registration program
20 under ORS 805.222.

21 “(4) Notwithstanding ORS 803.400, when registration plates are trans-
22 ferred from one vehicle to another vehicle owned by the same person, the
23 registration period represented by the plates also transfers with the plates.
24 When registration plates are transferred from one vehicle to another vehicle
25 not owned by the same person, the remaining registration period represented
26 by the transferred plates ceases for both the vehicle receiving the transferred
27 plates and the vehicle from which the plates were removed.

28 “(5) The owner of a registered vehicle to which a plate is assigned may
29 replace a registration plate. The following apply to this subsection:

30 “(a) To replace a plate under this subsection, the owner must apply to the

1 department for replacement of the plate in a form prescribed by the depart-
2 ment and pay the replacement plate fee established under ORS 803.575.

3 “(b) The department, in lieu of replacement, may issue duplicate plates for
4 the same fee as charged for replacements.

5 “(c) The plates issued under this subsection are valid only for the period
6 of the plates replaced.

7 **“(d) The replaced plates may not be considered customized plates**
8 **when they are replaced, if:**

9 **“(A) The original plates were from plates currently issued;**

10 **“(B) The original plates were not customized plates; and**

11 **“(C) The replacement plates are a duplicate of the original plates.**

12 **“(e) When a vehicle is assigned a pair of plates and the owner**
13 **wishes to replace a single plate, the department may replace a single**
14 **plate rather than replace both plates.**

15 “(6) A county may replace a registration plate that is from a specially
16 designed government series with a registration plate that is from a regular
17 series. The following apply to this subsection:

18 “(a) To replace a plate under this subsection, the county must apply to
19 the department for replacement of the plate in a form prescribed by the de-
20 partment and pay the replacement plate fee established under ORS 803.575.

21 “(b) The plates issued under this subsection are valid only for the period
22 of the plates replaced.

23 “(7) If the department retired the vehicle’s registration under ORS 819.030
24 because the vehicle is totaled or substantially altered, a person may apply
25 under subsection (2) of this section to transfer the registration plates to an-
26 other vehicle.

27 “(8) Subject to subsections (2) and (4) of this section, after the department
28 authorizes the use of special interest plates under ORS 805.210, a person may
29 apply to transfer the plates to either:

30 “(a) A vehicle that was previously determined by the department to

1 qualify as a vehicle of special interest; or

2 “(b) A vehicle approved by the department as a vehicle of special interest
3 at the time of application.

4 “(9) If a person described in subsection (8) of this section provides the
5 department with only one special interest registration plate for transfer and
6 the department’s vehicle records show the special interest registration plate
7 belongs to a vehicle record with no owner matching an applicant, the appli-
8 cant shall provide proof, as determined by the department by rule, that the
9 plate is no longer used on the vehicle it is currently showing being regis-
10 tered to in the department’s vehicle records.

11 **“SECTION 127.** ORS 803.525 is amended to read:

12 “803.525. The Department of Transportation shall issue two registration
13 plates for every vehicle that is registered by the department except as oth-
14 erwise provided in this section **or ORS 803.530**. Upon renewal or when oth-
15 erwise provided under ORS 803.555, the department may issue stickers in lieu
16 of or in addition to registration plates. The following shall be issued plates
17 as described:

18 “(1) Only one registration plate shall be issued for a moped, motorcycle,
19 trailer, antique vehicle or vehicle of special interest registered by the de-
20 partment.

21 “(2) Only one plate shall be issued for a camper that is registered. Stick-
22 ers may be issued in lieu of a plate.

23

24 **“CONFORMING AMENDMENTS GENERALLY**

25

26 **“SECTION 128.** ORS 824.990 is amended to read:

27 “824.990. (1) In addition to all other penalties provided by law:

28 “(a) Every person who violates or who procures, aids or abets in the vi-
29 olation of ORS 824.060 (1), 824.084, 824.088, 824.304 (1) or 824.306 (1) or any
30 order, rule or decision of the Department of Transportation shall incur a

1 civil penalty of not more than \$1,000 for every such violation.

2 “(b) Every person who violates or who procures, aids or abets in the vi-
3 olation of any order, rule or decision of the department promulgated pursu-
4 ant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082 (1) or 824.208 shall incur
5 a civil penalty of not more than \$1,000 for every such violation.

6 “(2) Each such violation shall be a separate offense and in case of a
7 continuing violation every day’s continuance is a separate violation. Every
8 act of commission or omission that procures, aids or abets in the violation
9 is a violation under subsection (1) of this section and subject to the penalty
10 provided in subsection (1) of this section.

11 “(3) Civil penalties imposed under subsection (1) of this section shall be
12 imposed in the manner provided in ORS 183.745.

13 “(4) The department may reduce any penalty provided for in subsection
14 (1) of this section on such terms as the department considers proper if:

15 “(a) The defendant admits the violations alleged in the notice and makes
16 timely request for reduction of the penalty; or

17 “(b) The defendant submits to the department a written request for re-
18 duction of the penalty within 15 days from the date the penalty order is
19 served.

20

21 **“GENERAL REPEALS**

22

23 **“SECTION 129. ORS 184.631 and 824.104 and sections 2 and 3, chapter**
24 **24, Oregon Laws 2018, are repealed.**

25

26 **“TRANSPORTATION PROJECTS**

27

28 **“SECTION 130. ORS 367.095 is amended to read:**

29 **“367.095. (1) The following amounts shall be distributed in the manner**
30 **prescribed in this section:**

1 “(a) The amount attributable to the increase in tax rates by section 45,
2 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and
3 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

4 “(b) The amount attributable to the vehicle registration and title fees
5 imposed under ORS 803.091 and 803.422.

6 “(c) The amount attributable to the increase in taxes and fees by the
7 amendments to ORS 803.420, 803.645, 818.225, 818.270, 825.476, 825.480 and
8 826.023 by sections 34, 35, 48, 49, 51, 52, 54, 63, 64, 66, 67 and 70, chapter 750,
9 Oregon Laws 2017.

10 “(2) The amounts described in subsection (1) of this section shall be dis-
11 tributed in the following order and for the following purposes:

12 “(a)(A) For calendar years beginning on or after January 1, 2022, \$30
13 million per year shall be used **to pay for:**

14 “(i) The Interstate 5 Rose Quarter Project;

15 “(ii) **The Interstate 205 Improvements: Stafford Road to Oregon**
16 **Route 213 Project;**

17 “(iii) **The Interstate 5 Boone Bridge and Seismic Improvement**
18 **Project; and**

19 “(iv) **The implementation of the toll program established under ORS**
20 **383.150.**

21 “(B) [*This*] **The amount described in subparagraph (A) of this para-**
22 **graph** shall be used to pay for [*the Interstate 5 Rose Quarter Project,*] **costs,**
23 including project costs on a current basis and paying for debt service on
24 bonds issued to finance the [*project*] **projects or toll program,** only until
25 the later of the date on which the [*project*] **projects or toll program** is
26 completed or on which all bonds issued to fund the [*project*] **projects or toll**
27 **program** have been repaid. Any remaining moneys shall be distributed as
28 described in subsection (3) of this section.

29 “(b) \$10 million per year shall be deposited into the Safe Routes to
30 Schools Fund for the purpose of providing Safe Routes to Schools matching

1 grants under ORS 184.742. The remainder of the moneys shall be distributed
2 as described in subsection (3) of this section.

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

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

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

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

9 “(4) The moneys described in subsection (3)(a) of this section or equiv-
10 alent amounts that become available to the Department of Transportation
11 shall be allocated as follows:

12 “(a) \$10 million for safety.

13 “(b) Of the remaining balance:

14 “(A) Forty percent for bridges.

15 “(B) Thirty percent for seismic improvements related to highways and
16 bridges.

17 “(C) Twenty-four percent for state highway pavement preservation and
18 culverts.

19 “(D) Six percent for state highway maintenance and safety improvements.

20 **“SECTION 131.** ORS 367.095, as amended by section 47, chapter 491,
21 Oregon Laws 2019, is amended to read:

22 “367.095. (1) The following amounts shall be distributed in the manner
23 prescribed in this section:

24 “(a) The amount attributable to the increase in tax rates by section 45,
25 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and
26 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

27 “(b) The amount attributable to the vehicle registration and title fees
28 imposed under ORS 803.091 and 803.422.

29 “(c) The amount attributable to the increase in taxes and fees by the
30 amendments to ORS 803.420, 803.645, 818.225, 825.476, 825.480 and 826.023 by

1 sections 34, 35, 48, 49, 51, 52, 63, 64, 66, 67 and 70, chapter 750, Oregon Laws
2 2017.

3 “(2) The amounts described in subsection (1) of this section shall be dis-
4 tributed in the following order and for the following purposes:

5 “(a)(A) \$30 million per year shall be used **to pay** for:

6 “(i) The Interstate 5 Rose Quarter Project;

7 “(ii) **The Interstate 205 Improvements: Stafford Road to Oregon**
8 **Route 213 Project;**

9 “(iii) **The Interstate 5 Boone Bridge and Seismic Improvement**
10 **Project; and**

11 “(iv) **The implementation of the toll program established under ORS**
12 **383.150.**

13 “(B) [*This*] **The amount described in subparagraph (A) of this para-**
14 **graph** shall be used to pay for [*the Interstate 5 Rose Quarter Project*] **costs,**
15 including project costs on a current basis and paying for debt service on
16 bonds issued to finance the [*project*] **projects or toll program,** only until
17 the later of the date on which the [*project*] **projects or toll program** is
18 completed or on which all bonds issued to fund the [*project*] **projects or toll**
19 **program** have been repaid. Any remaining moneys shall be distributed as
20 described in subsection (3) of this section.

21 “(b) \$15 million per year shall be deposited into the Safe Routes to
22 Schools Fund for the purpose of providing Safe Routes to Schools matching
23 grants under ORS 184.742. The remainder of the moneys shall be distributed
24 as described in subsection (3) of this section.

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

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

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

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

1 “(4) The moneys described in subsection (3)(a) of this section or equiv-
2 alent amounts that become available to the Department of Transportation
3 shall be allocated as follows:

4 “(a) \$10 million for safety.

5 “(b) Of the remaining balance:

6 “(A) Forty percent for bridges.

7 “(B) Thirty percent for seismic improvements related to highways and
8 bridges.

9 “(C) Twenty-four percent for state highway pavement preservation and
10 culverts.

11 “(D) Six percent for state highway maintenance and safety improvements.

12

13 **“TOLLING**

14

15 **“SECTION 132. ORS 383.001 is added to and made a part of ORS**
16 **383.003 to 383.075.**

17 **“SECTION 133. ORS 383.001 is amended to read:**

18 “383.001. The Legislative Assembly finds that:

19 “(1) The development, improvement, expansion and maintenance of an ef-
20 ficient, safe and well-maintained system of roads, highways and other trans-
21 portation facilities is essential to the economic well-being and high quality
22 of life of the people of this state.

23 “(2) Public sources of revenues, including federal funding, to provide an
24 efficient transportation system have not kept pace with the state’s growing
25 population and growing transportation needs, and all available alternative
26 sources of funding should be utilized to supplement available public sources
27 of revenues.

28 “(3) Because public funding sources are not providing the state with suf-
29 ficient funds to meet all of its transportation needs, private funding should
30 be encouraged as an additional source of funding for transportation projects

1 and facilities.

2 “(4) Various alternatives for utilizing the funds of private entities in the
3 acquisition, design, construction, reconstruction, operation and maintenance
4 of transportation facilities exist, including arrangements whereby private
5 entities obtain exclusive agreements to design, build, own, lease or operate
6 with private funds all or a portion of transportation projects and facilities
7 in exchange for the right to receive certain revenues generated from the
8 operation and utilization of such transportation projects and facilities.

9 “(5) Another important alternative for the funding of transportation fa-
10 cilities is the use of federal funds pursuant to 23 U.S.C. 129(a), as amended
11 by section 112 of the Intermodal Surface Transportation Efficiency Act of
12 1991, which established a program authorizing federal participation in con-
13 struction of publicly or privately owned toll highways, bridges and tunnels.

14 “(6) The federal legislation allows for a mix of federal funding and private
15 funding of transportation facilities, allowing the states to leverage available
16 federal funds as a means for attracting private capital.

17 “(7) Legislation for the utilization of private funding of transportation
18 facilities should be flexible enough to permit the Department of Transporta-
19 tion to obtain the advantages of any available alternative under which the
20 acquisition, design, construction, reconstruction, operation, maintenance and
21 repair of transportation facilities can be financed in whole or in part or in
22 combination by any available sources of private or public funding.

23 “(8) The funding of transportation facilities through the imposition of
24 tolls on those who use such facilities is a fair and impartial means of as-
25 sessing the costs of improvements against those who most benefit from such
26 improvements, and is consistent with public policy.

27 “(9) Joint endeavors of public and private entities do the following:

28 “(a) Take advantage of private sector efficiencies in designing, con-
29 structing and operating transportation projects.

30 “(b) Allow for the rapid formation of capital necessary for funding

1 transportation projects.

2 “(c) Require continued compliance with environmental requirements and
3 applicable state and federal laws that all publicly financed projects must
4 address.

5 **“(10) Significant traffic congestion adversely impacts Oregon’s**
6 **economy and the quality of life of Oregon’s communities. Where ap-**
7 **propriate, variable rate tolls should be applied to reduce traffic con-**
8 **gestion and support the state’s greenhouse gas emissions reduction**
9 **goals.**

10 **“SECTION 134.** ORS 383.003 is amended to read:

11 “383.003. As used in ORS 383.003 to 383.075:

12 “(1) ‘Department’ means the Department of Transportation.

13 “[2) ‘*Electronic toll collection system*’ means a system that records use of
14 a tollway by electronic transmissions to or from the vehicle using the tollway
15 and that collects tolls, or that is capable of charging an account established
16 by a person for use of the tollway.]

17 “[3) ‘*Photo enforcement system*’ means a system of sensors installed to work
18 in conjunction with an electronic toll collection system and other traffic control
19 devices and that automatically produces videotape or one or more photographs,
20 microphotographs or other recorded images of a vehicle in connection with the
21 collection or enforcement of tolls.]

22 **“(2) ‘Electronic toll collection system’ means a system for collecting**
23 **tolls that:**

24 **“(a) Does not require a vehicle to stop at a toll booth to pay the toll;**
25 **and**

26 **“(b) Uses transponder readers and license plate capture cameras to**
27 **aid in collecting tolls.**

28 “[4] (3) ‘Private entity’ means any nongovernmental entity, including a
29 corporation, partnership, company or other legal entity, or any natural per-
30 son.

1 “[5] (4) ‘Related facility’ means any real or personal property that:

2 “(a) Will be used to operate, maintain, renovate or facilitate the use of
3 the tollway;

4 “(b) Will provide goods or services to the users of the tollway; or

5 “(c) [*Can be developed efficiently when tollways are developed and*] Will
6 generate revenue that may be used to reduce tolls or will be deposited in the
7 [*State Tollway Account*] **Toll Program Fund.**

8 “[6] (5) ‘Toll’ means any fee or charge for the use of a tollway.

9 “[7] ‘*Toll booth collections*’ means the manual or mechanical collection of
10 cash or charging of an account at a toll plaza, toll booth or similar fixed toll
11 collection facility.]

12 “[8] (6) ‘Tollway’ means any roadway, path, highway, bridge, tunnel,
13 railroad track, bicycle path or other paved surface or structure specifically
14 designed as a land vehicle transportation route **for the use of which tolls**
15 **are assessed**[, *the construction, operation or maintenance of which is wholly*
16 *or partially funded with toll revenues resulting from an agreement under ORS*
17 *383.005*].

18 “[9] (7) ‘Tollway operator’ means the unit of government or the private
19 entity that is responsible for **all or any portion of** the construction, recon-
20 struction, [*installation,*] improvement, financing, maintenance, repair and
21 operation of a tollway or a related facility.

22 “[10] (8) ‘Tollway project’ means any capital project involving the [*ac-*
23 *quisition of land for, or the construction, reconstruction, improvement, instal-*
24 *lation,*] development, **operation** or equipping of[,] a tollway, related facilities
25 or any portion thereof.

26 “(9) ‘**Tollway project revenue bonds**’ means **revenue bonds desig-**
27 **nated as tollway project revenue bonds under section 19 of this 2021**
28 **Act.**

29 “[11] (10) ‘Unit of government’ means any department or agency of the
30 federal government, any state, any department or agency of a state, any

1 bistate entity created by agreement under ORS 190.420 or other law for the
2 purposes of the Interstate 5 bridge replacement project, and any city, county,
3 district, port or other public corporation organized and existing under stat-
4 utory law or under a voter-approved charter.

5 **“SECTION 135.** ORS 383.004 is amended to read:

6 “383.004. (1) Except as provided in subsection (2) of this section, a toll
7 may not be established unless the Oregon Transportation Commission has
8 reviewed and approved the toll. The commission shall adopt rules specifying
9 the process under which proposals to establish tolls will be reviewed. When
10 reviewing a proposal to establish tolls, the commission shall take into con-
11 sideration:

12 “(a) The amount and classification of the traffic using, or anticipated to
13 use, the tollway;

14 “(b) The amount of the toll proposed to be established for each class or
15 category of tollway user and, if applicable, the different amounts of the toll
16 depending on time and day of use;

17 “(c) The extent of the tollway, including improvements necessary for
18 tollway operation and improvements necessary to support the flow of traffic
19 onto or off of the tollway;

20 “(d) The location of [*toll plazas or toll collection devices*] **toll booths or**
21 **electronic toll collection systems** to collect the toll for the tollway;

22 “(e) The cost of constructing, reconstructing, improving, installing,
23 maintaining, repairing and operating the tollway;

24 “(f) The amount of indebtedness incurred for the construction of the
25 tollway and **all expenses and obligations related to the indebtedness**
26 **including, without limitation, financial covenants,** debt service require-
27 **ments, reserve requirements and any other funding requirements es-**
28 **tablished under the terms of any indenture prepared under section 150**
29 **of this 2021 Act and any other contracts establishing the terms of the**
30 **indebtedness,** if any;

1 “(g) The value of assets, equipment and services required for the opera-
2 tion of the tollway;

3 “(h) The period of time during which the toll will be in effect;

4 “(i) The process for altering the amount of the toll during the period of
5 operation of the tollway;

6 “(j) The method of collecting the toll; and

7 “(k) The rate of return that would be fair and reasonable for a private
8 equity holder, if any, in the tollway.

9 “(2)(a) Nothing in ORS 383.003 to 383.075 prohibits a city or county from
10 establishing a toll on any highway, as defined in ORS 801.305, that the city
11 or county has jurisdiction over as a road authority pursuant to ORS 810.010.

12 “(b) Nothing in ORS 383.003 to 383.075 prohibits Multnomah County from
13 establishing a toll on the bridges across the Willamette River that are within
14 the boundaries of the City of Portland and that are operated and maintained
15 by Multnomah County as required under ORS 382.305 and 382.310.

16 “(c) **Nothing in ORS 383.003 to 383.075 prohibits the Port of Hood**
17 **River from establishing a toll on the bridges across the Columbia River**
18 **that are operated and maintained by the port.**

19 “(d) **Nothing in ORS 383.003 to 383.075 prohibits the Port of Cascade**
20 **Locks from establishing a toll on the bridges across the Columbia**
21 **River that are operated and maintained by the port.**

22 “**SECTION 136.** ORS 383.009 is amended to read:

23 “383.009. (1) There is hereby established the [*State Tollway Account*] **Toll**
24 **Program Fund** as a separate [*account*] **and distinct fund** [*within*] **from** the
25 State Highway Fund. The [*State Tollway Account*] **Toll Program Fund** shall
26 consist of:

27 “(a) All moneys and revenues received by the Department of Transporta-
28 tion from or made available by the federal government to the department for
29 any tollway project or for the operation or maintenance of any tollway;

30 “(b) Any moneys received by the department from any other unit of gov-

1 ernment or any private entity for a tollway project or from the operation or
2 maintenance of any tollway;

3 “(c) All moneys and revenues received by the department from any
4 **agreement entered into or** loan made by the department for a tollway
5 project pursuant to ORS 383.005, and from any lease, agreement, franchise
6 or license for the right to the possession and use, operation or management
7 of a tollway project;

8 “(d) All tolls and other revenues received by the department **or tollway**
9 **operator** from the users of any tollway project;

10 “(e) The proceeds of any bonds authorized to be issued for tollway
11 projects;

12 “(f) Any moneys that the department has legally transferred from the
13 State Highway Fund to the [*State Tollway Account*] **Toll Program Fund** for
14 tollway projects;

15 “(g) All moneys and revenues received by the department from all other
16 sources that by **gift, bequest, donation, grant, contract or law from any**
17 **public or private source are for deposit in the Toll Program Fund** [*are*
18 *allocated or dedicated for tollway projects*];

19 “(h) All interest earnings on investments made from any of the moneys
20 held in the [*State Tollway Account*] **Toll Program Fund**; [*and*]

21 “(i) All civil penalties and administrative fees paid to the department
22 from the enforcement of tolls[.];

23 “(j) **Fees paid to the department for information provided under**
24 **ORS 383.075;**

25 “(k) **Moneys appropriated for deposit in or otherwise transferred to**
26 **the Toll Program Fund by the Legislative Assembly; and**

27 “(L) **Moneys received from federal sources or other state or local**
28 **sources, excluding proceeds of Highway User Tax Bonds issued under**
29 **ORS 367.615 that finance projects other than toll projects.**

30 “(2) Moneys in the [*State Tollway Account*] **Toll Program Fund** may be

1 used by the department for the following purposes:

2 “(a) To finance preliminary studies and reports for any tollway project;

3 “(b) To acquire land to be owned by the state for tollways and any related
4 facilities therefor;

5 “(c) To finance the construction, renovation, operation, improvement,
6 maintenance or repair of any tollway project;

7 “(d) To make grants or loans to a unit of government for tollway projects;

8 “(e) To make loans to private entities for tollway projects;

9 “(f) To pay the principal, interest and premium due with respect to, and
10 to pay the costs connected with the issuance or ongoing administration of,
11 any bonds or other financial obligations authorized to be issued by, or the
12 proceeds of which are received by, the department for any tollway project,
13 **including capitalized interest and any rebates or penalties due to the**
14 **United States in connection with the bonds;**

15 “(g) To provide a guaranty or other security for any bonds or other fi-
16 nancial obligations, including but not limited to financial obligations with
17 respect to any bond insurance, surety or credit enhancement device issued
18 or incurred by the department, a unit of government or a private entity, for
19 the purpose of financing a single tollway project or any related group or
20 system of [tollways] **tollway projects** or related facilities; [and]

21 “(h) To pay the costs incurred by the department in connection with its
22 oversight, operation and administration of the [State Tollway Account] **Toll**
23 **Program Fund**, the proposals and projects submitted under ORS 383.015 and
24 the tollway projects financed under ORS 383.005[.];

25 “(i) **To develop, implement and administer the toll program estab-**
26 **lished under ORS 383.150, including the cost of consultants, advisors,**
27 **attorneys or other professional service providers appointed, retained**
28 **or approved by the department; and**

29 “(j) **To make improvements or fund efforts on the tollway and on**
30 **adjacent, connected or parallel highways to the tollway to reduce**

1 **traffic congestion as a result of a tollway project, improve safety as a**
2 **result of a tollway project and reduce impacts of diversion as a result**
3 **of a tollway project.**

4 “(3) For purposes of paying or securing bonds or providing a guaranty,
5 surety or other security authorized by [*subsection (2)(g) of*] this section, the
6 department may:

7 “(a) Irrevocably pledge all or any portion of the amounts that are credited
8 to, or are required to be credited to, the [*State Tollway Account*] **Toll Pro-**
9 **gram Fund;**

10 “(b) Establish subaccounts in the [*State Tollway Account*] **Toll Program**
11 **Fund**, and make covenants regarding the credit to and use of amounts in
12 those [*accounts and*] subaccounts; and

13 “(c) Establish separate trust funds or accounts and make covenants to
14 transfer to those separate trust funds or accounts all or any portion of the
15 amounts that are required to be deposited in the [*State Tollway Account*]
16 **Toll Program Fund.**

17 “(4) Notwithstanding any other provision of ORS 383.001 to 383.075, the
18 department shall not pledge any funds or amounts at any time held in the
19 [*State Tollway Account*] **Toll Program Fund** as security for the obligations
20 of a **unit of government or a** private entity unless the department has en-
21 tered into a binding and enforceable agreement that provides the department
22 reasonable assurance that the department will be repaid, with appropriate
23 interest, any amounts that the department is required to advance pursuant
24 to that pledge.

25 “(5) Moneys in the [*State Tollway Account*] **Toll Program Fund** are
26 continuously appropriated to the department for purposes authorized by this
27 section.

28 “(6) **Notwithstanding subsection (1) of this section, a city, county,**
29 **district, port or other public corporation organized and existing under**
30 **statutory law or under a voter-approved charter is not required to**

1 deposit into the Toll Program Fund tolls, or other revenues are re-
2 ceived from the users of any tollway, that are assessed by a city,
3 county, district, port or other public corporation organized and exist-
4 ing under statutory law or under a voter-approved charter.

5 “(7) Moneys in the Toll Program Fund that are transferred from the
6 State Highway Fund or are derived from any revenues under Article
7 IX, section 3a, of the Oregon Constitution, may be used only for pur-
8 poses permitted by Article IX, section 3a, of the Oregon Constitution.

9 **“SECTION 137.** The Toll Program Fund is a continuation of the
10 State Tollway Account. Moneys contained in the State Tollway Ac-
11 count on the effective date of this 2021 Act are considered to be mon-
12 eys in the Toll Program Fund.

13 **“SECTION 138.** ORS 383.155 is repealed.

14 **“SECTION 139.** (1) The Congestion Relief Fund, established under
15 ORS 383.155, is abolished.

16 **“(2) Any moneys remaining in the Congestion Relief Fund on the**
17 **effective date of this 2021 Act that are unexpended, unobligated and**
18 **not subject to any conditions shall be transferred to the Toll Program**
19 **Fund established under ORS 383.009.**

20 **“SECTION 140.** ORS 383.014 is amended to read:

21 *“383.014. [The Oregon Transportation Commission shall set standards by*
22 *rule for electronic toll collection systems and photo enforcement systems used*
23 *on tollways in this state to ensure that systems used in Oregon and systems*
24 *used in the State of Washington are compatible to the extent technology per-*
25 *mits.]* **The Oregon Transportation Commission shall establish criteria**
26 **when selecting electronic toll collection systems used in this state to**
27 **ensure interoperability with tolling systems used in other states, to**
28 **the extent that technology facilitating interoperability exists.**

29 **“SECTION 141.** ORS 383.017 is amended to read:

30 *“383.017. [(1) The Department of Transportation may award any contract,*

1 *franchise, license or agreement related to a tollway project, other than a con-*
2 *cession for the provision of goods or services at a rest area, under a competitive*
3 *process or by private negotiation with one or more entities, or by any combi-*
4 *nation of competition and negotiation without regard to any other laws con-*
5 *cerning the procurement of goods or services for projects of the state.]*

6 *“(2) When using a competitive process for the award of a tollway project*
7 *contract, the department shall consider the following factors in addition to the*
8 *proposer’s estimate of cost:]*

9 *“(a) The quality of the design, if applicable, submitted by a proposer. In*
10 *considering the quality of the design of a tollway project, the department shall*
11 *take into consideration:]*

12 *“(A) The structural integrity of the design, including the probable effect*
13 *of the design on the future costs of maintenance of the tollway;]*

14 *“(B) The aesthetic qualities of the design, including such factors as the*
15 *width of lane separators, landscaping and sound walls;]*

16 *“(C) The traffic capacity of the design;]*

17 *“(D) The aspects of the design that affect safety, such as the lane width,*
18 *the quality of lane markers and separators, the shape and positioning of ramps*
19 *and curves and the changes in elevation; and]*

20 *“(E) The ease with which traffic will be able to pass through the toll col-*
21 *lection facilities.]*

22 *“(b) The extent to which small businesses will be involved in the tollway*
23 *project. The department shall encourage participation by small businesses to*
24 *the maximum extent the department determines is practicable. As used in this*
25 *paragraph, ‘small business’ means an independent business with fewer than*
26 *20 employees and with average annual gross receipts over the last three years*
27 *not exceeding \$1 million for construction firms and \$300,000 for noncon-*
28 *struction firms. ‘Small business’ does not include a subsidiary or parent com-*
29 *pany belonging to a group of firms that are owned and controlled by the same*
30 *individuals and that have average aggregate annual gross receipts in excess*

1 of \$1 million for construction firms or \$300,000 for nonconstruction firms over
2 the last three years.]

3 “[c) The financial stability of the proposer and the ability of the proposer
4 to provide funding for the tollway project and surety for its performance and
5 financial obligations with respect to the tollway project.]

6 “[d) The experience of the proposer and its subcontractors in building and
7 operating projects such as the tollway project.]

8 “[e) The terms of the financial arrangement proposed or accepted by the
9 proposer with respect to franchise fees, license fees, lease payments or operating
10 expenses and the proposer’s required rate of return from its operation or
11 maintenance of the tollway.]

12 “[(3)(a) The department may adopt rules and procedures for the award of
13 franchises, licenses, leases or other concessions for rest areas without regard
14 to any other laws concerning the procurement of goods or services for projects
15 of the state. All such franchises, licenses, leases or other concessions shall re-
16 quire the franchisee, licensee, lessee or concessionaire, as applicable, to main-
17 tain the subject premises in accordance with all applicable state and federal
18 health and safety standards, to maintain one or more policies of casualty and
19 property insurance and adequate workers’ compensation insurance, and to pay
20 and discharge all taxes, utilities, fees and other charges or claims that are
21 levied, assessed or charged against the premises or concession or that may be-
22 come a lien upon the premises. The rules shall encourage participation by
23 small businesses to the maximum extent the department determines is practi-
24 cable. The department may grant any small business a 10 percent or greater
25 bid advantage in any bidding process for a concession.]

26 “[b) As used in this subsection, ‘small business’ means an independent
27 business with fewer than 20 employees and with average annual gross receipts
28 over the last three years not exceeding \$300,000. ‘Small business’ does not in-
29 clude a subsidiary or parent company belonging to a group of firms that are
30 owned and controlled by the same individuals and that have average aggregate

1 *annual gross receipts in excess of \$300,000 over the last three years. ‘Small*
2 *business’ also does not include a franchise of any business that has average*
3 *aggregate annual gross receipts in excess of \$300,000 over the last three*
4 *years.]*

5 “[(4) *Notwithstanding any other provision of this section, the department*
6 *may use any method for the award of any contract, franchise, license or*
7 *agreement that is necessary to comply with the requirements of any grant or*
8 *other funding source.]*

9 “[(5) *If public funds are involved in the project, construction of a tollway*
10 *project shall be subject to the prevailing wage requirements of ORS 279C.800*
11 *to 279C.870.]*

12 “[(6) *For purposes of complying with applicable state and local land use*
13 *laws, including statewide planning goals, comprehensive plans, land use reg-*
14 *ulations, ORS chapters 195, 196, 197, 198, 199, 215, 221, 222 and 227, and any*
15 *requirement imposed by the Land Conservation and Development Commission,*
16 *a tollway project shall be treated as a project of the department and not as a*
17 *project of any other person or entity.]*

18 “[(7)] (1) Tollways, and any related facilities that would normally be
19 purchased, constructed or installed by the Department **of Transportation**
20 if the tollway were a conventional highway that was constructed and oper-
21 ated by the department, shall be exempt from ad valorem property taxation.

22 “[(8)] (2) Tollways are considered state highways for purposes of law
23 enforcement and application of the Oregon Vehicle Code.

24 “**SECTION 142.** ORS 383.035 is amended to read:

25 “383.035. (1) **A person shall pay a toll established under ORS 383.004.**

26 “[(1)] (2) A person who fails to pay a toll[,] established [*pursuant to*]
27 **under** ORS 383.004[,] shall pay to the Department of Transportation the
28 amount of the toll, a civil penalty [*of not more than \$25*] and an administra-
29 tive fee established by the tollway operator not to exceed the actual cost of
30 collecting the unpaid toll. **The department shall adopt by rule the**

1 **amount of civil penalty that may be imposed for each violation of**
2 **subsection (1) of this section.**

3 **“(3) A civil penalty imposed under this section may be remitted or**
4 **reduced upon such terms and conditions as the department considers**
5 **proper and consistent.**

6 “[2] (4) In addition to any other penalty, the department shall refuse to
7 renew the motor vehicle registration of [*the*] a motor vehicle [*owned by a*
8 *person who*] **when the registered owner of the motor vehicle** has not paid
9 the toll, the civil penalty and any administrative fee charged under this
10 section.

11 “[3] (5) This section does not apply to:

12 “[*a*] A person operating a vehicle owned by a unit of government or the
13 tollway operator;]

14 “[*b*] (a) A person who is a member of a category of persons exempted
15 by the Oregon Transportation Commission from paying a toll; or

16 “[*c*] (b) A person who is a member of a category of persons made eligible
17 by the commission for paying a reduced toll, to the extent of the reduction.

18 “[4] Subsection (1) of this section does not apply to a person who fails to
19 pay a toll established under section 8, chapter 4, Oregon Laws 2013.]

20 “[5]*(a)* Upon receiving a request from the State of Washington, or from the
21 State of Washington’s designee that has contracted with the State of
22 Washington to collect tolls, the department shall provide information to iden-
23 tify registered owners of vehicles who fail to pay a toll established under sec-
24 tion 8, chapter 4, Oregon Laws 2013.]

25 “[*b*] If the State of Washington, or the State of Washington’s designee that
26 has contracted with the State of Washington to collect tolls, gives notice to the
27 department that a person has not paid a toll established under section 8,
28 chapter 4, Oregon Laws 2013, or a civil penalty or administrative fee imposed
29 by reason of failure to pay the toll, the department shall refuse to renew the
30 Oregon motor vehicle registration of the motor vehicle operated by the person

1 *at the time of the violation.]*

2 “[(c) *The department may renew an Oregon motor vehicle registration of a*
3 *person described in paragraph (b) of this subsection upon receipt of a notice*
4 *from the State of Washington, or from the State of Washington’s designee,*
5 *indicating that all tolls, civil penalties and other administrative fees owed by*
6 *the person have been paid.]*

7 “(6) **Civil penalties imposed under this section shall be imposed in**
8 **the manner provided by ORS 183.745.**

9 “**SECTION 143.** ORS 383.045 is amended to read:

10 “383.045. (1) **A recorded image produced by an electronic toll col-**
11 **lection system shall capture only images of a vehicle and the license**
12 **plate of the vehicle.**

13 “[1] (2) Except as provided in subsection [(2)] (3) of this section, a re-
14 corded image of a vehicle and the [registration] **license** plate of the vehicle
15 produced by [a photo enforcement] **an electronic toll collection** system at
16 the time the driver of the vehicle did not pay a toll shall be prima facie ev-
17 idence that the registered owner of the vehicle is the driver of the vehicle.

18 “[2] (3) If the registered owner of a vehicle is a person in the vehicle
19 rental or leasing business, the registered owner may elect to identify the
20 person who was operating the vehicle at the time the toll was not paid or
21 to pay the toll, civil penalty and administrative fee.

22 “[3] (4) A registered owner of a vehicle who pays the toll, civil penalty
23 and administrative fee is entitled to recover the same from the driver, renter
24 or lessee of the vehicle.

25 “**SECTION 144.** ORS 383.075 is amended to read:

26 “383.075. (1) Except as provided in subsections (2) and (3) of this section,
27 records and information used to collect and enforce tolls are exempt from
28 disclosure under public records law and are to be used solely for toll col-
29 lection [*and traffic management by the Department of Transportation*].

30 “(2) Information collected or maintained by an electronic toll collection

1 system may not be disclosed to anyone except:

2 “(a) The owner of an account that is charged for the use of a tollway;

3 “(b) A **collection agency, as defined in ORS 697.005, a payment**
4 **processor as defined by the Department of Transportation by rule, an**
5 **agency, as defined in ORS 183.310, or a financial institution, as necessary**
6 to collect tolls owed;

7 “(c) Employees of the department;

8 “(d) The tollway operator and authorized employees of the operator;

9 “(e) A law enforcement officer who is acting in the officer’s official ca-
10 pacity in connection with toll enforcement; [*and*]

11 “(f) An administrative law judge or court in an action or proceeding in
12 relation to unpaid tolls or administrative fees or civil penalties related to
13 unpaid tolls[.]; **and**

14 “(g) **As requested for use in any civil, criminal or other legal pro-**
15 **ceeding or investigation that relates to the use of a tollway.**

16 “(3) Information collected or maintained by a photo enforcement system
17 may not be disclosed to anyone except:

18 “(a) The registered owner [*or apparent driver*] of the vehicle;

19 “(b) Employees of the department;

20 “(c) The tollway operator and authorized employees of the operator;

21 “(d) A law enforcement officer who is acting in the officer’s official ca-
22 pacity in connection with toll enforcement; and

23 “(e) An administrative law judge or court in an action or proceeding in
24 relation to unpaid tolls or administrative fees or civil penalties related to
25 unpaid tolls.

26 “(4) **The department may charge a reasonable fee under ORS 192.324**
27 **for providing information under this section.**

28 “(5) **The department may adopt rules specifying conditions that**
29 **must be met by a person or unit of government requesting information**
30 **under this section. Conditions may include but are not limited to:**

1 “(a) Providing reasonable assurance of the identity of the requester;

2 “(b) Providing reasonable assurance of the uses to which the infor-
3 mation will be put, if applicable;

4 “(c) Showing that the person whose information is to be disclosed
5 has given permission for the disclosure, if permission is required; and

6 “(d) Submitting a written request for the information in a form
7 prescribed by the department.

8 “SECTION 145. ORS 383.150 and sections 147 to 152 of this 2021 Act
9 are added to and made a part of ORS 383.003 to 383.075.

10 “SECTION 146. ORS 383.150 is amended to read:

11 “383.150. (1) The Oregon Transportation Commission shall establish a
12 [*traffic congestion relief program*] **toll program.**

13 “[(2) *No later than December 31, 2018, the commission shall seek approval*
14 *from the Federal Highway Administration, if required by federal law, to im-*
15 *plement value pricing as described in this section.*]

16 “[(3)] (2) **As part of the toll program,** after seeking and receiving ap-
17 proval from the Federal Highway Administration, the commission [*shall im-*
18 *plement value pricing to reduce traffic congestion*] **may assess variable rate**
19 **tolls.** [*Value pricing*] **Tolling** may include, but is not limited to **assessing**
20 **variable rate tolls for the purpose of:** [*variable time-of-day pricing.*]

21 “(a) **Managing congestion; and**

22 “(b) **Partially or wholly funding the construction, operation or**
23 **maintenance of a highway.**

24 “(3) The commission shall [*implement value pricing*] **assess tolls** in the
25 following locations:

26 “(a) On Interstate 205, beginning at the Washington state line and ending
27 where it intersects with Interstate 5 in this state.

28 “(b) On Interstate 5, beginning at the Washington state line and ending
29 where it intersects with Interstate 205.

30 “[(4) *In addition to areas listed in subsection (3) of this section, the com-*

1 *mission may implement value pricing in other areas of this state.]*

2 *“(5) Notwithstanding ORS 383.009, the revenues received from value pric-*
3 *ing under this section shall be deposited into the Congestion Relief Fund es-*
4 *tablished under ORS 383.155 for the implementation and administration of the*
5 *congestion relief program established pursuant to this section, including but*
6 *not limited to the Value Pricing Set-Up Project.]*

7 *“(6) Subject to any restrictions in an agreement with the Federal Highway*
8 *Administration or other federal law, in addition to the amounts received from*
9 *value pricing under this section, the moneys in the Congestion Relief Fund*
10 *shall be used to implement and administer the traffic congestion relief pro-*
11 *gram.]*

12 **“(4) To the extent necessary and permitted by state and federal law**
13 **and Article IX, section 3a, of the Oregon Constitution, the commission**
14 **shall ensure tolls assessed pursuant to subsection (3) of this section**
15 **or tolls assessed as part of the Interstate 5 Boone Bridge and Seismic**
16 **Improvement Project:**

17 **“(a) Reduce traffic congestion by managing demand on the tollway**
18 **and by improving operations on the tollway;**

19 **“(b) Reduce traffic congestion as a result of the tollway, not only**
20 **on the tollway but also on adjacent, connected or parallel highways**
21 **to the tollways, regardless of ownership;**

22 **“(c) Improve safety not only on the tollway but also on adjacent,**
23 **connected or parallel highways to the tollways, regardless of owner-**
24 **ship; and**

25 **“(d) Minimize and mitigate impacts to historically and currently**
26 **underrepresented and disadvantaged communities.**

27 **“(5) Any unit of government assessing tolls on highways for which**
28 **the unit of government is the road authority, pursuant to ORS 810.010,**
29 **shall collaborate with other units of government to:**

30 **“(a) Determine whether assessing tolls may result in traffic, equity,**

1 **safety or climate impacts as a result of assessing tolls;**

2 **“(b) Determine appropriate investments or efforts that may mini-**
3 **mize or reduce any potential impacts; and**

4 **“(c) Periodically review any investments or efforts identified and**
5 **implemented under this subsection.**

6 **“[(7)] (6) Before [*imposing value pricing*] assessing tolls in the locations**
7 **described under subsection (3) of this section,** the commission shall re-
8 port to the Joint Committee on Transportation established under ORS
9 171.858.

10 **“[(8)] (7) The commission may enter into agreements with the State of**
11 **Washington, or the State of Washington’s tollway operator or other**
12 **designee, relating to establishing, reviewing, adjusting and collecting tolls**
13 **for the program described in this section.**

14 **“(8) As used in this section, ‘highway’ has the meaning given that**
15 **term in ORS 366.005.**

16 **“SECTION 147. Revenue bonds for tollway projects. (1) In accord-**
17 **ance with the applicable provisions of ORS chapter 286A, the State**
18 **Treasurer, at the request of the Department of Transportation, may**
19 **issue and sell revenue bonds known as tollway project revenue bonds**
20 **for the purpose of financing tollway projects, provided that such bonds**
21 **do not constitute a debt or general obligation of the department or of**
22 **this state or any of its political subdivisions, but shall be payable**
23 **solely from the revenues, amounts, funds and accounts described in**
24 **ORS 383.009 and sections 148 and 151 of this 2021 Act.**

25 **“(2) The proceeds of bonds issued under this section may be used**
26 **by the department or loaned or granted to a private entity or a local**
27 **government, as defined in ORS 174.116, for the purposes of:**

28 **“(a) Financing any portion of the costs related to the purposes de-**
29 **scribed in ORS 383.009 (2);**

30 **“(b) Funding any required reserves; and**

1 **“(c) Paying costs of issuing the bonds.**

2 **“(3) The bonds authorized by this section may be issued as taxable**
3 **bonds or as tax-exempt bonds under the income tax laws of the United**
4 **States.**

5 **“(4) Notwithstanding the status of the bonds for federal income tax**
6 **purposes, interest paid to the owners of the bonds shall be exempt**
7 **from personal income taxes imposed by this state.**

8 **“(5) Subject to the limitations under ORS 383.004 and 383.009, when**
9 **issuing bonds under this section, the department and the State**
10 **Treasurer may make covenants with bondholders regarding the im-**
11 **position and regulation of tolls to meet the department’s obligations**
12 **under the terms of any indenture prepared under section 150 of this**
13 **2021 Act, any loan agreement and any grant agreement, including**
14 **without limitation:**

15 **“(a) Financial covenants, debt service requirements, reserve re-**
16 **quirements and any other funding requirements;**

17 **“(b) The use of the amounts required to be deposited in the Toll**
18 **Program Fund; and**

19 **“(c) The issuance of additional bonds.**

20 **“(6) The state may not in any way impair obligations of any agree-**
21 **ment between the state and holders of tollway project revenue bonds**
22 **issued under this section.**

23 **“(7) The department, with the approval of the State Treasurer, may**
24 **designate the extent to which a series of tollway project revenue bonds**
25 **authorized under this section is secured and payable:**

26 **“(a) On a parity of lien or on a subordinate basis to existing or fu-**
27 **ture Highway User Tax Bonds issued under ORS 367.615, but only if**
28 **sufficient moneys described under ORS 367.605 may be pledged to:**

29 **“(A) First, pay the annual bond debt service of all Highway User**
30 **Tax Bonds issued pursuant to ORS 367.615 and 367.620; and**

1 **“(B) Second, pay the annual bond debt service for all tollway project**
2 **revenue bonds issued under this subsection; or**

3 **“(b) From additional revenue sources as permitted under section 148**
4 **of this 2021 Act.**

5 **“(8) A holder of tollway project revenue bonds issued under this**
6 **section may not compel the payment of federal transportation funds**
7 **to the department.**

8 **“(9) This section is supplemental and in addition to any other au-**
9 **thority in ORS chapters 286A, 366 and 367 for the issuance of bonds by**
10 **the State Treasurer at the request of the department.**

11 **“SECTION 148. Sources of funds to secure revenue bonds for**
12 **tollway projects. (1) Moneys deposited in the Toll Program Fund es-**
13 **tablished under ORS 383.009 are pledged to the payment of tollway**
14 **project revenue bonds issued under section 147 of this 2021 Act.**

15 **“(2) The Department of Transportation, with the approval of the**
16 **State Treasurer, may designate in any revenue declaration or**
17 **indenture prepared under section 150 of this 2021 Act additional reve-**
18 **nuces as security for the payment of tollway project revenue bonds. The**
19 **department shall set the order of priority for the additional revenues**
20 **used. Additional revenues may include:**

21 **“(a) Moneys under ORS 367.605, which are pledged to payment of**
22 **Highway User Tax Bonds issued under ORS 367.615, on a parity of lien**
23 **or on a subordinate and junior basis;**

24 **“(b) Moneys received by the department from the United States**
25 **government; or**

26 **“(c) Any other moneys legally available to the department.**

27 **“(3) The lien or charge of any pledge of moneys in the Toll Program**
28 **Fund to secure bonds designated as tollway project revenue bonds**
29 **under section 147 of this 2021 Act is superior or prior to any other lien**
30 **or charge and to any law of the state requiring the department to**

1 spend moneys for tollway project revenue projects. As long as any
2 tollway project revenue bonds issued under section 147 of this 2021 Act
3 are outstanding, moneys deposited to the Toll Program Fund shall be
4 applied first to the payment of principal of, and interest on, any bonds
5 designated as tollway project revenue bonds under section 147 of this
6 2021 Act and then to any other purposes described under ORS 383.009.

7 **“SECTION 149. Collection and use of federal transportation funds.**

8 (1) If allowed by federal law, the Department of Transportation may
9 use federal transportation funds for the following purposes:

10 “(a) For deposit into one or more special funds or accounts that
11 may be pledged to secure payment of the tollway project revenue
12 bonds issued under section 147 of this 2021 Act.

13 “(b) For payment of the costs of tollway projects.

14 “(c) For reimbursement to the department of moneys previously
15 spent on tollway projects.

16 “(2) The department may request the United States government to
17 deposit federal transportation funds directly with a trustee for the
18 holders of tollway project revenue bonds to secure payment of the
19 bonds.

20 **“SECTION 150. Revenue declaration or indenture; contents; pur-**
21 **pose.** (1) Before tollway project revenue bonds are issued under section
22 147 of this 2021 Act, the Department of Transportation must prepare
23 a revenue declaration or indenture authorizing issuance of the bonds.
24 The revenue declaration or indenture must be signed by the Director
25 of Transportation or a person designated by the director and must be
26 approved by the State Treasurer or a person designated by the State
27 Treasurer.

28 “(2) A revenue declaration or indenture prepared under this section
29 may do any of the following:

30 “(a) Pledge any part or all of moneys described under section 148

1 of this 2021 Act for purposes of the bonds to be issued.

2 “(b) Limit the purpose for which the proceeds of the sale may be
3 applied by the department.

4 “(c) Make pledges concerning the proceeds of the sale or moneys
5 described under section 148 of this 2021 Act as necessary to secure
6 payment of bonds of the department.

7 “(d) Limit or establish terms upon which additional bonds or re-
8 funding bonds may be issued under section 147 of this 2021 Act.

9 “(e) Provide for procedures, if any, by which the terms of contracts
10 with bondholders may be amended or rescinded, for the percentage of
11 the bondholders that must consent to amendment or rescission of the
12 contract and for the manner of bondholder consent to any amendment
13 or rescission of the contract.

14 “(f) Establish a trustee and vest the trustee with property, rights,
15 powers and duties in trust, as the State Treasurer determines appro-
16 priate.

17 “(g) Provide for other matters affecting the issuance of bonds.

18 “(h) Provide for a debt service reserve pursuant to ORS 286A.025 (6).

19 “(i) Provide for certain covenants pursuant to ORS 286A.025 (4)(c)
20 and ORS 286A.102 (10).

21 **“SECTION 151. Reserve account.** (1) The Department of Transpor-
22 tation may establish one or more separate reserve accounts within,
23 or separate and distinct from, the Toll Program Fund in connection
24 with the issuance of tollway project revenue bonds issued under sec-
25 tion 147 of this 2021 Act.

26 “(2) The moneys held in any account established under this section
27 may be subject to the provisions of any revenue declaration or
28 indenture prepared under section 150 of this 2021 Act.

29 **“SECTION 152. Bond form, issuance and maturity; provisions sub-**
30 **ject to determination of State Treasurer.** (1) A tollway project revenue

1 **bond issued under section 147 of this 2021 Act:**

2 **“(a) Must contain on its face a statement that the ad valorem tax-**
3 **ing power of this state is not pledged to the payment of the principal**
4 **or the interest on the bond.**

5 **“(b) Shall be issued as provided in ORS chapter 286A.**

6 **“(c) Must mature on or before a date determined by calculation of**
7 **the expected economic life of the improvements, assets and projects**
8 **financed with the proceeds of the bond.**

9 **“(2) The State Treasurer shall determine, after consultation with**
10 **the Department of Transportation, all aspects relating to the sale of**
11 **bonds under section 147 of this 2021 Act that are not otherwise specif-**
12 **ically provided in sections 147 to 152 of this 2021 Act.**

13 **“SECTION 153. ORS 383.006, 383.013, 383.023 and 383.065 are repealed.**

14

15 **“FINANCING FOR TOLLWAY PROJECTS**

16

17 **“SECTION 154. ORS 367.010 is amended to read:**

18 **“367.010. As used in this chapter:**

19 **“(1) ‘Agency’ means any department, agency or commission of the State**
20 **of Oregon.**

21 **“(2) ‘Bond’ means [*an evidence of indebtedness*] a **contractual under-****

22 **taking or an instrument to borrow money** including, but not limited to,
23 a bond, a note, an obligation, a loan agreement, a financing lease, a financ-
24 ing agreement or other similar instrument or agreement.

25 **“(3) ‘Bond debt service’ means payment of:**

26 **“(a) Principal, interest, premium, if any, or purchase price of a bond;**

27 **“(b) Amounts due to a credit enhancement provider, trustee, paying**
28 **agent, **commercial paper dealer** or remarketing agent authorized by this**
29 **chapter;**

30 **“(c) Amounts necessary to fund bond debt service reserves; and**

1 “(d) Amounts due under an agreement for exchange of interest rates if
2 designated by the State Treasurer or the Department of Transportation.

3 “(4) ‘Credit enhancement’ means a credit enhancement device, as defined
4 in ORS 286A.001.

5 “(5) ‘Financial institution’ means a banking institution, a financial insti-
6 tution or a non-Oregon institution, as those terms are defined in ORS
7 706.008, and any other institution defined by rule of the Oregon Transporta-
8 tion Commission as a financial institution for purposes of ORS 367.010 to
9 367.067.

10 “(6) ‘Infrastructure assistance’ means any use of moneys in the Oregon
11 Transportation Infrastructure Fund, other than an infrastructure loan, to
12 provide financial assistance for transportation projects. The term includes,
13 but is not limited to, use of moneys in the infrastructure fund to finance
14 leases, fund reserves, make grants, pay issuance costs or provide credit en-
15 hancement or other security for bonds issued by a public entity to finance
16 transportation projects.

17 “(7) ‘Infrastructure bonds’ means bonds authorized by ORS 367.030, 367.555
18 to 367.600 or 367.605 to 367.665 that are issued to fund infrastructure loans
19 and the proceeds of which are deposited in the infrastructure fund.

20 “(8) ‘Infrastructure fund’ means the Oregon Transportation Infrastructure
21 Fund.

22 “(9) ‘Infrastructure loan’ means a loan of moneys in the infrastructure
23 fund to finance a transportation project.

24 “(10) ‘Municipality’ means a city, county, road district, school district,
25 special district, metropolitan service district, the Port of Portland or an
26 intergovernmental entity organized under ORS 190.010.

27 “(11) ‘Transportation project’ means any project or undertaking that fa-
28 cilitates any mode of transportation within this state. The term includes, but
29 is not limited to, a project for highway, transit, rail and aviation capital
30 infrastructure, bicycle and pedestrian paths, bridges and ways, and other

1 projects that facilitate the transportation of materials, animals or people.

2 **“SECTION 155.** ORS 367.555 is amended to read:

3 “367.555. (1) The Department of Transportation may request the State
4 Treasurer to issue general obligation bonds of the State of Oregon used to
5 provide funds to defray the costs of building and maintaining permanent
6 roads, including the costs of location, relocation, improvement, construction
7 and reconstruction of state highways and bridges[*, in an outstanding princi-*
8 *pal amount that is subject to the provisions of ORS 286A.035.*] **and those**
9 **portions of a tollway project, as defined in ORS 383.003, that constitute**
10 **building or maintaining permanent roads.**

11 **“(2) The principal amount of any bonds issued under this section is**
12 **subject to the provisions of ORS 286A.035.**

13 **“SECTION 156.** ORS 367.560 is amended to read:

14 “367.560. All moneys obtained from the sale of general obligation bonds
15 under ORS 367.555 to 367.600 must be paid over to the State Treasurer and
16 credited by the State Treasurer to **either** the State Highway Fund **or the**
17 **Toll Program Fund.** Such moneys may be used only for the purposes [*stated*
18 *in ORS 367.555 to 367.600 and, pending the use of such moneys for highway*
19 *purposes*] **for which the bonds were authorized to be sold and, pending**
20 **the use of the moneys,** may be invested as provided by law.

21 **“SECTION 157.** ORS 367.615 is amended to read:

22 “367.615. (1) The Department of Transportation may request the State
23 Treasurer to issue and sell revenue bonds known as Highway User Tax
24 Bonds as provided in this section.

25 “(2) Bonds issued under this section do not constitute a debt or general
26 obligation of this state or any political subdivision of this state but are se-
27 cured and payable from moneys described under ORS 367.605. A holder of
28 bonds issued under this section may not compel the exercise of the ad
29 valorem taxing power of the state to pay the bond debt service on the bonds.

30 “(3) This state shall provide for the continued assessment, levy, collection

1 and deposit into the highway fund of moneys described under ORS 367.605
2 in amounts sufficient to pay, when due, the annual bond debt service and
3 other amounts necessary to meet requirements established by indenture un-
4 der ORS 367.640.

5 “(4) This state may not in any way impair obligations of any agreement
6 between this state and the holders of bonds issued under this section.

7 “(5) The authority granted by this section is continuing and the depart-
8 ment reserves the right to request the State Treasurer to issue additional
9 bonds under this section subject to the following:

10 “(a) Additional bonds must be secured equally and ratably by the pledge
11 and appropriation of moneys described under ORS 367.605 unless the State
12 Treasurer, as permitted by law and the contracts with owners of outstanding
13 Highway User Tax Bonds, issues additional bonds in different series and se-
14 cures each series by a lien on and pledge of moneys described under ORS
15 367.605 that is superior to or subordinate to the lien of the pledge securing
16 any other series of Highway User Tax Bonds.

17 “(b) The State Treasurer may only issue additional bonds **under this**
18 **section** if sufficient moneys described under ORS 367.605 may be pledged to
19 pay the annual bond debt service for all outstanding bonds issued under this
20 section as well as for the additional bonds.

21 “(6) Proceeds from the sale of bonds under this section are declared to
22 be for the purpose of building and maintaining permanent public roads and
23 may be used:

24 “(a) To finance the cost of state highway, county road and city street
25 projects in this state.

26 “(b) To pay the cost of issuing the bonds.

27 “(c) For loans to cities and counties as provided under ORS 367.035 or
28 367.655.

29 “(d) To pay the bond debt service of the bonds.

30 “(e) To pay the costs of the State Treasurer and the department to ad-

1 minister and maintain the bonds and the Highway User Tax Bond program,
2 including the cost of consultants, advisors, attorneys or other professional
3 service providers appointed, retained or approved by the treasurer or the
4 department.

5 “(f) To pay capitalized interest, principal or premium, if any, of the bonds.

6 “(g) For rebates or penalties due to the United States in connection with
7 the bonds.

8 “(7) The State Treasurer, at the request of the department, may issue
9 Highway User Tax Bonds as capital appreciation bonds, auction rate bonds,
10 variable rate bonds, deep discount bonds or deferred interest bonds.

11 “(8) The State Treasurer or the Director of Transportation, if so directed
12 by the treasurer, may obtain credit enhancement or an agreement for ex-
13 change of interest rates to provide additional security or liquidity for the
14 bonds or to provide funding, in lieu of cash, for all or a portion of a bond
15 debt service reserve account established with respect to the bonds.

16

17 **“CONFORMING AMENDMENTS RELATED TO TOLLING**

18

19 **“SECTION 158.** ORS 367.806 is amended to read:

20 “367.806. (1) As part of the Oregon Innovative Partnerships Program es-
21 tablished under ORS 367.804, the Department of Transportation may:

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

29 “(b) Include in any agreement entered into under this section any fi-
30 nancing mechanisms, including but not limited to the imposition and col-

1 lection of franchise fees or user fees and the development or use of other
2 revenue sources.

3 “(2) As part of the Oregon Innovative Partnerships Program established
4 under ORS 367.804, the department shall enter into agreements to undertake
5 transportation projects the subjects of which include the application of
6 technology standards to determine whether to certify technology, the col-
7 lection of metered use data, tax processing and account management, as
8 these subjects relate to the operation of a road usage charge system pursuant
9 to ORS 319.883 to 319.946.

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

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

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

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

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

19 “(e) The penalties for nonperformance;

20 “(f) The incentives for performance;

21 “(g) The accounting and auditing standards to be used to evaluate work
22 on the project; and

23 “(h) Whether the project is consistent with the plan developed by the
24 Oregon Transportation Commission under ORS 184.617 and any applicable
25 regional transportation plans or local transportation system programs and,
26 if not consistent, how and when the project will become consistent with ap-
27 plicable plans and programs.

28 “(4) The department may, either separately or in combination with any
29 other unit of government, enter into working agreements, coordination
30 agreements or similar implementation agreements to carry out the joint im-

1 plementation of any transportation project selected under ORS 367.804.

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

5 “(6) The provisions of ORS 279.835 to 279.855 and ORS chapters 279A,
6 279B and 279C do not apply to concepts or proposals submitted under ORS
7 367.804, or to agreements entered into under this section, except that if
8 public moneys are used to pay any costs of construction of public works that
9 is part of a project, the provisions of ORS 279C.800 to 279C.870 apply to the
10 public works. In addition, if public moneys are used to pay any costs of
11 construction of public works that is part of a project, the construction con-
12 tract for the public works must contain provisions that require the payment
13 of workers under the contract in accordance with ORS 279C.540 and 279C.800
14 to 279C.870.

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

18 “(b) The department may not enter into, and the commission may not
19 approve, an agreement under this section for the construction of a public
20 improvement as part of a transportation project unless the agreement pro-
21 vides for bonding, financial guarantees, deposits or the posting of other se-
22 curity to secure the payment of laborers, subcontractors and suppliers who
23 perform work or provide materials as part of the project.

24 “(c) Before presenting an agreement to the commission for approval under
25 this subsection, the department must consider whether to implement proce-
26 dures to promote competition among subcontractors for any subcontracts to
27 be let in connection with the transportation project. As part of its request
28 for approval of the agreement, the department shall report in writing to the
29 commission its conclusions regarding the appropriateness of implementing
30 such procedures.

1 “(8)(a) Except as provided in paragraph (b) of this subsection, documents,
2 communications and information developed, exchanged or compiled in the
3 course of negotiating an agreement with a private entity under this section
4 are exempt from disclosure under ORS 192.311 to 192.478.

5 “(b) The documents, communications or information described in para-
6 graph (a) of this subsection are subject to disclosure under ORS 192.311 to
7 192.478 when the documents, communications or information are submitted
8 to the commission in connection with its review and approval of a trans-
9 portation project under subsection (7) of this section.

10 “(9) The terms of a final agreement entered into under this section and
11 the terms of a proposed agreement presented to the commission for review
12 and approval under subsection (7) of this section are subject to disclosure
13 under ORS 192.311 to 192.478.

14 “(10) As used in this section:

15 “(a) ‘Public improvement’ has the meaning given that term in ORS
16 279A.010.

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

18 “**SECTION 159.** ORS 367.816 is amended to read:

19 “367.816. (1) Notwithstanding ORS 367.020, the Department of Transpor-
20 tation may use moneys in the Oregon Transportation Infrastructure Fund
21 established by ORS 367.015 to ensure the repayment of loan guarantees or
22 extensions of credit made to or on behalf of private entities engaged in the
23 planning, acquisition, financing, development, design, construction, recon-
24 struction, replacement, improvement, maintenance, management, repair,
25 leasing or operation of any transportation project that is part of the program
26 established under ORS 367.804.

27 “(2) The lien of a pledge made under this section is subordinate to the lien
28 of a pledge securing bonds payable from moneys in the State Highway Fund
29 described in ORS 366.505, the [*State Tollway Account*] **Toll Program Fund**
30 established by ORS 383.009 or the State Transportation Enterprise Fund es-

1 tablished by ORS 367.810.

2 **SECTION 160.** ORS 381.312 is amended to read:

3 “381.312. (1) The Port of Hood River, or any private entity or unit of
4 government that the port designates to operate a bridge in an agreement the
5 port enters into under ORS 381.205 to 381.314, may establish, collect or alter
6 a reasonable toll, administrative fee or civil penalty in connection with the
7 bridge.

8 “(2) The port or the private entity or unit of government that the port
9 designates shall deposit any proceeds from a toll, administrative fee or civil
10 penalty into an account established under an agreement described in ORS
11 381.310. The port or unit of government shall deposit the share of proceeds
12 that the port or unit of government receives with a depository that meets the
13 requirements set forth in ORS chapter 295. A private entity shall deposit the
14 share of proceeds that the private entity receives with an insured institution,
15 as defined in ORS 706.008.

16 “(3)(a) The Department of Transportation, on behalf of the port, shall:

17 “(A) Assess and collect the amount of a toll that a person fails to pay,
18 plus a civil penalty and administrative fee; and

19 “(B) Refuse to renew the motor vehicle registration of the motor vehicle
20 of a person that failed to pay a toll, a civil penalty or an administrative fee
21 assessed under this subsection.

22 “(b) For the purpose of conducting the activities described in paragraph
23 (a) of this subsection, the department shall:

24 “(A) Treat a toll established in connection with the bridge as a toll that
25 was established under ORS 383.004;

26 “(B) Apply the exemptions set forth in ORS 383.035 [(3)] (5); and

27 “(C) Adopt rules to establish a process by means of which the port, a
28 private entity or a unit of government may request action from the depart-
29 ment under this subsection.

30 **SECTION 161.** ORS 383.015 is amended to read:

1 “383.015. (1) Tollway projects may be initiated by the Department of
2 Transportation, by a unit of government having an interest in the installa-
3 tion of a tollway, or by a private entity interested in constructing or oper-
4 ating a tollway project. The department shall charge an administrative fee
5 for reviewing and considering any tollway project proposed by a private en-
6 tity, which the department shall establish by rule. All such administrative
7 fees shall be deposited into the [*State Tollway Account*] **Toll Program**
8 **Fund.**

9 “(2) The department shall adopt rules pursuant to which it will consider
10 authorization of a tollway project. The rules shall require consideration of:

11 “(a) The opinions and interests of units of government encompassing or
12 adjacent to the path of the proposed tollway project in having the tollway
13 installed;

14 “(b) The probable impact of the proposed tollway project on local envi-
15 ronmental, aesthetic and economic conditions and on the economy of the
16 state in general;

17 “(c) The extent to which funding other than state funding is available for
18 the proposed tollway project;

19 “(d) The likelihood that the estimated use of the tollway project will
20 provide sufficient revenues to independently finance the costs related to the
21 construction and future maintenance, repair and reconstruction of the
22 tollway project, including the repayment of any loans to be made from
23 moneys in the [*State Tollway Account*] **Toll Program Fund**;

24 “(e) With respect to tollway projects, any portion of which will be fi-
25 nanced with state funds or department loans or grants:

26 “(A) The relative importance of the proposed tollway project compared to
27 other proposed tollways; and

28 “(B) Traffic congestion and economic conditions in the communities that
29 will be affected by competing tollway projects; and

30 “(f) The effects of tollway implementation on community and local street

1 traffic.

2 “(3) Notwithstanding any other provision of ORS 383.001 to 383.075, no
3 tollway project shall be authorized unless the department finds that either:

4 “(a) Based on the department’s estimate of present and future traffic
5 patterns, the revenues generated by the tollway project will be sufficient,
6 after payment of all obligations incurred in connection with the acquisition,
7 construction and operation of such tollway project, to ensure the continued
8 maintenance, repair and reconstruction of the tollway project without the
9 contribution of additional public funds; or

10 “(b) The revenues generated by the tollway project will be at least suffi-
11 cient to pay its operational expenses and a portion of the costs of its con-
12 struction, maintenance, repair and reconstruction, and the importance of the
13 tollway project to the welfare or economy of the state is great enough to
14 justify the use of public funding for a portion of its construction, mainte-
15 nance, repair and reconstruction.

16 “(4) If the department finds that a proposed tollway project qualifies for
17 authorization under this section, the department may conduct or cause to
18 be conducted any environmental, geological or other studies required by law
19 as a condition of construction of the tollway project. The costs of completing
20 the studies for any proposed tollway project may be paid from moneys in the
21 [*State Tollway Account*] **Toll Program Fund** that are reimbursed from the
22 permanent financing for the project.

23

24 **“REPORT ON EQUITABLE INCOME-BASED TOLL RATES**

25

26 **“SECTION 162. (1) As used in this section, ‘toll’ and ‘tollway’ have**
27 **the meanings given those terms in ORS 383.003.**

28 **“(2) Before the Department of Transportation assesses a toll, the**
29 **department shall implement a method for establishing equitable**
30 **income-based toll rates to be paid by users of tollways.**

1 **“(3) At least 90 days before the date the Oregon Transportation**
2 **Commission seeks approval from the Federal Highway Administration**
3 **to use the income-based toll rates developed under subsection (1) of**
4 **this section, the department shall prepare and submit a report on the**
5 **method developed to the Joint Committee on Transportation and the**
6 **Oregon Transportation Commission. The department may also submit**
7 **to the Joint Committee on Transportation any recommended legisla-**
8 **tive changes. The report shall be provided to the Joint Committee on**
9 **Transportation, in the manner provided under ORS 192.245, on or be-**
10 **fore September 15, 2022.**

11 **“SECTION 163. Section 162 of this 2021 Act is repealed on January**
12 **2, 2023.**

13

14

“CAPTIONS

15

16 **“SECTION 164. The unit and section captions used in this 2021 Act**
17 **are provided only for the convenience of the reader and do not become**
18 **part of the statutory law of this state or express any legislative intent**
19 **in the enactment of this 2021 Act.**

20

21

“OPERATIVE DATES

22

23 **“SECTION 165. (1) The amendments to ORS 803.525, 803.530, 810.180,**
24 **825.400 and 825.402 by sections 18, 19, 81, 126 and 127 of this 2021 Act**
25 **and the repeal of ORS 825.404 by section 20 of this 2021 Act become**
26 **operative on January 1, 2022.**

27 **“(2) Section 103 of this 2021 Act becomes operative on February 7,**
28 **2022.**

29 **“(3) Section 115 of this 2021 Act and the amendments to statutes by**
30 **sections 104 to 106, 113, 116 to 119 and 122 of this 2021 Act become op-**

1 erative on January 1, 2023.

2 “(4) The Department of Transportation may take any action before
3 the operative dates specified in subsections (1) to (3) of this section
4 that is necessary to enable the department to exercise, on and after
5 the operative dates specified in subsections (1) to (3) of this section,
6 all of the duties, functions and powers conferred on the department
7 by sections 103 and 115 of this 2021 Act, the amendments to statutes
8 by sections 18, 19, 81, 104 to 106, 113, 116 to 119, 122, 126 and 127 of this
9 2021 Act and the repeal of ORS 825.404 by section 20 of this 2021 Act.

10

11

“EFFECTIVE DATE

12

13 **“SECTION 166. This 2021 Act takes effect on the 91st day after the**
14 **date on which the 2021 regular session of the Eighty-first Legislative**
15 **Assembly adjourns sine die.”.**

16
