

HB 2100-2  
(LC 2938)  
4/18/23 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Transportation)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2100**

1 In line 2 of the printed bill, after “funding” insert “; creating new pro-  
2 visions; amending ORS 319.890, 367.095, 803.090 and 803.422 and section 18,  
3 chapter 30, Oregon Laws 2010, and section 45, chapter 750, Oregon Laws 2017;  
4 and repealing ORS 803.091”.

5 Delete lines 4 through 8 and insert:

6 **“SECTION 1.** ORS 803.422 is amended to read:

7 “803.422. *[(1) As used in this section, ‘miles per gallon’ or ‘MPG’ means the*  
8 *distance traveled in a vehicle powered by one gallon of fuel.]*

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

12 **“(1) The Department of Transportation may by rule define ‘electric**  
13 **vehicle,’ ‘hybrid vehicle’ and ‘plug-in hybrid electric vehicle’ and for**  
14 **purposes of this section and ORS 319.890.**

15 “[~~(3)~~ **(2)** Except as provided in ORS 319.890 (3), in addition to the regis-  
16 tration fees prescribed under ORS 803.420 (6)(a), there shall be paid for each  
17 year of the registration period, an additional amount as follows:

18 “(a) For vehicles that have [~~a rating of 0-19 MPG~~] **an internal com-**  
19 **bustion engine, [~~\$20~~] \$23.**

20 “(b) For **hybrid** vehicles [~~that have a rating of 20-39 MPG~~], [~~\$25~~] **\$32.**

21 “(c) For **plug-in hybrid electric** vehicles [~~that have a rating of 40 MPG~~]

1 *or greater*], \$35.

2 “(d) For electric vehicles, \$115.

3 **“SECTION 2.** ORS 803.090 is amended to read:

4 “803.090. (1) Except as provided in subsection (2) of this section, the fee  
5 to issue a certificate of title under ORS 803.045 or 803.140, to transfer title  
6 under ORS 803.092, to issue a duplicate or replacement certificate of title  
7 under ORS 803.065 or to issue a new title due to name or address change  
8 under ORS 803.220 is as follows:

9 “(a) For a salvage title, \$27.

10 “(b) For a vehicle title for trailers eligible for permanent registration  
11 under ORS 803.415 (1) and motor vehicles with a gross vehicle weight rating  
12 over 26,000 pounds, excluding motor homes, \$90.

13 “(c) For a vehicle title for vehicles other than those vehicles described in  
14 paragraph (b) of this subsection, [~~\$77~~] **\$110**.

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

18 “(3) The fee for late presentation of certificate of title under ORS 803.105  
19 is \$25 from the 31st day after the transfer through the 60th day after the  
20 transfer and \$50 thereafter.

21 “(4) The fees for title transactions involving a form of title other than a  
22 certificate shall be the amounts established by the Department of Transpor-  
23 tation by rule under ORS 803.012.

24 **“SECTION 3.** ORS 319.890 is amended to read:

25 “319.890. (1) A person wishing to pay the per-mile road usage charge im-  
26 posed under ORS 319.885 must apply to the Department of Transportation  
27 on a form prescribed by the department.

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

30 “(a) The applicant has applied for registration or is the registered owner

1 or lessee of a motor vehicle;

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

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

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

9 “(3) An electric vehicle, **hybrid vehicle or plug-in hybrid electric ve-**  
10 **hicle, as those terms are defined by the Department of Transportation**  
11 **by rule pursuant to ORS 803.422,** [*or a vehicle with a rating of 40 miles per*  
12 *gallon or greater*] for which an application has been submitted or approved  
13 under this section is not subject to the additional amount of registration fees  
14 imposed under ORS 803.422.

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

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

24 “(6)(a) This subsection applies to a person whose subject vehicle is de-  
25 scribed in subsection (3) of this section and:

26 “(A) Who ends voluntary participation in the per-mile road usage charge  
27 program with respect to the subject vehicle;

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

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

1 “(b) In addition to any amount due under subsection (5) of this section,  
2 the department may collect an additional amount equal to the registration  
3 fees that would otherwise have been due with respect to the subject vehicle  
4 for the current registration period under ORS 803.422 or a portion of the fees.

5 “(c) The department shall establish by rule the circumstances in which a  
6 person described in paragraph (a)(C) of this subsection is required to pay an  
7 additional amount under paragraph (b) of this subsection.

8 “(d) The department may deny registration for the subject vehicle until  
9 the additional amount imposed under paragraph (b) of this subsection has  
10 been paid.

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

15 **“SECTION 4. ORS 803.091 is repealed.**

16 **“SECTION 5.** Section 18, chapter 30, Oregon Laws 2010, as amended by  
17 section 71L, chapter 750, Oregon Laws 2017, section 32, chapter 93, Oregon  
18 Laws 2018, and section 11, chapter 491, Oregon Laws 2019, is amended to  
19 read:

20 **“Sec. 18.** The Department of Transportation shall report semiannually to  
21 the legislative committees on revenue if the Legislative Assembly is in ses-  
22 sion or, if the Legislative Assembly is not in session, to the Legislative  
23 Revenue Officer. The department’s report shall include:

24 “(1) An estimate of the amounts received in the previous two quarters  
25 from the increased taxes and fees established in ORS [803.091 and] 803.422  
26 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS  
27 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.476, 825.480 and 826.023  
28 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 63, 64, 66, 67 and 70, chapter  
29 750, Oregon Laws 2017, and an estimate of the projected revenue in the cur-  
30 rent quarter and the next quarter from the increased taxes and fees estab-

1 lished in ORS [803.091 and] 803.422 and section 45, chapter 750, Oregon Laws  
2 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225,  
3 818.270, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52,  
4 54, 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

5 “(2) An estimate of the amounts received in the previous biennium to date  
6 from the increased taxes and fees established in ORS [803.091 and] 803.422  
7 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS  
8 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.476, 825.480 and 826.023  
9 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 63, 64, 66, 67 and 70, chapter  
10 750, Oregon Laws 2017, and an estimate of the projected revenue in the re-  
11 maining current biennium from the increased taxes and fees established in  
12 ORS [803.091 and] 803.422 and section 45, chapter 750, Oregon Laws 2017, and  
13 the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270,  
14 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 63,  
15 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

16 “(3) Information about the expenditures and distributions made under  
17 ORS 367.095, including but not limited to:

18 “(a) Information about the department’s total funds as well as the funds  
19 raised separately by the increased taxes and fees established in ORS [803.091  
20 and] 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amend-  
21 ments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.476,  
22 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 63, 64, 66,  
23 67 and 70, chapter 750, Oregon Laws 2017, and expended as described in ORS  
24 367.095 (3).

25 “(b) Semiannual amounts that include all the actual and forecasted ex-  
26 penditures and distributions made under ORS 367.095 for each quarter of the  
27 current biennium and the forecasted expenditures and distributions for the  
28 following biennium.

29 **“SECTION 6.** Section 45, chapter 750, Oregon Laws 2017, as amended by  
30 section 43, chapter 93, Oregon Laws 2018, section 1, chapter 250, Oregon

1 Laws 2019, and section 7, chapter 491, Oregon Laws 2019, is amended to read:

2 “**Sec. 45.** (1)(a) For calendar years beginning on or after January 1, 2020,  
3 the rates determined under ORS 319.020 (1)(b) and 319.530 (1) shall each be  
4 increased by two cents only if the Oregon Transportation Commission sub-  
5 mits a report in the manner provided by ORS 192.245 on or before December  
6 1, 2019, to the Joint Committee on Transportation established under ORS  
7 171.858 stating that:

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

11 “(B) The set of uniform standards required under ORS 184.657 (1) has been  
12 developed and the standards are being followed;

13 “(C) The reports received from cities and counties under ORS 184.657 (2)  
14 have been submitted and posted by the commission as required under ORS  
15 184.657 (3);

16 “(D) The Department of Transportation is implementing the registration  
17 fees [*and title fees*] described in ORS [*803.091 and*] 803.422; and

18 “(E) The Interstate 205 Active Traffic Management Project and the  
19 Interstate 205 Corridor Bottleneck Project have been completed.

20 “(b) In addition to the facts stated in the report required under paragraph  
21 (a) of this subsection, the Oregon Transportation Commission shall also  
22 submit with the report:

23 “(A) A list of the shovel-ready highway projects the commission expects  
24 to undertake with the revenue that will become available as a result of the  
25 increase;

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

29 “(C) The construction and financial status of uncompleted in-progress  
30 projects exceeding \$20 million identified in chapter 750, Oregon Laws 2017;

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

3 “(E) Design, cost analysis and construction option packages for the  
4 Interstate 5 Rose Quarter Project for consideration by the Legislative As-  
5 sembly; and

6 “(F) The design, construction, financial status and progress of projects  
7 costing more than \$20 million that are identified in chapter 750, Oregon  
8 Laws 2017, including, but not limited to, the Interstate 205 Abernethy Bridge  
9 Project, the Interstate 205 Freeway Widening Project, the State Highway 217  
10 Northbound Project and the State Highway 217 Southbound Project, and any  
11 other state transportation projects implemented after October 6, 2017.

12 “(2)(a) For calendar years beginning on or after January 1, 2022, the rates  
13 determined under ORS 319.020 (1)(b) and 319.530 (1) and subsection (1) of this  
14 section shall each be increased by two cents only if the Oregon Transporta-  
15 tion Commission submits a report in the manner provided by ORS 192.245  
16 on or before December 1, 2021, to the Joint Committee on Transportation  
17 established under ORS 171.858 stating that:

18 “(A) The Continuous Improvement Advisory Committee appointed under  
19 ORS 184.665 has reviewed and reported to the commission on all transporta-  
20 tion projects costing \$50 million or more and completed not less than six  
21 months prior to the date of the report required under this paragraph;

22 “(B) The recommendations for improvement reported by the Continuous  
23 Improvement Advisory Committee to the commission at least six months  
24 prior to the date of the report required under this paragraph, and approved  
25 by the commission, have been implemented or plans for implementation have  
26 been developed;

27 “(C) The commission has identified sufficient shovel-ready highway  
28 projects and highway maintenance or operational uses of the increased fuel  
29 tax revenue to justify the increase;

30 “(D) The set of uniform standards required under ORS 184.657 (1) has been

1 developed and the standards are being followed;

2 “(E) The reports received from cities and counties under ORS 184.657 (2)  
3 have been posted by the commission as required under ORS 184.657 (3);

4 “(F) Under ORS 184.657 (4), payments from the State Highway Fund have  
5 been withheld from cities and counties that failed to submit reports as re-  
6 quired under ORS 184.657 (2); and

7 “(G) The Department of Transportation is implementing the registration  
8 fees [*and title fees*] described in ORS [*803.091 and*] 803.422.

9 “(b) In addition to the facts stated in the report required under paragraph  
10 (a) of this subsection, the Oregon Transportation Commission shall also  
11 identify in the report:

12 “(A) A list of the shovel-ready highway projects the commission expects  
13 to undertake with the revenue that will become available as a result of the  
14 increase;

15 “(B) The amount of bonds the commission considers necessary to be issued  
16 to complete shovel-ready highway projects scheduled to be commenced after  
17 January 1, 2022;

18 “(C) The construction and financial status of uncompleted in-progress  
19 projects exceeding \$50 million identified in chapter 750, Oregon Laws 2017;  
20 and

21 “(D) The design, construction, financial status and progress of projects  
22 costing more than \$20 million that are identified in chapter 750, Oregon  
23 Laws 2017, including, but not limited to, the Interstate 5 Rose Quarter  
24 Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205  
25 Freeway Widening Project, the State Highway 217 Northbound Project, the  
26 Newberg-Dundee Bypass Project and the State Highway 217 Southbound  
27 Project, and any other state transportation projects implemented after Oc-  
28 tober 6, 2017.

29 “(c) If the Commissioner of the Bureau of Labor and Industries has found  
30 substantial evidence, under ORS 279C.306, that a contracting agency that



1 would otherwise receive increased amounts of fuel tax revenues pursuant to  
2 this section on or after January 1, 2022, has violated ORS 279C.305 within  
3 the five years immediately preceding the date of the commissioner’s finding,  
4 or has materially breached an agreement entered into pursuant to ORS  
5 279C.306, the Department of Transportation shall withhold the increased  
6 amounts until the final resolution of the violation or breach is determined  
7 under ORS 279C.306.

8 “(3)(a) For calendar years beginning on or after January 1, 2024, the rates  
9 determined under ORS 319.020 (1)(b) and 319.530 (1) and subsections (1) and  
10 (2) of this section shall each be increased by two cents only if the Oregon  
11 Transportation Commission submits a report in the manner provided by ORS  
12 192.245 on or before December 1, 2023, to the Joint Committee on Transpor-  
13 tation established under ORS 171.858 stating that:

14 “(A) The Continuous Improvement Advisory Committee appointed under  
15 ORS 184.665 has reviewed and reported to the commission on all transporta-  
16 tion projects costing \$50 million or more and completed not less than six  
17 months prior to the date of the report required under this paragraph;

18 “(B) The recommendations for improvement reported by the Continuous  
19 Improvement Advisory Committee to the commission at least six months  
20 prior to the date of the report required under this paragraph, and approved  
21 by the commission, have been implemented or plans for implementation have  
22 been developed;

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

26 “(D) The set of uniform standards required under ORS 184.657 (1) has been  
27 developed and the standards are being followed;

28 “(E) The reports received from cities and counties under ORS 184.657 (2)  
29 have been posted by the commission as required under ORS 184.657 (3); and

30 “(F) Under ORS 184.657 (4), payments from the State Highway Fund have

1 been withheld from cities and counties that failed to submit reports as re-  
2 quired under ORS 184.657 (2).

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

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

9 “(B) The amount of bonds the commission considers necessary to be issued  
10 to complete shovel-ready highway projects scheduled to be commenced after  
11 January 1, 2024; and

12 “(C) The design, construction, financial status and progress of projects  
13 costing more than \$20 million that are identified in chapter 750, Oregon  
14 Laws 2017, including, but not limited to, the Interstate 5 Rose Quarter  
15 Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205  
16 Freeway Widening Project, the State Highway 217 Northbound Project, the  
17 Newberg-Dundee Bypass Project and the State Highway 217 Southbound  
18 Project, and any other state transportation projects implemented after Oc-  
19 tober 6, 2017.

20 “(c) If the Commissioner of the Bureau of Labor and Industries has found  
21 substantial evidence, under ORS 279C.306, that a contracting agency that  
22 would otherwise receive increased amounts of fuel tax revenues pursuant to  
23 this section on or after January 1, 2024, has violated ORS 279C.305 within  
24 the five years immediately preceding the date of the commissioner’s finding,  
25 or has materially breached an agreement entered into pursuant to ORS  
26 279C.306, the Department of Transportation shall withhold the increased  
27 amounts until the final resolution of the violation or breach is determined  
28 under ORS 279C.306.

29 **“SECTION 7.** ORS 367.095, as amended by section 47, chapter 491, Oregon  
30 Laws 2019, and section 131, chapter 630, Oregon Laws 2021, is amended to

1 read:

2 “367.095. (1) The following amounts shall be distributed in the manner  
3 prescribed in this section:

4 “(a) The amount attributable to the increase in tax rates by section 45,  
5 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and  
6 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

7 “(b) The amount attributable to the vehicle registration [*and title*] fees  
8 imposed under ORS [*803.091 and*] 803.422.

9 “(c) The amount attributable to the increase in taxes and fees by the  
10 amendments to ORS 803.420, 803.645, 818.225, 825.476, 825.480 and 826.023 by  
11 sections 34, 35, 48, 49, 51, 52, 63, 64, 66, 67 and 70, chapter 750, Oregon Laws  
12 2017.

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

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

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

17 “(ii) The Interstate 205 Improvements: Stafford Road to Oregon Route 213  
18 Project;

19 “(iii) The Interstate 5 Boone Bridge and Seismic Improvement Project;  
20 and

21 “(iv) The implementation of the toll program established under ORS  
22 383.150.

23 “(B) The amount described in subparagraph (A) of this paragraph shall  
24 be used to pay for costs, including project costs on a current basis and pay-  
25 ing for debt service on bonds issued to finance the projects or toll program,  
26 only until the later of the date on which the projects or toll program is  
27 completed or on which all bonds issued to fund the projects or toll program  
28 have been repaid. Any remaining moneys shall be distributed as described in  
29 subsection (3) of this section.

30 “(b) \$15 million per year shall be deposited into the Safe Routes to

1 Schools Fund for the purpose of providing Safe Routes to Schools matching  
2 grants under ORS 184.742. The remainder of the moneys shall be distributed  
3 as described in subsection (3) of this section.

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

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

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

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

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

13 “(a) \$10 million for safety.

14 “(b) Of the remaining balance:

15 “(A) Forty percent for bridges.

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

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

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

21 **“SECTION 8. The amendments to ORS 803.090 and 803.422 by**  
22 **sections 1 and 2 of this 2023 Act and the repeal of ORS 803.091 by sec-**  
23 **tion 4 of this 2023 Act apply to amounts imposed on or after the ef-**  
24 **fective date of this 2023 Act.”.**

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