

Senate Bill 410

Sponsored by Senator GIROD (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act repeals the weight-mile tax. The Act says that diesel will be taxed in the same way that gas is taxed now. Updates the laws to reflect the changes. (Flesch Readability Score: 95.1).

Repeals the weight-mile tax. Provides for diesel fuel to be taxed in the same manner as gasoline. Increases fees for specified vehicles. Modifies and adds laws related to transportation.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to transportation; creating new provisions; amending ORS 319.010, 319.550, 319.690, 366.507, 366.508, 366.739, 366.744, 366.752, 367.095, 367.173, 367.605, 367.621, 376.390, 810.530, 818.225, 822.040, 822.213, 823.012, 825.005, 825.007, 825.020, 825.022, 825.137, 825.139, 825.232, 825.354, 825.400, 825.450, 825.475, 825.500, 825.504, 825.515, 825.517 and 826.031 and section 5, chapter 865, Oregon Laws 2009, and section 18, chapter 30, Oregon Laws 2010; repealing ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and 825.550; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

REPEAL OF WEIGHT-MILE TAX

SECTION 1. ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and 825.550 are repealed.

SECTION 2. Notwithstanding the repeal of ORS 825.490, 825.494 and 825.496 by section 1 of this 2025 Act, the Department of Transportation may follow the provisions of ORS 825.490, 825.494 and 825.496, as those statutes were in effect on the day before the operative date of section 1 of this 2025 Act, for the purposes of auditing carriers and collecting taxes, interest, penalties and other liabilities due to the department that have accrued prior to the operative date of section 1 of this 2025 Act.

SECTION 3. Section 2 of this 2025 Act is repealed on January 2, 2030.

WEIGHMASTER AND MOTOR CARRIER ENFORCEMENT

SECTION 4. ORS 810.530 is amended to read:

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (a) Violation of maximum weight limits under ORS 818.020.
- 2 (b) Violation of posted weight limits under ORS 818.040.
- 3 (c) Violation of administratively imposed weight or size limits under ORS 818.060.
- 4 (d) Violation of maximum size limits under ORS 818.090.
- 5 (e) Exceeding maximum number of vehicles in combination under ORS 818.110.
- 6 (f) Violation of posted limits on use of road under ORS 818.130.
- 7 (g) Violation of towing safety requirements under ORS 818.160.
- 8 (h) Operating with sifting or leaking load under ORS 818.300.
- 9 (i) Dragging objects on highway under ORS 818.320.
- 10 (j) Unlawful use of devices without wheels under ORS 815.155.
- 11 (k) Unlawful use of metal objects on tires under ORS 815.160.
- 12 (L) Operation without pneumatic tires under ORS 815.170.
- 13 (m) Operation in violation of vehicle variance permit under ORS 818.340.
- 14 (n) Failure to carry and display permit under ORS 818.350.
- 15 (o) Failure to comply with commercial vehicle enforcement requirements under ORS 818.400.
- 16 (p) Violation of any provision of ORS chapter 825.
- 17 (q) Operation without proper fenders or mudguards under ORS 815.185.
- 18 (r) Operating a vehicle without driving privileges in violation of ORS 807.010 if the person is
- 19 operating a commercial motor vehicle and the person does not have commercial driving privileges.
- 20 (s) Violation driving while suspended or revoked in violation of ORS 811.175 if the person is
- 21 operating a commercial motor vehicle while the person's commercial driving privileges are sus-
- 22 pended or revoked.
- 23 (t) Failure to use vehicle traction tires or chains in violation of ORS 815.140 if the person is
- 24 operating a motor vehicle subject to ORS chapter 825 or 826.
- 25 (u) Failure to carry vehicle traction tires or chains in violation of ORS 815.142 if the person is
- 26 operating a motor vehicle subject to ORS chapter 825 or 826.
- 27 (v) Illegally altering or displaying registration plate in violation of ORS 803.550.
- 28 (2) A weighmaster or motor carrier enforcement officer in whose presence an offense described
- 29 in this subsection is committed by a person operating a commercial motor vehicle may issue a ci-
- 30 tation for the offense. A weighmaster or motor carrier enforcement officer who finds evidence that
- 31 an offense described in this subsection has been committed by a person operating a commercial
- 32 motor vehicle or by a motor carrier for which the person is acting as an agent may issue a citation
- 33 for the offense. A weighmaster or motor carrier enforcement officer issuing a citation under this
- 34 subsection has the authority granted a police officer issuing a citation under ORS 810.410. A citation
- 35 issued under this subsection to the operator of a commercial motor vehicle shall be considered to
- 36 have been issued to the motor carrier that owns the commercial motor vehicle if the operator is not
- 37 the owner. This subsection applies to the following offenses, all of which are Class A traffic vio-
- 38 lations under ORS 825.990 (1):
- 39 (a) Repeatedly violating or avoiding any order or rule of the Department of Transportation.
- 40 (b) Repeatedly refusing or repeatedly failing, after being requested to do so, to furnish service
- 41 authorized by certificate.
- 42 (c) Refusing or failing to file the annual report as required by ORS 825.320.
- 43 (d) Refusing or failing to maintain records required by the department or to produce such re-
- 44 cords for examination as required by the department.
- 45 (e) Failing to appear for a hearing after notice that the carrier's certificate or permit is under

1 investigation.

2 (f) Filing with the department an application that is false with regard to the ownership, pos-
 3 session or control of the equipment being used or the operation being conducted.

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

6 *[(h) Refusing or failing to file a deposit or bond as required under ORS 825.506.]*

7 *[(i)]* (h) Failing to comply with the applicable requirements for attendance at a motor carrier
 8 education program as required by ORS 825.402.

9 (3) A weighmaster or motor carrier enforcement officer who finds evidence that a person oper-
 10 ating a commercial motor vehicle has committed the *[offense of failure to pay the appropriate regis-*
 11 *tration fee under ORS 803.315]* **following offenses** may issue a citation for the offense in the same
 12 manner as under ORS 810.410 as if the weighmaster or motor carrier enforcement officer were a
 13 police officer[.]:

14 (a) **Failure to register a vehicle under ORS 803.300.**

15 (b) **Failure to pay the appropriate registration fee under ORS 803.315.**

16 (c) **Failure to submit a declaration of weight under ORS 803.440.**

17 (d) **Failure to renew vehicle registration under ORS 803.455.**

18 (e) **Failure to carry a registration card under ORS 803.505.**

19 (f) **Failure to display registration plates under ORS 803.540.**

20 (g) **Improper display of validating stickers under ORS 803.560.**

21 (h) **Failure to comply with requirements of an international fuel tax agreement under**
 22 **section 5 of this 2025 Act.**

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

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

27 (b) A person is a motor carrier enforcement officer under this section if the person is duly au-
 28 thorized as a motor carrier enforcement officer by the Department of Transportation.

29 (6) A weighmaster or motor carrier enforcement officer may accept security in the same manner
 30 as a police officer under ORS 810.440 and 810.450 and may take as security for the offenses, in ad-
 31 dition to other security permitted under this section, the sum fixed as the presumptive fine for the
 32 offense.

33 (7) A weighmaster or motor carrier enforcement officer may arrest a person for the offense of
 34 failure to appear in a violation proceeding under ORS 153.992 if the violation is based upon a cita-
 35 tion for any offense described in subsection (1) or (3) of this section except those described in sub-
 36 section (1)(p) of this section.

37 (8) A weighmaster or motor carrier enforcement officer may exercise the same authority as a
 38 police officer under ORS 810.490 to enforce vehicle requirements and detain vehicles. A person who
 39 fails to comply with the authority of a weighmaster or motor carrier enforcement officer under this
 40 subsection is subject to penalty under ORS 818.400.

41 **SECTION 5. Section 6 of this 2025 Act is added to and made a part of the Oregon Vehicle**
 42 **Code.**

43 **SECTION 6. (1) A person commits the offense of failure to comply with the requirements**
 44 **of an international fuel tax agreement if the person is required to comply with the require-**
 45 **ments of an international fuel tax agreement entered into under ORS 825.555 or any rule**

1 adopted by the Department of Transportation under ORS 825.555, and the person fails to
 2 comply.

3 (2) The offense described under this section, failure to comply with an international fuel
 4 tax agreement, is a Class D traffic violation.

5
 6 **MOTOR VEHICLE FUEL TAXES**

7
 8 **SECTION 7.** ORS 319.010 is amended to read:

9 319.010. As used in ORS 319.010 to 319.430, unless the context requires otherwise:

10 (1) "Aircraft" means every contrivance now known, or hereafter invented, used or designed for
 11 navigation of or flight in the air, operated or propelled by the use of aircraft fuel.

12 (2) "Aircraft fuel" means any gasoline and any other inflammable or combustible gas or liquid
 13 by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of
 14 aircraft, except gas or liquid, the chief use of which, as determined by the Department of Trans-
 15 portation is for purposes other than the propulsion of aircraft.

16 (3) "Airport" means any area of land or water, except a restricted landing area, which is de-
 17 signed for the landing and takeoff of aircraft.

18 (4) "Broker" means [*and includes*] every person other than a dealer engaged in business as a
 19 broker, jobber or wholesale merchant dealing in motor vehicle fuel or aircraft fuel.

20 (5) "Bulk transfer" means any change in ownership of motor vehicle fuel or aircraft fuel con-
 21 tained in a terminal storage facility or any physical movement of motor vehicle fuel or aircraft fuel
 22 between terminal storage facilities by pipeline or marine transport.

23 (6) "Dealer" means any person who:

24 (a) Imports or causes to be imported motor vehicle fuels or aircraft fuels for sale, use or dis-
 25 tribution in, and after the same reaches the State of Oregon, but "dealer" does not include any
 26 person who imports into this state motor vehicle fuel in quantities of 500 gallons or less purchased
 27 from a supplier who is licensed as a dealer under ORS 319.010 to 319.430 and who assumes liability
 28 for the payment of the applicable license tax to this state;

29 (b) Produces, refines, manufactures or compounds motor vehicle fuels or aircraft fuels in the
 30 State of Oregon for use, distribution or sale in this state;

31 (c) Acquires in this state for sale, use or distribution in this state motor vehicle fuels or aircraft
 32 fuels with respect to which there has been no license tax previously incurred; or

33 (d) Acquires title to or possession of motor vehicle fuels or aircraft fuels in this state and ex-
 34 ports the product out of this state.

35 (7) "Department" means the Department of Transportation.

36 (8) "Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel
 37 or aircraft fuel by a dealer to any service station or into any tank, storage facility or series of tanks
 38 or storage facilities connected by pipelines, from which motor vehicle fuel or aircraft fuel is with-
 39 drawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the
 40 service station, tank or storage facility is owned, operated or controlled by the dealer.

41 (9) "First sale, use or distribution of motor vehicle fuel or aircraft fuel" means the first with-
 42 drawal, other than by bulk transfer, of motor vehicle fuel or aircraft fuel from terminal storage fa-
 43 cilities for sale, use or distribution. "First sale, use or distribution of motor vehicle fuel or aircraft
 44 fuel" also means the first sale, use or distribution of motor vehicle fuel or aircraft fuel after import
 45 into this state if the motor vehicle fuel or aircraft fuel is delivered other than to the terminal stor-

1 age facilities of a licensed dealer.

2 (10) "Highway" means every way, thoroughfare and place, of whatever nature, open for use of
3 the public for the purpose of vehicular travel.

4 (11) "Motor vehicle" means all vehicles, engines or machines, movable or immovable, operated
5 or propelled by the use of motor vehicle fuel.

6 (12)(a) "Motor vehicle fuel" means [*and includes*] gasoline, **diesel** and any other inflammable or
7 combustible gas or liquid, by whatever name [*such gasoline, gas or liquid is*] known or sold, usable
8 as fuel for the operation of motor vehicles, except gas or liquid[,] the chief use of which, as deter-
9 mined by the department, is for purposes other than the propulsion of motor vehicles upon the
10 highways of this state.

11 **(b) "Motor vehicle fuel" does not mean dyed diesel fuel used on public highways if the
12 dyed diesel fuel is exempt from taxation under federal or state law.**

13 (13) "Person" includes every natural person, association, firm, partnership, corporation or the
14 United States.

15 (14) "Restricted landing area" means any area of land or water, or both, which is used or made
16 available for the landing and takeoff of aircraft, the use of which, except in case of emergency, is
17 provided from time to time by the department.

18 (15) "Service station" means [*and includes*] any place operated for the purpose of retailing and
19 delivering motor vehicle fuel into the fuel tanks of motor vehicles or aircraft fuel into the fuel tanks
20 of aircraft.

21 (16) "Terminal storage facility" means any fuel storage facility that has marine or pipeline ac-
22 cess.

23 **SECTION 8. (1) Before operating a motor vehicle on the public highways of this state for
24 commercial purposes, an out-of-state user of motor vehicle fuel as defined in ORS 319.010
25 that is not registered under an international fuel tax agreement shall obtain a valid fuel
26 permit from the Department of Transportation in accordance with this section.**

27 **(2)(a) A fuel permit becomes valid only after the following fees have been paid, for each
28 fuel permit issued:**

29 **(A) A filing fee of \$1; and**

30 **(B) An administrative fee of \$10.**

31 **(b) The fees are in lieu of any motor vehicle fuel tax that would otherwise be assessable
32 against the out-of-state user for importing and using motor vehicle fuel on the public high-
33 ways of this state.**

34 **(c) No report of mileage shall be required for the motor vehicle to which the fuel permit
35 relates.**

36 **(3) A fuel permit issued under this section is valid:**

37 **(a) For three consecutive days beginning and ending on the dates specified on the face
38 of the fuel permit, unless invalidated sooner; and**

39 **(b) Only for the motor vehicle for which the fuel permit was issued.**

40 **(4) Fees collected by the department for fuel permits under this section shall be credited
41 and deposited in the same manner as the motor vehicle fuel taxes collected under ORS
42 319.010 to 319.430 and are not subject to exchange, refund or credit.**

43 **(5) The department shall adopt rules necessary to administer the provisions of this sec-
44 tion.**

45 **SECTION 9. Section 10 of this 2025 Act is added to and made a part of ORS 295.001 to**

1 295.108.

2 **SECTION 10.** (1) This section applies to the following moneys:

3 (a) Motor fuel taxes, penalties and interest that are:

4 (A) Imposed on motor carriers; and

5 (B) Payable through a clearinghouse operated under an international fuel tax agreement
6 entered into under ORS 825.555; and

7 (b) Registration fees and other fixed fees and taxes that are:

8 (A) Imposed on motor carriers for motor vehicles proportionally registered in this state
9 and other jurisdictions;

10 (B) Apportioned to this state; and

11 (C) Payable through a clearinghouse operated under an agreement for proportional reg-
12 istration entered into under ORS 826.007.

13 (2) Moneys described in subsection (1) of this section are not public funds for purposes
14 of ORS 295.001 to 295.108 for the period during which the moneys are held by a clearinghouse
15 described in subsection (1) of this section pending disbursement to, or payment on behalf of,
16 this state.

17 **SECTION 11.** Section 12 of this 2025 Act is added to and made a part of ORS 319.010 to
18 319.430.

19 **SECTION 12.** (1) The Department of Transportation shall allow refunds as provided in
20 this section to a user of motor vehicle fuel presenting a claim as follows:

21 (a) For diesel fuel used in a motor vehicle designed to carry logs, poles, pilings, sand or
22 gravel, a claimant shall be allowed a refund of:

23 (A) Up to 25 percent of the tax paid on all diesel fuel used by the claimant in this state,
24 provided that the claimant shows evidence of the total number of gallons of diesel fuel used
25 in this state on the highways and of the total number of gallons used in this state off the
26 highways; or

27 (B) Up to 15 percent of the tax paid without providing evidence of the total number of
28 gallons of diesel fuel used in this state on the highways or of the total number of gallons used
29 in this state off the highways.

30 (b) For diesel fuel used in a motor vehicle exclusively owned and operated by an
31 investor-owned utility, a claimant shall be allowed a refund of 70 percent of the tax paid.

32 (c) For diesel fuel used in a separate fuel supply dedicated to the operation of ancillary
33 equipment and not used to propel the motor vehicle, a claimant shall be allowed a refund of
34 100 percent of the tax paid.

35 (2) A claim for a refund under this section must be submitted to the department within
36 15 months after the payment of the tax for which a refund is claimed.

37 (3)(a) A claim for a refund under this section must include a signed statement by the
38 claimant indicating the amount of diesel fuel for which a refund is claimed and the manner
39 in which the diesel fuel was used that qualifies the claimant for a refund.

40 (b) If the diesel fuel for which the refund is claimed was obtained from a seller to which
41 the diesel fuel tax was paid, the claim must be supported by the invoices that cover the
42 purchase of the diesel fuel.

43 (c) If the claimant paid the diesel fuel tax directly to the department, the claimant must
44 indicate the source of the diesel fuel and the date the fuel was obtained.

45 (4) The department may require any claimant for a refund under this section to furnish

1 **a statement, under penalties for false swearing, setting forth the claimant's occupation, a**
 2 **description of the machines or equipment in which the diesel fuel was used, the place where**
 3 **the diesel fuel was used and any other information the department may require.**

4
 5 **CONFORMING AMENDMENTS**
 6

7 **SECTION 13.** ORS 319.690 is amended to read:

8 319.690. (1)(a) Except as provided in subsection (2) of this section and ORS 319.692, each user
 9 of fuel in a motor vehicle required to be licensed under ORS 319.550 shall, on or before the 20th day
 10 of each month, file with the Department of Transportation a report showing the amount of fuel used
 11 during the immediately preceding calendar month by the user and such other information as the
 12 department may require for the purposes of ORS 319.510 to 319.880.

13 (b) The department shall prescribe the form of the report.

14 (c) The user shall file the report with the department in the manner provided by the department
 15 by rule.

16 (d) Each report shall be accompanied by a remittance payable to the department for the amount
 17 of all the tax shown by the report to be due and payable.

18 (e) Any tax paid to a seller is a credit against the amount of tax otherwise due and payable to
 19 the state under ORS 319.510 to 319.880 or 818.225[, 825.474, 825.476 and 825.480. Also] **or**, when filing
 20 a monthly tax report, a user may, in lieu of claiming a refund, take a deduction or credit for the tax
 21 on any fuel which would otherwise be subject to refund under ORS 319.831 (1).

22 (2)(a) Each user of fuel in a motor vehicle with a light weight of less than 8,000 pounds required
 23 to be licensed under ORS 319.550 may file an annual report of all fuel used upon Oregon highways.

24 (b) The report for each calendar year shall be filed on or before March 1 of the year following
 25 and shall be accompanied by a remittance payable to the department of all the tax shown to be due
 26 and payable on the amount of fuel used.

27 **SECTION 14.** Section 18, chapter 30, Oregon Laws 2010, as amended by section 71L, chapter
 28 750, Oregon Laws 2017, section 32, chapter 93, Oregon Laws 2018, and section 11, chapter 491,
 29 Oregon Laws 2019, is amended to read:

30 **Sec. 18.** The Department of Transportation shall report semiannually to the legislative commit-
 31 tees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in
 32 session, to the Legislative Revenue Officer. The department's report shall include:

33 (1) An estimate of the amounts received in the previous two quarters from the increased taxes
 34 and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and
 35 the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476, 825.480] and
 36 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67] and 70, chapter 750, Oregon
 37 Laws 2017, and an estimate of the projected revenue in the current quarter and the next quarter
 38 from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter
 39 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225,
 40 818.270[, 825.476, 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67]
 41 and 70, chapter 750, Oregon Laws 2017.

42 (2) An estimate of the amounts received in the previous biennium to date from the increased
 43 taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws
 44 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476,
 45 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67] and 70, chapter

1 750, Oregon Laws 2017, and an estimate of the projected revenue in the remaining current biennium
 2 from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter
 3 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225,
 4 818.270[, 825.476, 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67]
 5 and 70, chapter 750, Oregon Laws 2017.

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

8 (a) Information about the department's total funds as well as the funds raised separately by the
 9 increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon
 10 Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270[, 825.476,
 11 825.480] and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54[, 63, 64, 66, 67] and 70, chapter
 12 750, Oregon Laws 2017, and expended as described in ORS 367.095 (3).

13 (b) Semiannual amounts that include all the actual and forecasted expenditures and distributions
 14 made under ORS 367.095 for each quarter of the current biennium and the forecasted expenditures
 15 and distributions for the following biennium.

16 **SECTION 15.** Section 5, chapter 865, Oregon Laws 2009, as amended by section 2, chapter 30,
 17 Oregon Laws 2010, is amended to read:

18 **Sec. 5.** (1) The Department of Transportation shall provide information on the department's
 19 website about:

20 (a) Transportation projects described in section 64, chapter 865, Oregon Laws 2009; and

21 (b) Any other transportation projects funded by the increase in taxes and fees by the amend-
 22 ments to:

23 (A) ORS 803.090 by section 42, chapter 865, Oregon Laws 2009;

24 (B) ORS 803.420 by section 43, chapter 865, Oregon Laws 2009;

25 (C) ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009;

26 (D) ORS 803.570 by section 44, chapter 865, Oregon Laws 2009;

27 (E) ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009;

28 (F) ORS 319.020 by section 48, chapter 865, Oregon Laws 2009;

29 (G) ORS 319.530 by section 49, chapter 865, Oregon Laws 2009; **and**

30 (H) ORS 818.225 by section 51, chapter 865, Oregon Laws 2009[.];

31 *[(I) ORS 825.476 by section 52, chapter 865, Oregon Laws 2009; and]*

32 *[(J) ORS 825.480 by section 53, chapter 865, Oregon Laws 2009.]*

33 (2) The department shall make the information accessible directly from the department's website
 34 home page.

35 (3) For each project listed, the department shall provide a short description of the project, the
 36 intended benefit of the project, an estimated date for inviting bids and entering into contracts, an
 37 estimated contract cost, an estimated completion date, any change in the estimated completion date
 38 and any change in the project cost. The department shall also provide explanation for any change
 39 in the estimated completion date or change in project cost.

40 (4) The department shall update the information required by this section each week until all
 41 projects are completed.

42 (5) The department shall report to the interim House and Senate committees related to trans-
 43 portation on the progress the department is making toward achieving the goals of this section.

44 **SECTION 16.** ORS 366.507 is amended to read:

45 366.507. (1) The Department of Transportation shall use, **to establish and operate a state**

1 **modernization program for highways**, an amount equal to:

2 (a) The amount of moneys in the State Highway Fund that becomes available for its use from
3 the increase in tax rates created by the amendments to ORS 319.020[,] **and** 319.530[, 825.476 and
4 825.480] by sections [1, 2 and 10 to 15] **1, 2, 12 and 13**, chapter 209, Oregon Laws 1985[, and];

5 (b) An amount equal to one-third of the amount of moneys in the State Highway Fund that be-
6 comes available for its use from any increase in tax rates created by the amendments to ORS
7 319.020[,] **and** 319.530[, 825.476 and 825.480] by sections [5, 6 and 8 to 15] **8 to 11, 14 and 15**, chapter
8 899, Oregon Laws 1987[.]; and

9 (c) **One-third of the amount that results** from any increase in tax rates that results from the
10 provisions of sections 16 and 17, chapter 899, Oregon Laws 1987[, *to establish and operate a state*
11 *modernization program for highways*].

12 (2) The program established under this section and the use of moneys in the program are subject
13 to the following:

14 [(1)] (a) The moneys may be used by the department to retire bonds that the department issues
15 for the modernization program under bonding authority of the department.

16 [(2)] (b) The intent of the modernization program is to increase highway safety, to accelerate
17 improvements from the backlog of needs on the state highways and to fund modernization of high-
18 ways and local roads to support economic development in Oregon. Projects both on and off the state
19 highway system are eligible.

20 [(3)] (c) Projects to be implemented by the modernization program shall be selected by the
21 Oregon Transportation Commission. The criteria for selection of projects will be established after
22 public hearings that allow citizens an opportunity to review the criteria. The commission may use
23 up to one-half of moneys available under this section for modernization projects selected by the
24 commission from a list of projects of statewide significance.

25 [(4)] (d) In developing criteria for selection of projects, the commission shall consider the fol-
26 lowing:

27 [(a)] (A) Projects must be of significance to the state highway system.

28 [(b)] (B) Except for projects that are of statewide significance, projects must be equitably dis-
29 tributed throughout Oregon.

30 [(c)] (C) Projects may be on county or city arterial roads connecting to or supporting a state
31 highway.

32 [(d)] (D) Priority may be given to projects that make a meaningful contribution to increased
33 highway safety.

34 [(e)] (E) Priority may also be given to projects that encourage economic development where:

35 [(A)] (i) There is commitment by private industry to construct a facility.

36 [(B)] (ii) There is support from other state agencies.

37 [(f)] (F) Priority may be given where there is local government or private sector financial par-
38 ticipation, or both, in the improvement in addition to improvements adjacent to the project.

39 [(g)] (G) Priority may be given where there is strong local support.

40 [(5)] (e) Except as otherwise provided in this subsection, federal moneys or moneys from the
41 State Highway Fund other than those described in this section may be used for the modernization
42 program as long as the total amount used is equal to the amount described in this section. Federal
43 moneys that are appropriated by Congress for specific projects and federal moneys that are allo-
44 cated by the United States Department of Transportation for specific projects may not be used for
45 the modernization program under this section.

1 **SECTION 17.** ORS 366.744 is amended to read:

2 366.744. (1) The following moneys shall be allocated as provided in subsection (2) of this section:

3 (a) The amount attributable to the increase in title fees by the amendments to ORS 803.090 by
4 section 1, chapter 618, Oregon Laws 2003.

5 (b) The amount attributable to the increase in registration fees by the amendments to ORS
6 803.420 by section 2, chapter 618, Oregon Laws 2003, except for the amount paid to the State Parks
7 and Recreation Department Fund under ORS 366.512; and

8 (c) The amount attributable to the increase in fees [*and tax rates*] by the amendments to ORS
9 818.225[, 825.476 and 825.480 by sections 3, 4 and 5, chapter 618, Oregon Laws 2003] **by section 3,**
10 **chapter 618, Oregon Laws 2003.**

11 (2) The moneys described in subsection (1) of this section shall be allocated as follows:

12 (a) 57.53 percent to the Department of Transportation.

13 (b) 25.48 percent to the department to pay the principal and interest due on bonds authorized
14 under ORS 367.620 (3) that are issued for replacement and repair of bridges on county highways.
15 However, any portion of the 25.48 percent that is not needed for payment of principal and interest
16 on the bonds described in this paragraph shall be allocated to counties. Moneys allocated to coun-
17 ties under this paragraph shall be distributed in the same manner as moneys allocated to counties
18 under ORS 366.739 are distributed.

19 (c) 16.99 percent to the department to pay the principal and interest due on bonds authorized
20 under ORS 367.620 (3) that are issued for replacement and repair of bridges on city highways.
21 However, any portion of the 16.99 percent that is not needed for payment of principal and interest
22 on the bonds described in this paragraph shall be allocated to cities. Moneys allocated to cities
23 under this paragraph shall be distributed in the same manner as moneys allocated to cities under
24 ORS 366.739 are distributed.

25 (3)(a) Multnomah County shall spend a majority of moneys distributed to it under subsection
26 (2)(b) of this section on bridges in the county.

27 (b) Moneys distributed to Multnomah County under subsection (2)(b) of this section that are not
28 spent on bridges shall be distributed equitably within the county, based on the agreement described
29 in paragraph (c) of this subsection.

30 (c) Multnomah County and the cities within the county shall agree upon the distribution of
31 moneys described in paragraph (b) of this subsection. When the county and the cities have reached
32 an agreement, they shall notify the Oregon Transportation Commission of the agreement. If the
33 commission does not receive notice of an agreement by June 30, 2004, the Department of Transpor-
34 tation may not distribute moneys that would otherwise go to the county under paragraph (b) of this
35 subsection. Such moneys shall revert to the State Highway Fund for use by the Department of
36 Transportation.

37 **SECTION 18.** ORS 366.752 is amended to read:

38 366.752. (1) The following moneys shall be allocated as described in subsections (2) and (3) of this
39 section:

40 (a) The amount attributable to the fee increases by the amendments to ORS 803.090 by section
41 42, chapter 865, Oregon Laws 2009.

42 (b) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
43 43, chapter 865, Oregon Laws 2009.

44 (c) The amount attributable to the fee increases by the amendments to ORS 803.420 by section
45 43a, chapter 865, Oregon Laws 2009.

1 (d) The amount attributable to the fee increases by the amendments to ORS 803.570 by section
2 44, chapter 865, Oregon Laws 2009.

3 (e) The amount attributable to the fee increase by the amendments to ORS 803.645 by section
4 44a, chapter 865, Oregon Laws 2009.

5 (f) The amount attributable to the increase in fees and tax rates by the amendments to ORS
6 319.020, 319.530, 818.225[, 825.476 and 825.480] by sections 48, 49 and 51 [to 53], chapter 865, Oregon
7 Laws 2009.

8 (2) The moneys described in subsection (1) of this section shall be allocated first in an amount
9 of \$24 million per year in monthly installments to the Department of Transportation for the purposes
10 described in the long-range plan developed pursuant to ORS 184.617. The remainder of the moneys
11 shall be allocated as provided in subsection (3) of this section.

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

14 (a) 50 percent to the Department of Transportation.

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

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

17 (4) Except as provided in subsection (5) of this section, the moneys described in subsection (3)(a)
18 of this section or equivalent amounts that become available to the Department of Transportation
19 shall be allocated as follows:

20 (a) 33 percent for maintenance, preservation and safety of highways.

21 (b) 15.75 percent for the state modernization program for highways as described in ORS 366.507.

22 (c) 51.25 percent for the purposes described in ORS 367.620 (3)(c) and section 64, chapter 865,
23 Oregon Laws 2009.

24 (5) The moneys allocated in subsection (4) of this section may be used to secure and pay bond
25 debt service on Highway User Tax Bonds under ORS 367.615.

26 (6) For the purposes of this section:

27 (a) "Bond" has the meaning given that term in ORS 367.010.

28 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

29 **SECTION 19.** ORS 367.095 is amended to read:

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

31 (a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon Laws
32 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750, Oregon
33 Laws 2017.

34 (b) The amount attributable to the vehicle registration and title fees imposed under ORS 803.091
35 and 803.422.

36 (c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420,
37 803.645, 818.225[, 825.476, 825.480] and 826.023 by sections 34, 35, 48, 49, 51, 52[, 63, 64, 66, 67] and
38 70, chapter 750, Oregon Laws 2017.

39 (2) The amounts described in subsection (1) of this section shall be distributed in the following
40 order and for the following purposes:

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

42 (i) The Interstate 5 Rose Quarter Project;

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

44 (iii) The Interstate 5 Boone Bridge and Seismic Improvement Project; and

45 (iv) The implementation of the toll program established under ORS 383.150.

1 (B) The amount described in subparagraph (A) of this paragraph shall be used to pay for costs,
 2 including project costs on a current basis and paying for debt service on bonds issued to finance the
 3 projects or toll program, only until the later of the date on which the projects or toll program is
 4 completed or on which all bonds issued to fund the projects or toll program have been repaid. Any
 5 remaining moneys shall be distributed as described in subsection (3) of this section.

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

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

11 (a) 50 percent to the Department of Transportation.

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

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

14 (4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become
 15 available to the Department of Transportation shall be allocated as follows:

16 (a) \$10 million for safety.

17 (b) Of the remaining balance:

18 (A) Forty percent for bridges.

19 (B) Thirty percent for seismic improvements related to highways and bridges.

20 (C) Twenty-four percent for state highway pavement preservation and culverts.

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

22 **SECTION 20.** ORS 367.173 is amended to read:

23 367.173. The principal, interest, premium, if any, and the purchase or tender price of the grant
 24 anticipation revenue bonds issued under ORS 367.161 to 367.181 are payable solely from the follow-
 25 ing moneys:

26 (1) Federal transportation funds.

27 (2) To the extent affirmatively pledged at the time issuance of revenue bonds is authorized, the
 28 following moneys that are lawfully available:

29 (a) Moneys deposited in the State Highway Fund established under ORS 366.505.

30 (b) Except as provided in paragraph (c) of this subsection, moneys, once deposited in the State
 31 Highway Fund established under ORS 366.505, from the following sources may be affirmatively
 32 pledged:

33 [(A) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.]

34 [(B)] (A) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

35 [(C)] (B) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

36 [(D)] (C) Moneys from the special use fuel license fee under ORS 319.535.

37 [(E)] (D) Moneys described under ORS 803.090 from the titling of vehicles.

38 [(F)] (E) Moneys described under ORS 803.420 from the registration of vehicles.

39 [(G)] (F) Moneys described under ORS 807.370 relating to the issuance of driver licenses and
 40 driver permits.

41 [(H)] (G) Moneys received by the Department of Transportation from taxes, fees or charges im-
 42 posed after January 1, 2001, or other revenues or moneys received by the department from sources
 43 not listed in subparagraphs [(A) to (G)] (A) to (F) of this paragraph that are lawfully available to
 44 be pledged under this section.

45 (c) Moneys described in paragraph (b) of this subsection do not include:

1 (A) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

2 (B) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

3 (C) Moneys in the account established under ORS 366.512 for parks and recreation.

4 **SECTION 21.** ORS 367.605 is amended to read:

5 367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are
6 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

7 (2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway
8 fund from the following sources are subject to the use or pledge described in subsection (1) of this
9 section:

10 [(a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.]

11 [(b)] (a) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

12 [(c)] (b) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

13 [(d)] (c) Moneys from the special use fuel license fee under ORS 319.535.

14 [(e)] (d) Moneys described under ORS 803.090 from the titling of vehicles.

15 [(f)] (e) Moneys described under ORS 803.420 from the registration of vehicles.

16 [(g)] (f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and
17 driver permits.

18 [(h)] (g) Moneys received by the Department of Transportation from taxes, fees or charges im-
19 posed after January 1, 2001, or other revenues received by the department from sources not listed
20 in paragraphs [(a) to (g)] (a) to (f) of this subsection that are available for the use or pledge de-
21 scribed by this section.

22 (3) Moneys described under subsection (2) of this section do not include:

23 (a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

24 (b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

25 (c) Moneys in the account established under ORS 366.512 for parks and recreation.

26 (4) To the extent affirmatively pledged, moneys from the following sources are subject to the
27 use or pledge described in subsection (1) of this section:

28 (a) Moneys received by the Department of Transportation from the United States government.

29 (b) Any other moneys legally available to the department.

30 (5) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds
31 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state
32 requiring the department to spend moneys for specified highway purposes.

33 **SECTION 22.** ORS 367.621 is amended to read:

34 367.621. It is the policy of the State of Oregon to use increased revenues from the amendments
35 to ORS 803.090, 803.420[,] **and** 818.225[, 825.476 and 825.480] by sections 1 to [5] **3**, chapter 618,
36 Oregon Laws 2003, in a manner that maximizes the creation of new jobs. Each public body, as de-
37 fined in ORS 174.109, that receives moneys from the revenues generated by the amendments to ORS
38 803.090, 803.420[,] **and** 818.225[, 825.476 and 825.480] by sections 1 to [5] **3**, chapter 618, Oregon Laws
39 2003, shall use private sector resources to the greatest extent possible in accomplishing the work
40 funded by revenues [from the amendments to ORS 803.090, 803.420, 818.225, 825.476 and 825.480 by
41 sections 1 to 5, chapter 618, Oregon Laws 2003] **described in this section.**

42 **SECTION 23.** ORS 376.390 is amended to read:

43 376.390. Nothing in ORS 376.305 to 376.390 relieves the forest road contractor or agents or
44 subcontractors of the forest road contractor from payment of any taxes or fees prescribed by law,
45 *except that, with respect to a motor vehicle operated upon a contract forest road by a forest road con-*

1 *tractor, or agent or subcontractor of the forest road contractor, the road tax mileage fees prescribed*
 2 *by ORS 825.474, 825.476, 825.480 and 825.484 shall be assessed upon the declared combined weight of*
 3 *the motor vehicle or 76,000 pounds, whichever is less].*

4 **SECTION 24.** ORS 818.225 is amended to read:

5 818.225. (1) As used in this section, "equivalent single-axle load" means the relationship between
 6 actual or requested weight and an 18,000 pound single-axle load as determined by the American
 7 Association of State Highway and Transportation Officials Road Tests reported at the Proceedings
 8 Conference of 1962.

9 (2)(a) In addition to any fee for a single-trip nondivisible load permit, a person who is issued the
 10 permit or who operates a vehicle in a manner that requires the permit is liable for payment of a
 11 road use assessment fee of ten and nine-tenths cents per equivalent single-axle load mile traveled.

12 (b) If the road use assessment fee is not collected at the time of issuance of the permit, the de-
 13 partment shall bill the permittee for the amount due. The account shall be considered delinquent if
 14 not paid within 60 days of billing.

15 *[(c) The miles of travel authorized by a single-trip nondivisible load permit shall be exempt from*
 16 *taxation under ORS chapter 825.]*

17 (3) The department may adopt rules:

18 (a) To standardize the determination of equivalent single-axle load computation based on aver-
 19 age highway conditions; and

20 (b) To establish procedures for payment, collection and enforcement of the fees and assessments
 21 established by this chapter.

22 **SECTION 25.** ORS 822.040 is amended to read:

23 822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020
 24 may exercise the following privileges under the certificate:

25 (a) Subject to ORS 822.045, a dealer is authorized, without violating ORS 803.025 or 803.300, to
 26 use and operate over and along the highways of this state vehicles displaying the dealer's plates
 27 whether registered or not or whether or not a title is issued for the vehicle if the vehicle:

28 (A) Is owned or controlled by the dealer;

29 (B) Is used by the dealer, members of the dealer's firm, any salesperson thereof or any person
 30 authorized by the dealer;

31 (C) Indicates it is offered for sale; and

32 (D) When offered for sale, is available for display during the vehicle dealer's normal business
 33 hours.

34 (b) A dealer is entitled to receive dealer plates or devices and replacement or additional dealer
 35 plates or devices. As many additional dealer plates as may be desired may be obtained upon the
 36 filing of a formal application for additional plates with the Department of Transportation. The plates
 37 issued to dealers shall require the payment of fees as provided under ORS 805.250.

38 (c) The person is not subject to the prohibitions and penalties under ORS 822.005 as long as the
 39 holder's vehicle dealer business is conducted in a location approved under the certificate.

40 (d) The dealer shall be considered the owner of vehicles manufactured or dealt in by the dealer,
 41 before delivery and sale of the vehicles, and of all vehicles in the dealer's possession and operated
 42 or driven by the dealer or the dealer's employees.

43 *[(e) Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax imposed under ORS*
 44 *825.474, the dealer may pay the fuel taxes imposed under ORS 319.020 and 319.530, when the*
 45 *vehicle:]*

1 [(A) *Displays the dealer's plates;*]

2 [(B) *Is actually owned or controlled by the dealer and in actual use by the dealer, members of the*
3 *dealer's firm, any salesperson of the dealer or any person authorized by the dealer;*]

4 [(C) *Is operated on the highway for the purpose of test driving the vehicle; and*]

5 [(D) *Is unloaded.*]

6 (2) The holder of a vehicle dealer certificate may open additional places of business under the
7 same business name by obtaining a supplemental certificate from the department under this sub-
8 section. The following all apply to a supplemental certificate issued under this subsection:

9 (a) The department may not issue a supplemental certificate under this subsection if the addi-
10 tional place of business opened will be operated under a different business name than that indicated
11 on the current certificate. Any business that a vehicle dealer operates under a separate business
12 name must be operated under a separate certificate and the dealer must apply for and pay the fees
13 for a regular dealer certificate for the business.

14 (b) A supplemental certificate issued under this subsection is subject to the fee for supplemental
15 certificate under ORS 822.700.

16 (3) The holder of a vehicle dealer certificate may move a place of business or change a business
17 name by obtaining a corrected certificate from the department. For purposes of this subsection,
18 "place of business" includes a recreational vehicle service facility as defined in ORS 822.082. The
19 following apply to a corrected certificate issued under this subsection:

20 (a) The department shall prescribe the form for application for a corrected certificate.

21 (b) A person applying for a corrected certificate shall pay the fee for the corrected certificate
22 established in ORS 822.700.

23 (4) The department may establish by rule the requirements a holder of a vehicle dealer certif-
24 icate must meet to display a vehicle at a location other than the dealer's place of business for the
25 purpose of advertising without first obtaining a supplemental certificate from the department. In
26 addition to any requirements established by the department by rule, all of the following apply:

27 (a) The dealer must have a signed agreement with the owner of the property or the person using
28 the property where the vehicle is to be displayed stating that the vehicle is for an advertising pro-
29 motion only and that the processing of any documents or other activities required to purchase a
30 vehicle must be done at the dealer's place of business.

31 (b) The vehicle on display must be clearly marked with the dealer's name and contact informa-
32 tion and a notice that the vehicle is displayed only for the purpose of advertising and may be pur-
33 chased only at the dealer's place of business.

34 (c) Displaying the vehicle must not violate any zoning laws or ordinances.

35 (d) The dealer or the dealer's employees may not remain with the vehicle except for the purpose
36 of moving the vehicle in or out of the display area.

37 **SECTION 26.** ORS 822.213 is amended to read:

38 822.213. [(1)] In addition to the privileges described under ORS 822.210, the holder of a current,
39 valid towing business certificate issued under ORS 822.205 may use a tow vehicle to transport
40 property for hire other than as described in ORS 822.210 if:

41 [(a)] (1) The tow vehicle is used primarily for the purposes described in ORS 822.210 in a manner
42 specified by the department by rule;

43 [(b)] (2) The tow vehicle has a combined weight of 26,001 pounds or more;

44 [(c)] (3) The holder of the towing business certificate has submitted a declaration of weight un-
45 der ORS 803.435 and has registered the tow vehicle under ORS 803.420 (14)(a); and

1 *[(d)]* (4) The holder of the towing business certificate operates in accordance with the provisions
2 of ORS chapter 825.

3 *[(2) A tow vehicle that is used to transport property for hire other than as described in ORS
4 822.210 is subject to the weight-mile tax imposed under ORS 825.474.]*

5 **SECTION 27.** ORS 823.012 is amended to read:

6 823.012. (1) If the Director of Transportation determines that an emergency, as defined in ORS
7 401.025, has occurred or is imminent, the director may suspend operation of one or more of the fol-
8 lowing statutes involving motor carriers for the purpose of expediting the movement of persons or
9 property:

10 (a) ORS 818.400, compliance with commercial vehicle enforcement requirements related to com-
11 mercial vehicle weight, size, load, conformation or equipment.

12 (b) ORS 825.100, certificate or permit requirement for commercial transportation of persons or
13 property.

14 (c) ORS 825.104, registration requirement for for-hire or private carrier engaged in interstate
15 operations.

16 (d) ORS 825.160, requirement for person operating as motor carrier to have policy of public li-
17 ability and property damage insurance.

18 (e) ORS 825.162, requirement for person operating as for-hire carrier of freight or express to
19 have cargo insurance.

20 (f) ORS 825.250, requirement to stop and submit to an inspection of the driver, the cargo or the
21 vehicle or combination of vehicles.

22 (g) ORS 825.252, safety regulations for for-hire and private carriers.

23 (h) ORS 825.258, rules for transportation of hazardous waste, hazardous material and PCB.

24 (i) ORS 825.450, weight identifiers issued by Department of Transportation.

25 *[(j) ORS 825.470, temporary pass for single trip or short-time operation of vehicle.]*

26 *[(k) ORS 825.474, assessment of tax for use of highways.]*

27 *[(L)]* (i) ORS 826.031, registration of certain vehicles not already registered with state.

28 (2) A suspension under this section may occur prior to a declaration of a state of emergency
29 under ORS 401.165, but may not exceed 72 hours unless a state of emergency is declared under ORS
30 401.165. If a state of emergency is declared under ORS 401.165, the suspension shall last until the
31 state of emergency is terminated as provided under ORS 401.204.

32 (3) The director may designate by rule a line of succession of deputy directors or other em-
33 ployees of the department who may suspend operations of statutes under this section in the event
34 the director is not available. Any suspension by a person designated by the director under this
35 subsection has the same force and effect as if issued by the director, except that, if the director can
36 be reached, the suspension must be affirmed by the director when the director is reached. If the
37 director does not set aside a suspension within 24 hours of being reached, the suspension shall be
38 considered affirmed by the director.

39 **SECTION 28.** ORS 825.005 is amended to read:

40 825.005. As used in this chapter:

41 (1) "Carrier" or "motor carrier" means for-hire carrier or private carrier.

42 (2) "Cartage carrier" means any person who undertakes to transport any class of property by
43 motor vehicle for compensation when the transportation is performed wholly within an incorporated
44 city or a commercial zone adjacent to an incorporated city.

45 (3) "Certificate" means an authority issued to a for-hire carrier under ORS 825.110.

1 (4) "Combined weight" means the weight of the motor vehicle plus the weight of the maximum
2 load which the applicant has declared such vehicle will carry. Any declared combined weight is
3 subject to audit and approval by the Department of Transportation.

4 (5) "Department" means the Department of Transportation.

5 [(6) "*Extreme miles*" or "*extreme mileage*" means the total miles operated by a vehicle over the
6 public highways, except the extra miles necessarily operated in traversing detours or temporary routes
7 on account of road blockades in the state.]

8 [(7)] (6) "For-hire carrier" means:

9 (a) Any person who transports persons or property for hire or who publicly purports to be
10 willing to transport persons or property for hire by motor vehicle; or

11 (b) Any person who leases, rents or otherwise provides a motor vehicle to the public and who
12 in connection therewith in the regular course of business provides, procures or arranges for, di-
13 rectly, indirectly or by course of dealing, a driver or operator therefor.

14 [(8)] (7) "Household goods" means the personal effects or other property used or to be used in
15 a dwelling but does not include property transported from a store or factory or property exclusively
16 for office use.

17 [(9)] (8) "Motor vehicle" means any self-propelled vehicle and any such vehicle in combination
18 with any trailing units, used or physically capable of being used upon any public highway in this
19 state in the transportation of persons or property, except vehicles operating wholly on fixed rails
20 or tracks and electric trolley buses. "Motor vehicle" includes overdimension vehicles or vehicles
21 permitted excessive weights pursuant to a special authorization issued by a city, county or the De-
22 partment of Transportation.

23 [(10)] (9) "Permit" means an authority issued to a carrier under ORS 825.102, 825.106, 825.108
24 or 825.127.

25 [(11)] (10) "Private carrier" means any person who operates a motor vehicle over the public
26 highways of this state for the purpose of transporting persons or property when the transportation
27 is incidental to a primary business enterprise, other than transportation, in which such person is
28 engaged.

29 [(12) "*Privilege taxes*" means the weight-mile tax and fees prescribed in this chapter.]

30 [(13)] (11) "Property" includes, but is not limited to, permanent loads such as equipment, appli-
31 ances, devices, or ballast that are attached to, carried on, or made a part of the vehicle and that
32 are designed to serve some functional purpose.

33 [(14)] (12) "Public highway" means every street, alley, road, highway and thoroughfare in this
34 state used by the public or dedicated or appropriated to public use.

35 [(15)] (13) "Transit-type motor vehicle" means any passenger-carrying vehicle that does not have
36 a separate space for transporting baggage or express.

37 [(16)] (14) "Transporter" has the meaning given that term in ORS 466.005.

38 **SECTION 29.** ORS 825.007 is amended to read:

39 825.007. (1) The business of operating as a motor carrier of persons or property for hire upon
40 the highways of this state is declared to be a business affected with the public interest. It is hereby
41 declared to be the state transportation policy to do the following:

42 (a) Promote safe, adequate, economical and efficient service and to promote the conservation
43 of energy.

44 (b) Promote sound, economic conditions in transportation.

45 (c) Encourage the establishment and maintenance of reasonable rates for transportation ser-

1 vices, without unjust discriminations, undue preferences or advantages or unfair or destructive
2 competitive practices.

3 (d) Provide specific state action immunity against all antitrust claims and prosecution in those
4 instances when carriers lawfully develop, publish and charge rates relating to the transportation of
5 household goods and joint line rates relating to the transportation of other property and provide
6 services specifically prescribed and subject to regulation by the Department of Transportation and
7 in those instances when carriers lawfully engage in prior consultation for purposes described in this
8 paragraph.

9 (2) The volume of motor carrier traffic presents dangers and hazards on public highways and
10 makes it imperative that:

11 (a) Stringent rules be employed, to the end that the highways may be rendered safe for the use
12 of the general public;

13 (b) The wear of such highways be controlled;

14 (c) A minimum of inconvenience to other users of the highways be effected;

15 (d) A minimum hindrance and stoppage to other users of the highways compatible with needs
16 of the public for adequate transportation service, be effected;

17 (e) The highways be safeguarded from improper or unnecessary usage;

18 (f) Operation by irresponsible persons or any other operation threatening the safety of the public
19 or detrimental to the general welfare be prevented;

20 (g) Congestion of traffic on the highways be minimized;

21 (h) The various transportation agencies of the state be adjusted and correlated so that public
22 highways may serve the best interest of the general public; and

23 (i) A method of assessing [*privilege*] taxes be provided to enable the further construction of
24 highways and to provide for the operation, preservation and maintenance of highways already built.

25 (3) The Legislative Assembly hereby declares that to effect the ends and purposes listed in this
26 section, this chapter is adopted.

27 **SECTION 30.** ORS 825.020 is amended to read:

28 825.020. Except as otherwise provided in this section and ORS 825.030, this chapter does not
29 apply to the persons or vehicles described in this section. The provisions of ORS 825.100, 825.137,
30 825.139, 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), [825.212,] 825.450, 825.454,
31 [825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496,]
32 825.498, 825.504, [825.506, 825.507,] 825.508 and 825.515 apply to any of the following vehicles or
33 combinations of vehicles with a combined weight of more than 26,000 pounds:

34 (1) Vehicles being used exclusively in the transportation of United States mail on a trip basis.

35 (2) Vehicles being used in the transportation of persons for hire, in vehicles with a seating ca-
36 pacity of more than five persons, within a city and within three air miles of the city. When the
37 three air mile radius extends into the corporate limits of another city, the two cities shall be con-
38 sidered as one city for the purposes of this subsection. The following apply to this subsection:

39 (a) Service may also be provided to or from any area surrounding the area described under this
40 subsection so long as the service does not compete with a carrier granted authority by the Depart-
41 ment of Transportation under this chapter to operate in that surrounding area.

42 (b) Any vehicle exempt from the provisions of this chapter under this subsection is subject to
43 regulation by the city or cities in which it is operated.

44 (3) Vehicles being used for the purpose of transporting persons or property in connection with
45 the patrolling of forests for the prevention or fighting of forest fires.

1 (4) Vehicles being used in towing or otherwise transporting vehicles at the direction of a police
 2 officer or in servicing, towing or transporting wrecked or disabled vehicles, or in towing or trans-
 3 porting a replacement vehicle for such wrecked or disabled vehicle if the vehicle:

4 (a) Is not otherwise used in transporting goods and merchandise for compensation; and

5 (b) In the case of towing, is specially constructed for that use or has a combined weight not
 6 exceeding 8,000 pounds.

7 (5) Vehicles being used by a for-hire carrier to transport within this state free or at reduced
 8 rates:

9 (a) The carrier's officers, agents or employees, or dependent members of the families of those
 10 individuals, or the personal effects or household goods of those individuals.

11 (b) Ministers of religions, inmates of hospitals and individuals exclusively engaged in charitable
 12 and eleemosynary work.

13 (c) Indigent, destitute and homeless individuals and the necessary agents employed in the
 14 transportation.

15 (d) Witnesses attending legal investigations in which the carrier is interested.

16 (e) Persons injured in wrecks and physicians and nurses attending those persons.

17 (f) Persons providing relief in cases of general epidemic, pestilence or other emergency.

18 (g) Persons traveling under commuter, party or excursion passenger tickets, if available to all
 19 persons applying under like circumstances or conditions.

20 (h) Persons traveling under an exchange of passes between for-hire carriers.

21 (6) Vehicles being used to transport plants, artificial and natural flowers and accompanying
 22 florist accessories in movements originating at retail shops.

23 (7) Any vehicle used by a person licensed under ORS 508.235 while the person is transporting
 24 the person's own, unsold catch of fish from the point of landing to the first point where fish from
 25 the catch will be sold, placed in storage or processed in any way.

26 (8) Vehicles owned or operated by truck leasing companies operated empty over the public
 27 highways for the purpose of relocation of equipment. This exemption does not apply to motor vehi-
 28 cles operated empty as a result of or for the purpose of transporting passengers or property.

29 **SECTION 31.** ORS 825.022 is amended to read:

30 825.022. The provisions of ORS 825.160, 825.450, 825.454[, 825.470, 825.472, 825.474, 825.476,
 31 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496] and 825.515 do not apply to any of the
 32 following:

33 (1) A vehicle or combination of vehicles with a combined weight of 26,000 pounds or less.

34 (2) A vehicle being used in the transportation of persons for hire if the operation:

35 (a) Is performed by a nonprofit entity;

36 (b) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

37 (c) Is approved by the Department of Transportation as complying with paragraphs (a) and (b)
 38 of this subsection.

39 (3) A vehicle owned or operated by a transportation district organized under ORS 267.510 to
 40 267.650.

41 (4) A vehicle owned or operated by a county service district authorized to provide public
 42 transportation under ORS 451.010.

43 (5) A vehicle owned or operated by an intergovernmental body formed by two or more public
 44 bodies, as defined in ORS 174.109, to provide public transportation.

45 **SECTION 32.** ORS 825.137 is amended to read:

1 825.137. (1) Certificates and permits when issued shall be valid until suspended or revoked when
 2 the carrier is found by the Department of Transportation to be in violation of this chapter or ORS
 3 chapter 818. A variance permit issued under ORS chapter 818 shall be valid for the length of time
 4 for which it is issued unless prior to that time the permit is suspended or revoked by the Depart-
 5 ment of Transportation for violation of this chapter or ORS chapter 818.

6 (2) Certificates or permits, or variance permits issued pursuant to ORS chapter 818, may be
 7 suspended or canceled by the department based upon the department's own motion after notice and
 8 hearing, when the certificate or permit holder:

9 (a) Or agents or employees of the holder have repeatedly violated this chapter or other highway
 10 or motor laws of this state. In applying this paragraph the department may consider violations by
 11 agents or employees of the holder that occurred prior to the time they became agents or employees
 12 of the holder, but only if the agent or employee has a substantial interest or control, directly or
 13 indirectly, in or over the operation of the holder.

14 (b) Has repeatedly violated or avoided any order or rule of the department.

15 (c) Is a transporter of household goods and has repeatedly made unlawful rebates or repeatedly
 16 underestimated transportation charges to clients.

17 (d) Has repeatedly refused or has repeatedly failed, after being requested to do so, to furnish
 18 service authorized by certificate. The department in such cases may also, in the discretion of the
 19 department, restrict the certificate to conform with operations conducted.

20 (e) Has not, except for reasons beyond the control of the holder, transported household goods
 21 authorized by the certificate for a period exceeding 180 consecutive days immediately preceding the
 22 filing of the complaint in the proceeding. The department in these cases may also, in the discretion
 23 of the department, restrict the certificate to conform with operations performed that were required
 24 by the public convenience and necessity.

25 (f) Has not, except for reasons beyond the control of the holder, transported property authorized
 26 by the permit for a period exceeding one year immediately preceding the filing of the complaint in
 27 the proceeding.

28 (g) Has refused, or has failed, within the time provided, to file the annual report required by
 29 ORS 825.320 or has failed or refused to maintain records required by the department or to produce
 30 such records for examination within the time set by the department.

31 (h) Has failed to appear for hearing after notice that the certificate or permit is under investi-
 32 gation.

33 (i) Has filed with the department an application which is false with regard to the ownership,
 34 possession or control of the equipment being used or the operation being conducted.

35 (3) The department *[shall]* **may** not suspend or revoke a certificate or permit of a vehicle or
 36 person described in ORS 825.020 unless the person or vehicle is in violation of this section and ORS
 37 825.139, 825.141, 825.160, 825.164, 825.166, 825.168, 825.210 (1) and (3), *[825.212,]* 825.450, 825.454,
 38 *[825.470, 825.472, 825.474, 825.476, 825.480, 825.484, 825.488, 825.490, 825.492, 825.494, 825.496,]*
 39 825.498, 825.504, *[825.506, 825.507,]* 825.508 or 825.515.

40 **SECTION 33.** ORS 825.139 is amended to read:

41 825.139. (1) A certificate or permit is subject to suspension or cancellation, if the holder
 42 *[thereof:]*

43 *[(a)]* is delinquent in reporting or paying any fees, taxes or penalties due the Department of
 44 Transportation, whether imposed under this chapter or under ORS chapter 826*;* *or]*

45 *[(b) Has refused or failed, within the time provided, to file a deposit or bond requested under ORS*

1 825.506].

2 (2) A written 10-day notice of suspension shall be given to the certificate or permit holder and
 3 unless a hearing is requested within such time, the certificate or permit shall be deemed suspended
 4 without further notice or hearing until the report[, *payment, bond or deposit*] is filed **or payment**
 5 **is made** with the department.

6 (3) Upon a written 10-day notice by the department, a certificate or permit may be suspended
 7 or canceled for [*any of*] the reasons [*set forth*] **described** in subsection (1) of this section. If the
 8 certificate or permit is suspended, the filing of the report[,] **or making the** payment[, *bond or deposit*
 9 *will*] **does** not reinstate the authority until the suspension period has expired, except on order of the
 10 department.

11 **SECTION 34.** ORS 825.354 is amended to read:

12 825.354. The Department of Transportation may appoint agents [*to issue temporary passes pro-*
 13 *vided in ORS 825.470 and*] to collect any fees and taxes required by this chapter. The department
 14 shall prescribe the duties and compensation of such agents and may require them to give bonds or
 15 irrevocable letters of credit issued by an insured institution, as defined in ORS 706.008, in such
 16 amount as the department determines appropriate, conditioned upon the faithful performance of their
 17 duties.

18 **SECTION 35.** ORS 825.400 is amended to read:

19 825.400. (1) The Department of Transportation shall establish a program for the education of
 20 motor carriers that covers, at a minimum, safety, [*weight mile tax and*] registration and size and
 21 weight regulations administered by the department.

22 (2) The department may appoint agents to carry out the program established under this section.

23 (3) The department shall prescribe fees sufficient to defray the costs of the program. Agents
 24 appointed by the department may assess the fees.

25 (4) The department shall adopt rules to carry out the provisions of this section.

26 **SECTION 36.** ORS 825.450 is amended to read:

27 825.450. (1) Upon application by a carrier, the Department of Transportation may issue a weight
 28 identifier for each vehicle the carrier enrolls with the department, which must state the combined
 29 weight of the vehicle or combination of vehicles. The department shall record each weight identifier
 30 electronically. [*This subsection does not apply to vehicles issued a temporary pass under ORS*
 31 *825.470.*]

32 (2) A person may not load any motor vehicle in excess of the combined weight stated on the
 33 weight identifier issued for that motor vehicle under subsection (1) of this section.

34 (3) Weight identifiers issued under this section are valid from the first day of any calendar
 35 quarter to the last day of the fourth consecutive calendar quarter. Each carrier may select the
 36 calendar quarter in which the period will begin except that, if necessary for administrative con-
 37 venience, the department may require a carrier to adopt a starting date chosen by the department.

38 (4) All vehicles operating under the carrier's authority shall have the same four-quarter period
 39 of weight identifier validity. The department may allow a carrier to operate with expired weight
 40 identifiers for up to one extra quarter if the renewal application has been submitted. The extension
 41 of time allowed by this subsection shall be granted only if the department determines that the ex-
 42 tension is necessary for the administrative convenience of the department.

43 (5) The department may adopt rules necessary to administer the provisions of this section.

44 **SECTION 37.** ORS 825.475 is amended to read:

45 825.475. Notwithstanding ORS 319.020[,] **and** 319.530 [*and 825.474*], a person operating a motor

1 vehicle with a combined weight of 26,000 pounds or more is not required to pay [*the weight-mile tax*
2 *imposed under ORS 825.474 or*] fuel taxes imposed under ORS 319.020 and 319.530, if:

3 (1) The person is not operating as a for-hire carrier; and

4 (2) The person is operating the motor vehicle for the purpose of emissions research and devel-
5 opment and the United States Environmental Protection Agency has provided a testing exemption
6 from complying with federal emission requirements.

7 **SECTION 38.** ORS 825.515 is amended to read:

8 825.515. [(1) *Every for-hire carrier and private carrier shall keep daily records, upon forms pre-*
9 *scribed by the Department of Transportation, of all vehicles used during the current month.*]

10 [(2) *On or before the last day of the month following, except as otherwise permitted under ORS*
11 *825.492, they shall certify to the department, upon forms prescribed therefor, the true and correct sum-*
12 *maries of their daily records which shall show the extreme miles traveled in this state during the pre-*
13 *ceding month, the amount of fuel tax paid to the state during the preceding month, and such other*
14 *information as the department may require.*]

15 [(3)] **Every motor carrier shall keep daily records of all vehicles used.** The daily records
16 shall be kept on file in the office of the **motor** carrier and thereafter preserved [*until written per-*
17 *mission for their destruction is given by the department*] **for four years.**

18 **SECTION 39.** ORS 825.517 is amended to read:

19 825.517. (1) The following are not public records unless the public interest requires disclosure
20 in the particular instance:

21 (a) Reports from motor carriers required to be filed with the Department of Transportation in
22 connection with the imposition or collection of any tax **or fee.**

23 (b) Information collected by the department from a motor carrier for the purpose of conducting
24 a tax audit **or fee audit.**

25 (2) A motor carrier to whom the information pertains, or a person who has written permission
26 from the carrier, may inspect information described in subsection (1) of this section.

27 (3) The department, upon request or as required by law, shall disclose information from the re-
28 cords described in subsection (1) of this section to a government agency for use in carrying out its
29 governmental functions.

30 **SECTION 40.** ORS 826.031 is amended to read:

31 826.031. (1) **A motor carrier as defined in ORS 825.005 that is** the owner of a vehicle that
32 [*is subject to the tax imposed under ORS 825.474*] **weighs 26,001 pounds or more** and that is not
33 registered under the proportional registration provisions of this chapter and is not registered in any
34 other jurisdiction shall register the vehicle with the Department of Transportation if the vehicle is
35 to be operated in this state. Registration under this section is in lieu of registration under ORS
36 chapter 803.

37 (2) The department shall determine the form of application for registration and renewal of reg-
38 istration and may require any information that it determines necessary to facilitate the registration
39 process.

40 (3) A vehicle registered under this section is subject to the insurance requirements of ORS
41 825.160 and not to the financial responsibility requirements of ORS chapter 806. Proof of compliance
42 with financial responsibility requirements as specified in ORS 803.460 is not required for renewal
43 of registration of a vehicle under this section.

44 (4) A vehicle registered under this section shall be deemed to be fully registered in this state
45 for any type of movement or operation, except that in those instances in which a grant of authority

1 is required for intrastate movement or operation, no such vehicle shall be operated in intrastate
 2 commerce in this state unless the owner thereof has been granted intrastate authority or right by
 3 the department and unless the vehicle is being operated in conformity with such authority and
 4 rights.

5 (5) A vehicle may be registered under this section prior to a certificate of title being issued for
 6 the vehicle but nothing in this section affects any requirement that a certificate of title be issued.

7 **SECTION 41.** ORS 319.550 is amended to read:

8 319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in
 9 this state unless the person holds a valid user's license.

10 (2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period not
 11 exceeding 30 consecutive days without obtaining a user's license or the emblem issued under ORS
 12 319.600, if, for all fuel used in a motor vehicle in this state, the nonresident pays to a seller, at the
 13 time of the sale, the tax provided in ORS 319.530.

14 (3) A user's license is not required for a person who uses fuel in a motor vehicle if, for all fuel
 15 used in a motor vehicle in this state, the person pays to a seller, at the time of the sale, the tax
 16 provided in ORS 319.530.

17 *[(4) A user's license is not required for a person who is subject to the weight-mile tax described*
 18 *in ORS 825.474 and 825.476 or the flat fee rate described in ORS 825.480.]*

19 *[(5)(a)]* (4)(a) A user's license is not required for a person who uses fuel as described in ORS
 20 319.520 (7) in the vehicles specified in this subsection if the person pays to a seller, at the time of
 21 the sale, the tax provided in ORS 319.530.

22 (b) Paragraph (a) of this subsection applies to the following vehicles:

23 (A) Motor homes as defined in ORS 801.350.

24 (B) Recreational vehicles as defined in ORS 174.101.

25 *[(6)]* (5) A user's license is not required for a person who uses fuel in a motor vehicle:

26 (a) Metered use by which is subject to the per-mile road usage charge imposed under ORS
 27 319.885; and

28 (b) That also uses fuels subject to ORS 319.510 to 319.880.

29 *[(7)]* (6) A user's license is not required for a person who uses fuel in a motor vehicle on which
 30 an emblem issued for the motor vehicle pursuant to ORS 319.535 is displayed.

31 **SECTION 42.** ORS 366.508 is amended to read:

32 366.508. (1) The Legislative Assembly finds that:

33 (a) Estimated highway, road and street revenues from current sources will not adequately meet
 34 the need for continued development of a statewide road and bridge system that is economically ef-
 35 ficient, provides accessibility to and from commercial, agricultural, industrial, tourist and recre-
 36 ational facilities and enhances the highway safety, environmental quality and land use goals of this
 37 state;

38 (b) Responsibility for the cost of the highway, road and street system should be proportional and
 39 should be based on the number and types of vehicles that use the system and on the frequency of
 40 their use; and

41 (c) Expansion, modernization, maintenance, repair, reconstruction, increased capacity and en-
 42 hanced safety on all roads and bridges is crucial to the economic revitalization of Oregon.

43 (2) The Legislative Assembly declares that the purpose of this section and ORS 319.020, 319.530,
 44 366.507, 366.739, 366.774[,] **and** 366.790[, 825.476 and 825.480] is:

45 (a) To enhance the revenue base for the state, counties and cities for continued development and

1 maintenance of the road and bridge system; and

2 (b) To enhance the revitalization of this state's economy by implementing a long-term plan for
3 the state, counties and cities that establishes priorities for road and bridge improvements.

4 **SECTION 43.** ORS 366.739 is amended to read:

5 366.739. Except as otherwise provided in ORS 366.744, the taxes collected under ORS 319.020,
6 319.530, 803.090, 803.420[,] **and** 818.225[, 825.476 and 825.480] and the special use fuel license fees
7 collected under ORS 319.535, minus \$71.2 million per biennium, shall be allocated 24.38 percent to
8 counties under ORS 366.762 and 15.57 percent to cities under ORS 366.800.

9 **SECTION 44.** ORS 825.232 is amended to read:

10 825.232. (1) The Department of Transportation shall, by general order or otherwise, prescribe
11 and enforce rules in conformity with this chapter to better accomplish the enforcement of its pro-
12 visions, which shall cover and include for-hire carriers and private carriers and their operations.

13 (2) The department may make such subdivisions of the carriers, as classified in this chapter, as
14 in the opinion of the department may work to the efficient administration of this chapter and shall
15 do all things necessary to carry out and enforce its provisions.

16 (3) All rules made by the department pursuant to this chapter and filed [*in*] **with** the [*office of*
17 *the*] department have the force and effect of law.

18 (4) This section does not restrict the powers of the county courts or boards of county commis-
19 sioners under existing laws and amendments thereof.

20 (5) Without restricting the general powers conferred upon the department to prescribe and en-
21 force rules, the department is vested with special authority with respect to the matters listed in ORS
22 825.204[,] **and** 825.210 [*and* 825.212].

23 **SECTION 45.** Sections 46 and 47 of this 2025 Act are added to and made a part of the
24 **Oregon Vehicle Code.**

25 **SECTION 46.** (1) **Whenever practicable, and in any event no later than three years after**
26 **any report of taxes or fees is filed in accordance with ORS chapter 825 or 826, the Interna-**
27 **tional Registration Plan or the International Fuel Tax Agreement, the Department of**
28 **Transportation shall audit the report if the department deems such audit practicable. If the**
29 **department is not satisfied with the report filed or the amount of taxes or fees paid to the**
30 **state by any person, the department may, not later than four years after the report was filed**
31 **or the taxes or fees were paid, make a proposed assessment of additional taxes or fees due**
32 **from such person based upon any information available to the department. A late payment**
33 **charge shall be added to each registration assessment, in a sum equal to 10 percent of the**
34 **amount of additional Oregon taxes or fees due.**

35 (2) **Every additional assessment under subsection (1) of this section shall bear interest**
36 **at the rate of one percent per month, or fraction thereof, from the last day of the month**
37 **following the close of the month for which the additional assessment is imposed until paid.**

38 (3) **If the additional Oregon registration assessment imposed exceeds by at least five**
39 **percent but not more than 15 percent the amount of registration fees reported or paid, a**
40 **penalty of five percent of the amount of the additional assessment shall be added thereto in**
41 **addition to the 10 percent late payment charge provided in subsection (1) of this section.**

42 (4) **If the additional Oregon registration assessment imposed exceeds by more than 15**
43 **percent the amount of registration fees reported or paid, a penalty of 20 percent of the**
44 **amount of the additional assessment shall be added thereto in addition to the 10 percent late**
45 **payment charge provided in subsection (1) of this section.**

1 (5) A penalty charge in the amount of 10 percent of the net assessment due shall be im-
2 posed on additional fuel tax assessments resulting from International Fuel Tax Agreement
3 assessment audits.

4 (6) The department shall give to the person concerned written notice of any additional
5 assessment.

6 (7) The department shall refund to any person the amount of any overpayment caused
7 by any incorrect report.

8 (8) Whenever the department has made an assessment pursuant to this section that has
9 become final pursuant to section 47 of this 2025 Act, the department may not reopen or re-
10 assess such taxes, interest or penalties unless the department is satisfied that the taxpayer
11 fraudulently or with intent to evade taxation destroyed, concealed or withheld any books,
12 accounts, papers, records or memoranda required to be maintained by the taxpayer pursuant
13 to ORS chapter 825 or 826 or the rules of the department.

14 **SECTION 47.** (1) Any person against whom an assessment is made under section 46 of
15 this 2025 Act may petition the Department of Transportation for a reassessment within 30
16 days after service upon the person of notice. If a petition is not filed within the 30-day period,
17 the assessment becomes final and further appeal is waived. If a petition for reassessment is
18 filed within the 30-day period, the department shall reconsider the assessment and, if the
19 person has requested a hearing in the petition, shall grant such person a hearing and give
20 the person 10 days' notice of the time and place of the hearing. The department may con-
21 tinue the hearing from time to time as may be necessary. The decision of the department
22 upon a petition for reassessment shall become final 30 days after service of notice of the
23 decision upon the person concerned.

24 (2) The department may waive or reduce the late payment charge, penalty and interest
25 amounts under section 46 of this 2025 Act on such terms as the department considers proper
26 if request for waiver or reduction is filed within 30 days after service of notice of assessment
27 upon the person concerned, or as part of the pleas made in the department's reconsideration
28 of the assessment. Consideration of waiver or reduction of late payment, penalty and in-
29 terest charges on audits completed pursuant to the International Registration Plan or the
30 International Fuel Tax Agreement is contingent on authority granted by the appropriate
31 agreement.

32 (3) Every assessment made by the department under section 46 of this 2025 Act becomes
33 due and payable at the time it becomes final. If the assessment is not paid to the department
34 when due and payable, there shall be added to the assessment a penalty of 10 percent of the
35 amount of the tax or, in the case of registration fees, of the Oregon registration fees due.

36 (4) If any person that has requested a hearing pursuant to this section fails to withdraw
37 the petition for reassessment at least five days before the date of the hearing and fails to
38 appear at the scheduled hearing, the department may require such person to pay a charge
39 of \$150 in addition to any other fees, taxes and charges that may be imposed.

40 (5) A petition for reassessment under subsection (1) of this section or a request for
41 waiver or reduction under subsection (2) of this section is considered filed upon receipt of
42 the petition or request in the office designated by the department.

43 **SECTION 48.** ORS 825.500 is amended to read:

44 825.500. (1) Interest and penalties for delinquent payments of road use assessment fees payable
45 pursuant to the provisions of ORS 818.225 and of single-trip nondivisible load permits shall be cal-

1 culated in the same manner that interest and penalties are calculated **for registration fees** under
2 [ORS 825.490 and 825.494] **section 46 of this 2025 Act.**

3 (2) An audit conducted by the Department of Transportation pursuant to its authority under this
4 chapter may include an examination of records of the carrier pertaining to the road use assessment
5 fee imposed under ORS 818.225. If the audit shows that movement by a carrier exceeds the mileage
6 authorized by a single-trip nondivisible load permit, the department shall determine the amount of
7 the road use assessment fee that is due. The department shall collect the amount due and may im-
8 pose any penalties or additional assessments authorized by this chapter for delinquent payment of
9 taxes.

10 **SECTION 49.** ORS 825.504 is amended to read:

11 825.504. (1) If any tax, or fee in lieu of tax, reported due, or any final assessment made by the
12 Department of Transportation under ORS [825.490, 825.494 and 825.496] **section 46 or 47 of this**
13 **2025 Act**, including any penalties or charges therein imposed, or any final penalty imposed under
14 ORS 825.950, 825.955 or 825.960, is not paid in full, the department may issue a warrant for the
15 amount of the tax, fee or assessment, with the added penalties or charges, interest and the cost of
16 executing the warrant. A copy of the warrant shall be mailed or delivered to the taxpayer by the
17 department at the taxpayer's last-known address.

18 (2) At any time after issuing a warrant under this section, the department may record the war-
19 rant in the County Clerk Lien Record of any county of this state. Recording of the warrant has the
20 effect described in ORS 205.125. After recording a warrant, the department may direct the sheriff
21 for the county in which the warrant is recorded to levy upon and sell the real and personal property
22 of the taxpayer found within that county, and to levy upon any currency of the taxpayer found
23 within that county, for the application of the proceeds or currency against the amount reflected in
24 the warrant and the sheriff's cost of executing the warrant. The sheriff shall proceed on the warrant
25 in the same manner prescribed by law for executions issued against property pursuant to a judg-
26 ment, and is entitled to the same fees as provided for executions issued against property pursuant
27 to a judgment. The fees of the sheriff shall be added to and collected as a part of the warrant li-
28 ability.

29 (3) In the discretion of the department a warrant under this section may be directed to any
30 agent authorized by the department to collect amounts under this section, and in the execution of
31 the warrant the agent has all of the powers conferred by law upon sheriffs, but is entitled to no fee
32 or compensation in excess of actual expenses paid in the performance of such duty.

33 (4) Until a warrant issued under this section is satisfied in full, the department has the same
34 remedies to enforce the claim for the tax, fee or assessment as if the state had recovered judgment
35 against the taxpayer for the amount of the tax, fee or assessment.

36 (5) The procedures authorized by this section may also be used for collection of any fees and
37 penalties imposed on persons registering vehicles under ORS chapter 826.

38 CAPTIONS

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41 **SECTION 50.** The unit captions used in this 2025 Act are provided only for the conven-
42 **ience of the reader and do not become part of the statutory law of this state or express any**
43 **legislative intent in the enactment of this 2025 Act.**

44 OPERATIVE DATE AND EFFECTIVE DATE

1 **SECTION 51.** (1) Sections 2, 6, 8, 10, 12, 46 and 47 of this 2025 Act, the amendments to
2 statutes and session law by sections 4, 7, 13 to 44, 48 and 49 of this 2025 Act and the repeal
3 of ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480, 825.482, 825.484, 825.486, 825.488,
4 825.490, 825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and 825.550 and section 2 of this 2025
5 Act by sections 1 and 3 of this 2025 Act become operative on January 1, 2028.

6 (2) Notwithstanding the date specified in subsection (1) of this section, a state agency on
7 which duties, functions and powers are conferred under sections 2, 6, 8, 10, 12, 46 and 47 of
8 this 2025 Act, the amendments to statute and session law by sections 4, 7, 13 to 44, 48 and
9 49 of this 2025 Act and the repeal of ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480,
10 825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and
11 825.550 and section 2 of this 2025 Act by sections 1 and 3 of this 2025 Act may take any action
12 before the date specified in subsection (1) of this section that is necessary to enable the
13 agency to exercise, on and after the date specified in subsection (1) of this section, all the
14 duties, functions and powers conferred on the agency by sections 2, 6, 8, 10, 12, 46 and 47 of
15 this 2025 Act, the amendments to statutes and session law by sections 4, 7, 13 to 44, 48 and
16 49 of this 2025 Act and the repeal of ORS 825.212, 825.470, 825.472, 825.474, 825.476, 825.480,
17 825.482, 825.484, 825.486, 825.488, 825.490, 825.492, 825.494, 825.496, 825.502, 825.506, 825.507 and
18 825.550 and section 2 of this 2025 Act by sections 1 and 3 of this 2025 Act.

19 **SECTION 52.** This 2025 Act takes effect on the 91st day after the date on which the 2025
20 regular session of the Eighty-third Legislative Assembly adjourns sine die.