

# Senate Bill 799

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## 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 updates tax statutes. It replaces cites with descriptive terms and amends statutes of limitation. (Flesch Readability Score: 61.2).

Establishes a uniform statute of limitations applicable to tax programs administered and enforced by the Department of Revenue.

Replaces statutory citations in administrative provisions with references to taxes administered by the Department of Revenue. Replaces statutory citations in statute providing for taxation of lottery prizes with references to taxes imposed upon or measured by net income.

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

## A BILL FOR AN ACT

1  
2 Relating to administration of taxes; creating new provisions; amending ORS 305.280, 305.380, 305.565,  
3 305.992 and 461.560; repealing ORS 316.417 and 317.504; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 305.**

6 **SECTION 2. A tax return filed before the last day prescribed by law for the filing thereof**  
7 **is considered as filed on the last day. An advance payment of any portion of the tax made**  
8 **at the time the return was filed is considered as made on the last day prescribed by law for**  
9 **the payment of the tax. The last day prescribed by law for filing the return or paying the tax**  
10 **shall be determined without regard to any extension of time granted the taxpayer by the**  
11 **Department of Revenue.**

12 **SECTION 3. Section 2 of this 2025 Act and the repeal of ORS 316.417 and 317.504 by sec-**  
13 **tion 9 of this 2025 Act apply to:**

14 (1) **Except as provided in subsection (2) of this section, tax years or tax periods beginning**  
15 **on or after January 1, 2025.**

16 (2) **Returns or payments required under ORS 317A.100 to 317A.158 to be filed in tax years**  
17 **beginning on or after January 1, 2022.**

18 **SECTION 4. ORS 305.280, as amended by section 34, chapter 52, Oregon Laws 2024, is amended**  
19 **to read:**

20 305.280. (1) Except as otherwise provided in this section, an appeal under ORS 305.275 (1) or (2)  
21 shall be filed within 90 days after the act, omission, order or determination becomes actually known  
22 to the person, but in no event later than one year after the act or omission has occurred, or the  
23 order or determination has been made. An appeal under ORS 308.505 to 308.674 shall be filed within  
24 90 days after the date the order is issued under ORS 308.584 (3). An appeal from a supervisory order  
25 or other order or determination of the Department of Revenue shall be filed within 90 days after the  
26 date a copy of the order or determination or notice of the order or determination has been served

**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 upon the appealing party by mail as provided in ORS 306.805.

2 (2) An appeal under ORS 323.416 or 323.623 or from any notice of assessment or refund denial  
3 issued by the Department of Revenue with respect to a tax imposed under [*ORS chapter 118, 308,*  
4 *308A, 310, 314, 316, 317, 318, 321 or this chapter*] **the tax laws of this state, and administered by**  
5 **the department**, or collected **by the department** pursuant to ORS 305.620, shall be filed within 90  
6 days after the date of the notice. An appeal from a proposed adjustment under ORS 305.270 shall  
7 be filed within 90 days after the date the notice of adjustment is final.

8 (3) Notwithstanding subsection (2) of this section, an appeal from a notice of assessment of taxes  
9 imposed under ORS chapter 314, 316, 317 or 318 may be filed within two years after the date the  
10 amount of tax, as shown on the notice and including appropriate penalties and interest, is paid.

11 (4) Except as provided in subsection (2) of this section or as specifically provided in ORS chapter  
12 321, an appeal to the tax court under ORS chapter 321 or from an order of a county property value  
13 appeals board shall be filed within 30 days after the date of the notice of the determination made  
14 by the department or the date of mailing of the order, the date of publication of notice of the order,  
15 the date the order is personally delivered to the taxpayer or the date of mailing of the notice of the  
16 order to the taxpayer, whichever is applicable.

17 (5) An appeal from a local government's final administrative decision shall be filed within 90  
18 days after the date of the decision.

19 (6) If the tax court denies an appeal made pursuant to this section on the grounds that it does  
20 not meet the requirements of this section or ORS 305.275 or 305.560, the tax court shall issue a  
21 written decision rejecting the petition and shall set forth in the decision the reasons the tax court  
22 considered the appeal to be defective.

23 **SECTION 5.** ORS 305.380 is amended to read:

24 305.380. As used in ORS 305.385:

25 (1) "Agency" means any department, board, commission, division or authority of the State of  
26 Oregon, or any political subdivision of this state which imposes a local tax administered by the  
27 Department of Revenue under ORS 305.620.

28 (2) "License" means any written authority required by law or ordinance as a prerequisite to the  
29 conduct of a business, trade or profession.

30 (3) "Provider" means any person who contracts to supply goods, services or real estate space  
31 to an agency.

32 (4)(a) "Tax" means [*a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250 and*  
33 *ORS chapters 118, 314, 316, 317, 318, 321 and 323*] **state taxes administered by the department**  
34 **under the tax laws of this state** and local taxes administered by the department [*of Revenue*] un-  
35 der ORS 305.620.

36 **(b) "Tax" does not include ad valorem property taxes collected by counties.**

37 **SECTION 6.** ORS 305.565 is amended to read:

38 305.565. (1) Except as provided in subsection (2) of this section, proceedings for the collection  
39 of any taxes, interest or penalties resulting from an assessment of additional taxes imposed [*by ORS*  
40 *chapter 118, 310, 314, 316, 317, 318, 321 or this chapter*] **under the tax laws of this state and ad-**  
41 **ministered by the Department of Revenue or imposed under a local tax administered under**  
42 **ORS 305.620 by the department** shall be stayed by the taking or pendency of any appeal to the tax  
43 court.

44 (2) Notwithstanding subsection (1) of this section, the department [*of Revenue*] may proceed to  
45 collect any taxes, interest or penalties described in subsection (1) of this section if the department

1 determines that collection will be jeopardized if collection is delayed or that the taxpayer has taken  
2 a frivolous position in the appeal. For purposes of this subsection:

3 (a) Collection of taxes, interest or penalties will be jeopardized if the taxpayer designs quickly  
4 to depart from the state or to remove the taxpayer's property from the state, or to do any other act  
5 tending to prejudice or to render wholly or partially ineffectual proceedings to collect the tax.

6 (b) A taxpayer's position in an appeal is frivolous if that position is of the kind described in ORS  
7 316.992 (5).

8 (3) [No] A proceeding for the apportionment, levy or collection of taxes on any property [shall]  
9 **may not** be stayed by the taking or pendency of any appeal to the tax court, or from an order of  
10 the county property value appeals board or the Oregon Tax Court, unless the assessor or tax col-  
11 lector either as a party to the suit or an intervenor, requests a stay and it appears to the satisfac-  
12 tion of the court that a substantial public interest requires the issuance of a stay.

13 (4) The tax court may, as a condition of a stay, require the posting of a bond sufficient to  
14 guarantee payment of the tax. Payment of taxes while appeal is pending shall not operate as a  
15 waiver of the appeal or of a right to refund of taxes found to be excessively charged or assessed.

16 **SECTION 7.** ORS 305.992 is amended to read:

17 305.992. (1) If any returns required to be filed [*under ORS 320.400 to 320.490, 475C.670 to*  
18 *475C.734 or 803.203 or ORS chapter 118, 314, 316, 317, 318, 321 or 323 or*] **for state taxes under the**  
19 **tax laws of this state or required to be filed** under a local tax administered by the Department  
20 of Revenue under ORS 305.620 are not filed for three consecutive years by the due date (including  
21 extensions) of the return required for the third consecutive year, there shall be a penalty for each  
22 year of 100 percent of the tax liability determined after credits and prepayments for each such year.  
23 **For purposes of this section, the tax laws of this state do not include ad valorem property**  
24 **taxes collected by counties.**

25 (2) The penalty imposed under this section is in addition to any other penalty imposed by law.  
26 However, the total amount of penalties imposed **under the tax laws of this state** for any  
27 [*taxable*] **tax** year under this section, ORS 305.265 (13), 314.400, 323.403, 323.585 or 475C.722 may not  
28 exceed 100 percent of the tax liability.

29 **SECTION 8.** ORS 461.560 is amended to read:

30 461.560. (1) [No] State or local taxes [shall] **may not** be imposed upon the sale of lottery tickets  
31 or shares of the Oregon State Lottery established by this chapter or any prize awarded by the state  
32 lottery established by this chapter that does not exceed \$600. A prize awarded by the state lottery  
33 that is greater than \$600 shall be subject to [*tax under ORS chapters 314, 315, 316, 317 and 318*] **any**  
34 **tax imposed upon or measured by net income** and any other applicable state or local tax. For  
35 purposes of this section, "prize awarded by the state lottery" includes a prize awarded by a multi-  
36 state lottery association of which the Oregon State Lottery is a member if the ticket upon which  
37 the prize is awarded was sold in this state.

38 (2) A city, county or other political subdivision in this state may not impose, by charter pro-  
39 vision or ordinance, or collect a tax that is imposed on lottery game retailers only and that is  
40 measured by or based upon the amount of the commissions or other compensation received by lot-  
41 tery game retailers for selling tickets or shares in lottery games. However, if a city, county or other  
42 political subdivision levies or imposes generally on a nondiscriminatory basis throughout the juris-  
43 diction of the taxing authority an income, gross income or gross receipts tax, as otherwise provided  
44 by law, such tax may be levied or imposed upon lottery game retailers.

45 **SECTION 9.** ORS 316.417 and 317.504 are repealed.

1        **SECTION 10.** This 2025 Act takes effect on the 91st day after the date on which the 2025  
2 regular session of the Eighty-third Legislative Assembly adjourns sine die.  
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