

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.”.**

25
