

SENATE AMENDMENTS TO SENATE BILL 1558

By JOINT COMMITTEE ON TRANSPORTATION

February 16

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and delete line 3
2 and insert “320.435 and 815.140; repealing ORS 802.093; and prescribing an effective date.”.

3 Delete lines 5 through 22 and delete pages 2 through 6 and insert:

4 “**SECTION 1.** ORS 815.140 is amended to read:

5 “815.140. (1) A person commits the offense of failure to use vehicle traction tires or chains if the
6 person drives or moves or owns and causes or knowingly permits to be driven or moved any motor
7 vehicle or trailer on any highway if the highway is posted showing conditions that require vehicle
8 traction tires or chains and the vehicle is not equipped with vehicle traction tires or chains that
9 are required for the posted conditions.

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

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

13 “(4) This section only applies to sections of highway on which a road authority requires the use
14 of traction tires or chains and on which signs requiring the use of traction tires or chains have been
15 posted as provided in ORS 815.045.

16 “(5) A court may not find a person to be in violation of the offense described under this section
17 if the court determines that the conditions of the highway at the time the person was cited did not
18 require posting under rules adopted under ORS 815.045. The defense under this subsection may be
19 affirmatively asserted by any person cited for violation of the offense described in this section.

20 “[*(6) The offense described in this section, failure to use vehicle traction tires or chains, is a spe-*
21 *specific fine traffic violation. The presumptive fine for failure to use vehicle traction tires or chains is*
22 *\$880.*]

23 “**(6) Except as provided in subsection (7) of this section, the offense described in this**
24 **section, failure to use vehicle traction tires or chains, is a Class C traffic violation.**

25 “**(7) Failure to use vehicle traction tires or chains is a specific fine traffic violation if the**
26 **person was operating a motor vehicle registered under ORS chapter 826 at the time of the**
27 **offense. The presumptive fine for failure to use vehicle traction tires or chains is \$880.**

28 “**SECTION 2.** The amendments to ORS 815.140 by section 1 of this 2022 Act apply to of-
29 fenses committed on or after the effective date of this 2022 Act.

30 “**SECTION 3.** ORS 802.093 is repealed.

31 “**SECTION 4.** The repeal of ORS 802.093 by section 3 of this 2022 Act applies to citations
32 issued on or after the operative date specified in section 6 of this 2022 Act.

33 “**SECTION 5.** ORS 320.435 is amended to read:

34 “320.435. (1) The Department of Revenue shall deposit all revenue collected from the privilege
35 tax imposed under ORS 320.405 and the use tax imposed under ORS 320.410 in a suspense account

1 established under ORS 293.445 for the purpose of receiving the revenue. The department may pay
2 expenses for the administration and enforcement of the privilege and use taxes out of moneys re-
3 ceived from the privilege and use taxes. Amounts necessary to pay administrative and enforcement
4 expenses are continuously appropriated to the department from the suspense account.

5 “(2) After payment of administrative and enforcement expenses under subsection (1) of this sec-
6 tion and refunds or credits arising from erroneous overpayments, the department shall transfer the
7 balance of the moneys received from the privilege and use taxes as follows:

8 “(a) Moneys attributable to the privilege tax shall be transferred as follows:

9 “(A) **The greater of \$12 million or 45 percent of the gross amount of the moneys received**
10 **from the privilege tax** shall be transferred annually to the Zero-Emission Incentive Fund estab-
11 lished under ORS 468.449.

12 “(B) After the transfer required under subparagraph (A) of this paragraph, the balance of the
13 moneys shall be transferred to the Connect Oregon Fund established under ORS 367.080.

14 “(b) Moneys attributable to the use tax shall be transferred to the State Highway Fund.

15 “**SECTION 6. The amendments to ORS 320.435 by section 5 of this 2022 Act and the repeal**
16 **of ORS 802.093 by section 3 of this 2022 Act, become operative on January 1, 2023.**

17 “**SECTION 7. This 2022 Act takes effect on the 91st day after the date on which the 2022**
18 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**”.

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