

**CHAPTER 491**

AN ACT

HB 2592

Relating to transportation; creating new provisions; amending ORS 184.612, 184.665, 319.665, 319.671, 320.400, 320.430, 320.440, 320.470, 366.747, 367.080, 367.081, 367.084, 367.095, 367.097, 801.194, 801.285, 803.203, 803.420, 818.340, 823.012, 825.141, 825.450, 825.452 and 825.454 and section 18, chapter 30, Oregon Laws 2010, section 7, chapter 700, Oregon Laws 2015, sections 45, 71f, 148, 149 and 150, chapter 750, Oregon Laws 2017, and sections 30a and 30b, chapter 93, Oregon Laws 2018; repealing ORS 367.089 and 824.237 and section 1, chapter 55, Oregon Laws 2012, and section 71c, chapter 750, Oregon Laws 2017; and prescribing an effective date.

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

**SECTION 1.** ORS 320.400, as amended by section 10, chapter 93, Oregon Laws 2018, is amended to read:

320.400. As used in ORS 320.400 to 320.490 and 803.203:

(1)(a) "Bicycle" means:

(A) A vehicle that is designed to be operated on the ground on wheels and is propelled exclusively by human power[.]; **or**

[(b)] (B) [*"Bicycle" includes*] An electric assisted bicycle as defined in ORS 801.258.

[(c)] (b) "Bicycle" does not include:

(A) **Carts;**

(B) **Durable medical equipment;[.]**

(C) **In-line skates;**

(D) **Roller skates;**

(E) **Skateboards;**

(F) **Stand-up scooters;**

(G) **Strollers designed for the transportation of children;**

(H) **Trailer cycles or other bicycle attachments; or**

(I) **Wagons.**

(2)(a) "Retail sales price" means the total price paid at retail for a taxable vehicle, exclusive of the amount of any excise, privilege or use tax, to a seller by a purchaser of the taxable vehicle.

(b) "Retail sales price" does not include the retail value of:

(A) Modifications to a taxable vehicle that are necessary for a person with a disability to enter or drive or to otherwise operate or use the vehicle.

(B) Customized industrial modifications to the chassis of a truck that has a gross vehicle weight rating of at least 10,000 pounds and not more than 26,000 pounds.

(3) "Seller" means:

(a) With respect to the privilege tax imposed under ORS 320.405 and the use tax imposed under ORS 320.410, a vehicle dealer.

(b) With respect to the excise tax imposed under ORS 320.415, a person engaged in whole or in part in the business of selling bicycles.

(4) "Taxable bicycle" means a new bicycle that has a retail sales price of \$200 or more.

(5) "Taxable motor vehicle" means a vehicle that:

(a) Has a gross vehicle weight rating of 26,000 pounds or less;

(b)(A) If equipped with an odometer, has 7,500 miles or less on the odometer; or

(B) If not equipped with an odometer, has a manufacturer's certificate of origin or a manufacturer's statement of origin; and

(c) Is:

(A) A vehicle as defined in ORS 744.850, other than an all-terrain vehicle or a trailer;

(B) A camper as defined in ORS 801.180;

(C) A commercial bus as defined in ORS 801.200;

(D) A commercial motor vehicle as defined in ORS 801.208;

(E) A commercial vehicle as defined in ORS 801.210;

(F) A fixed load vehicle as defined in ORS 801.285;

(G) A moped as defined in ORS 801.345;

(H) A motor home as defined in ORS 801.350;

(I) A motor truck as defined in ORS 801.355;

(J) A tank vehicle as defined in ORS 801.522;

(K) A trailer as defined in ORS 801.560 that is required to be registered in this state;

(L) A truck tractor as defined in ORS 801.575;

or

(M) A worker transport bus as defined in ORS 801.610.

(6) "Taxable vehicle" means a taxable bicycle or a taxable motor vehicle.

(7) "Transportation project taxes" means the privilege tax imposed under ORS 320.405, the use tax imposed under ORS 320.410 and the excise tax imposed under ORS 320.415.

(8)(a) "Vehicle dealer" means:

(A) A person engaged in business in this state that is required to obtain a vehicle dealer certificate under ORS 822.005; and

(B) A person engaged in business in another state that would be subject to ORS 822.005 if the person engaged in business in this state.

(b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer for purposes of ORS 320.400 to 320.490 and 803.203 to the extent the person:

(A) Conducts an event that lasts less than seven consecutive days, for which the public is charged admission and at which otherwise taxable motor vehicles are sold at auction; or

(B) Sells an otherwise taxable motor vehicle at auction at an event described in this paragraph.

**SECTION 2.** ORS 320.430 is amended to read:

320.430. (1)(a) If the amount of transportation project taxes paid by a seller or purchaser exceeds

the amount of taxes due, the Department of Revenue shall refund the amount of the excess.

[(2)] (b) Except as provided in **paragraph (c) of this subsection [(3) of this section]**, the period prescribed for the department to allow or make a refund of any overpayment of transportation project taxes paid shall be as provided in ORS 314.415.

[(3)] (c) The department shall apply any overpayment of tax first to any amount of transportation project taxes that is then outstanding.

**(2)(a) This subsection applies whenever a taxable motor vehicle with respect to which the privilege tax imposed under ORS 320.405 has been paid by the vehicle dealer is returned by or on behalf of the purchaser to the vehicle dealer pursuant to ORS 646A.400 to 646A.418.**

**(b) The vehicle dealer shall notify the department of the return of the taxable motor vehicle, and the department shall refund the amount of the privilege tax collected with respect to the taxable motor vehicle to the vehicle dealer.**

**(c) Upon receipt of the refund under this subsection, the vehicle dealer shall return the amount received under paragraph (b) of this subsection to the purchaser.**

**SECTION 3. The amendments to ORS 320.430 by section 2 of this 2019 Act apply to privilege taxes paid with respect to taxable motor vehicles that are returned by the purchaser on or after the effective date of this 2019 Act.**

**SECTION 4. ORS 801.194 is amended to read:**

801.194. (1) "Class III all-terrain vehicle" means a motorcycle that travels on two tires and that is actually being operated off highway.

(2) "Class IV all-terrain vehicle" means any motorized vehicle that:

(a) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;

(b) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

(c) Has nonstraddle seating;

(d) Has a steering wheel for steering control;

(e) Has a dry weight of [1,800] **2,500** pounds or less; and

(f) Is [65] **80** inches wide or less at its widest point.

**SECTION 5. Section 6 of this 2019 Act is added to and made a part of the Oregon Vehicle Code.**

**SECTION 6. Notwithstanding ORS 803.445 (5), a metropolitan service district established under ORS chapter 268 may impose a vehicle registration fee that does not exceed the sum of the fee imposed under ORS 803.420 (6)(a) and the**

**fee applicable to the registered vehicle under ORS 803.422, if the vehicle registration fee is approved by the electors of the district before December 31, 2022.**

**SECTION 7. Section 45, chapter 750, Oregon Laws 2017, as amended by section 43, chapter 93, Oregon Laws 2018, is amended to read:**

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

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

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

(C) The reports [required] **received** from cities and counties under ORS 184.657 (2) have been submitted and posted by the commission as required under ORS 184.657 (3);

(D) The Department of Transportation is implementing the registration fees and title fees described in ORS 803.091 and 803.422; and

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

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

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

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

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

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

(E) Design, cost analysis and construction option packages for the Interstate 5 Rose Quarter Project for consideration by the Legislative Assembly; and

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

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

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

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

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

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

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

(F) Under ORS 184.657 (4), payments from the State Highway Fund have been withheld from cities and counties that failed to submit reports as required under ORS 184.657 (2); **and**

[(G) *To the best knowledge of the commission, all bodies scheduled to receive fuel tax revenue pursuant to chapter 750, Oregon Laws 2017, after the operative date of the increase are in compliance with ORS 279C.305 or under review by the Bureau of Labor and Industries for compliance with ORS 279C.305, or the commission has requested from the bureau confirmation of such compliance; and*]

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

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

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

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

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

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

**(c) If the Commissioner of the Bureau of Labor and Industries has found substantial evidence, under ORS 279C.306, that a contracting agency that would otherwise receive increased amounts of fuel tax revenues pursuant to this section on or after January 1, 2022, has violated ORS 279C.305 within the five years immediately preceding the date of the commissioner's finding, or has materially breached an agreement entered into pursuant to ORS 279C.306, the Department of Transportation shall withhold the increased amounts until the final resolution of the violation or breach is determined under ORS 279C.306.**

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

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

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

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

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

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

(F) Under ORS 184.657 (4), payments from the State Highway Fund have been withheld from cities and counties that failed to submit reports as required under ORS 184.657 (2).; *and*]

*[(G) To the best knowledge of the commission, all bodies scheduled to receive fuel tax revenue pursuant to chapter 750, Oregon Laws 2017, after the operative date of the increase are in compliance with ORS 279C.305 or under review by the Bureau of Labor and Industries for compliance with ORS 279C.305, or the commission has requested from the bureau confirmation of such compliance.]*

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

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

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

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

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

**SECTION 8.** ORS 184.612 is amended to read:

184.612. (1) There is established the Oregon Transportation Commission consisting of five members appointed by the Governor, subject to confirmation by the Senate pursuant to [section 4,] Article III, **section 4, of the Oregon Constitution.** A member serves at the pleasure of the Governor.

(2) The Governor shall appoint members of the commission in compliance with all of the following:

(a) Members shall be appointed with consideration of the different geographic regions of the state with one member being a resident of the area east of the Cascade Range.

(b) Not more than three members who belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

*[(3) At the time of appointment, a member may not have any direct or indirect financial or fiduciary interest related to the commission's duties. If a conflict arises after a member's appointment, the member shall declare the conflict and abstain from deliberations and voting on the matter under consideration by the commission.]*

**(3) At the time of appointment, a member or a relative of a member, as defined in ORS 244.020, may not have an actual conflict of interest, as defined in ORS 244.020.**

**(4) Notwithstanding ORS 244.120 (2), when met with a potential or actual conflict of interest, as those terms are defined in ORS 244.020, a member shall announce publicly the nature of the potential or actual conflict and:**

**(a) Except as provided in paragraph (b) of this subsection, refrain from participating as a public official in any discussion or debate on the issue out of which the potential or actual conflict arises or from voting on the issue.**

**(b) If the member's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the potential or actual conflict arises.**

*[(4)] (5) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.*

*[(5)] (6) The Governor shall appoint one of the members as chairperson. The chairperson shall appoint one of the other members as vice chairperson. The chairperson and vice chairperson shall have such terms, duties and powers as the Oregon Transportation Commission determines are necessary for the performance of such offices.*

*[(6)] (7) A majority of the members of the commission constitutes a quorum. If a quorum is present at a meeting, the commission may take action by an affirmative vote by a majority of the members who are present. An individual member may not exercise individually any administrative authority with respect to the Department of Transportation.*

*[(7)] (8) The commission shall meet at least quarterly, at a time and place determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the commission.*

*[(8)] (9) A vacancy does not impair the right of the remaining members to exercise all the powers of the commission, except that three members of the commission must agree in the selection, vacation or abandonment of state highways, and in case the members are unable to agree the Governor shall have the right to vote as a member of the commission.*

[(9)] (10) The commission shall keep complete and accurate records of all the meetings, transactions and business of the commission at the office of the department.

[(10)] (11) The commission may provide an official seal.

[(11)] (12) The commission may hire staff the commission deems necessary to assist the commission in carrying out its duties. The staff shall be considered employees of the department for purposes of the State Personnel Relations Law under ORS chapter 240.

[(12)] (13) A member of the commission is entitled to compensation and expenses as provided by ORS 292.495.

**SECTION 9.** ORS 184.665 is amended to read:

184.665. (1) The Oregon Transportation Commission shall appoint a Continuous Improvement Advisory Committee composed of members of the commission, employees of the Department of Transportation and transportation stakeholders. The committee shall be of such size and representation as the commission determines appropriate.

(2) The committee shall:

(a) Advise the commission on ways to maximize the efficiency of the department to allow increased investment in the transportation system over the short, medium and long term.

(b) Develop key performance measures, based on desired outcomes, for each division of the department. The committee shall submit key performance measures to the commission for its approval. The committee shall report to the commission at least once per year on the status of key performance measures and what steps are being taken by the department to achieve the goals of the key performance measures.

(3) The committee shall periodically report to the commission. The reports must include recommendations on ways the commission and the department may execute their duties more efficiently.

(4) Each odd-numbered year, the commission shall submit a report, in the manner provided by ORS 192.245, to the Joint Committee on Transportation established under ORS 171.858. The report must include information on the activities and recommendations of the committee and information on any actions taken by the commission or the department to implement recommendations of the committee.

(5) The committee shall meet regularly, at times and places fixed by the chairperson of the committee or a majority of members of the committee. The department shall provide office space and personnel to assist the committee as requested by the chairperson, within the limits of available funds.

**(6) Members of the committee are entitled to compensation and expenses as provided under ORS 292.495.**

**SECTION 10.** Section 71f, chapter 750, Oregon Laws 2017, is amended to read:

**Sec. 71f.** (1) Notwithstanding ORS 367.080 to [367.086] **367.089** and subject to subsection (3) of this section and the availability of funds, the Department of Transportation shall first distribute the moneys in the Connect Oregon Fund, other than moneys dedicated for purposes described in Article XV, section 4a, of the Oregon Constitution, for the projects listed in subsection (2) of this section.

(2) The department shall distribute the following amounts for the projects listed below:

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(a) Mid-Willamette Valley Intermodal Facility.....	\$	25 million
(b) Treasure Valley Intermodal Facility.....	\$	26 million
(c) Rail expansion in East Beach Industrial Park at the Port of Morrow.....	\$	6.55 million
(d) Extend [Brooks] rail siding <b>along the Amtrak Cascade line in Oregon south of the City of Portland</b> .....	\$	2.6 million

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(3) No later than January 1, 2020, to receive a distribution under this section, a potential recipient of moneys shall prepare and submit a plan to the Oregon Transportation Commission. At a minimum, the plan submitted must certify when and how the potential recipient plans to spend the moneys for the project with no more than five percent of the allocated funds to be available to recipients for development of the plan. The commission shall promptly review any submitted plans and if the commission approves the plan, the Department of Transportation shall distribute the moneys after adopting an agreement with the recipient. The agreement shall follow rules adopted by the commission for projects that receive grants from the Connect Oregon Fund.

(4) After the distributions, if any, are made under this section, the remainder of the moneys in the Connect Oregon Fund shall be distributed as described in ORS 367.080 to [367.086] **367.089**.

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

**Sec. 18.** [(1) *The Department of Transportation shall report semiannually to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department's report shall include an estimate of the amounts received in the previous two quarters from the increased taxes and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected revenue in the current quarter from the increased taxes and fees established in chapter 865, Oregon Laws 2009.*]

[(2) *In addition to the report described in subsection (1) of this section,*] The Department of Trans-

portation shall report semiannually to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department's report shall include:

[(a)] (1) An estimate of the amounts received in the previous two quarters from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017, and an estimate of the projected revenue in the current quarter and the next quarter from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

[(b)] (2) An estimate of the amounts received in the previous biennium to date from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017, and an estimate of the projected revenue in the remaining current biennium from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

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

[(A)] (a) Information about the department's total funds as well as the funds raised separately by the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017, and expended as described in ORS 367.095 [(3)(c)] (3).

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

**SECTION 12.** ORS 803.203 is amended to read: 803.203. (1) A person that purchases a taxable motor vehicle from a seller that is not subject to the privilege tax imposed under ORS 320.405 may not

register or title the taxable motor vehicle in Oregon unless the person provides proof that [*the person*]:

(a) **The person** paid the use tax imposed under ORS 320.410; [*or*]

(b) **The person** is not required to pay the use tax for the reasons provided in ORS 320.410 (4)[.]; **or**

(c) **The taxable motor vehicle was purchased and titled by a car rental company as defined in ORS 803.219 using an electronic integrator.**

(2) The person shall provide the proof described in subsection (1) of this section to the Department of Transportation in the manner established by the department by rule.

**SECTION 13.** ORS 818.340 is amended to read:

818.340. (1) A person commits the offense of operating in violation of a variance permit if the person has been issued a variance permit under ORS 818.200 that authorized the movement of anything and the person does any of the following:

(a) Drives, moves or operates anything in violation of the terms of the permit.

(b) Owns anything and causes or permits it to be driven, moved or operated in violation of the permit. Operation in violation of this section is prima facie evidence that the owner caused or permitted the operation and the owner shall be liable for any penalties imposed under subsection (5) of this section as a result of the operation.

(2) A person is in violation of the terms of a permit for purposes of this section if the person misrepresents any size or weight required to be specified when applying for the permit.

(3) It shall be a defense to any charge of violation of this section if the person so charged produces a variance permit issued under ORS 818.200 that authorized the operation and that was issued prior to and valid at the time of operation.

(4) A person does not commit the offense described in this section if the person is driving, moving or operating anything under a variance permit issued under ORS 818.200 and:

(a) The permit authorizes the person to exceed the maximum weight limitations;

(b) The person is operating a vehicle with a fully functional idle reduction system designed to reduce fuel use and emissions from engine idling; and

(c) The total weight of the vehicle is not more than [400] **550** pounds greater than the weight authorized by the variance permit.

(5) Violation of the offense described in this section is subject to civil liability under ORS 818.410.

(6) The offense described in this section, operating in violation of a variance permit, is punishable according to the following:

(a) Violation of any provision of the permit, other than the violations described in paragraph (b), (c) or (d) of this subsection, is a Class D violation.

(b) Violation of any weight provision by a vehicle that is authorized by permit to exceed axle or tandem axle weights specified in ORS 818.010 (1) or

(2) is subject to penalty under Schedule II of the penalties in ORS 818.430.

(c) Violation of any weight provision by a vehicle listed in ORS 818.210 is subject to penalty under Schedule I of the penalties in ORS 818.430.

(d) Violation related to the required number of pilot vehicles or routing in accordance with the terms, limits or conditions established on a permit under ORS 818.220 (1)(c) is a Class A traffic violation.

**SECTION 14.** ORS 320.470 is amended to read:

320.470. (1) Notwithstanding the confidentiality provisions of ORS 320.475, the Department of Revenue may disclose information received under ORS 320.400 to 320.490 and 803.203 to the Department of Transportation for the purposes of carrying out the provisions of ORS 320.410 and 803.203.

(2) The Department of Transportation may disclose information obtained under ORS 320.410 and 803.203 to the Department of Revenue for the purposes of carrying out the provisions of ORS 320.400 to 320.490 and 803.203.

**(3) Any officer or employee of the Department of Transportation to whom information is disclosed under subsection (1) of this section is not required to execute a certificate under ORS 314.840 (3)(a).**

[3] (4) Except as otherwise provided in ORS 320.400 to 320.490 and 803.203, a person aggrieved by an act or determination of the Department of Revenue or its authorized agent under ORS 320.400 to 320.490 and 803.203 may appeal, within 90 days after the act or determination, to the Oregon Tax Court in the manner provided in ORS 305.404 to 305.560. These appeal rights are the exclusive remedy available to determine the person's liability for the transportation project taxes.

**SECTION 15.** ORS 367.097 is amended to read:

367.097. (1) Notwithstanding ORS 367.095 (4), the Department of Transportation may use amounts available under ORS 367.095 to **secure and pay bond** debt service *[for the purposes described in ORS 367.620 (3)(d)]* **on Highway User Tax Bonds under ORS 367.615.**

(2) Any amounts remaining after the payment of debt service shall be used as described in ORS 367.095 (4).

**SECTION 16.** ORS 803.420, as amended by section 3, chapter 114, Oregon Laws 2018, is amended to read:

803.420. (1) The vehicle registration fees imposed under this section shall be based on the classifications determined by the Department of Transportation by rule. The department may classify a vehicle to ensure that registration fees for the vehicle are the same as for other vehicles the department determines to be comparable.

(2) Except as otherwise provided in this section, or unless the vehicle is registered quarterly, the fees

described in this section are for an entire registration period for the vehicle as described under ORS 803.415. For a vehicle registered for a quarterly registration period under ORS 803.415, the department shall apportion any fee under this section to reflect the number of quarters registered.

(3) Vehicle registration fees are due when a vehicle is registered and when the registered owner renews the registration.

(4) In addition to the registration fees listed in this section, a county or a district may impose an additional registration fee as provided under ORS 801.041 and 801.042.

(5) A rental or leasing company, as defined in ORS 221.275, that elects to initially register a vehicle for an annual or biennial registration period shall pay a fee of \$2 in addition to the vehicle registration fee provided under this section.

(6) The registration fees for each year of the registration period for vehicles subject to biennial registration are as follows:

(a) Passenger vehicles not otherwise provided for in this section or ORS 821.320, \$43.

(b) Utility trailers or light trailers, as those terms are defined by rule by the department, \$58.

(c) Mopeds and motorcycles, \$39.

(d) Low-speed vehicles, \$58.

(e) Medium-speed electric vehicles, \$58.

(7) The registration fees for vehicles that are subject to biennial registration and that are listed in this subsection are as follows:

(a) State-owned vehicles registered under ORS 805.045 and undercover vehicles registered under ORS 805.060, \$10 upon registration or renewal.

(b) Fixed load vehicles:

(A) If a declaration of weight described under ORS 803.435 is submitted establishing the weight of the vehicle at 3,000 pounds or less, \$61.

(B) If no declaration of weight is submitted or if the weight of the vehicles is in excess of 3,000 pounds, \$82.

(c) Travel trailers, special use trailers, campers and motor homes, based on length as determined under ORS 803.425:

(A) Trailers or campers that are 6 to 10 feet in length, \$81.

(B) Trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for each foot of length over the first 10 feet.

(C) Motor homes that are 6 to 14 feet in length, \$86.

(D) Motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each foot of length over the first 10 feet.

(8) The registration fee for trailers for hire that are equipped with pneumatic tires made of an elastic material and that are not travel trailers or trailers registered under permanent registration is \$30.

(9) The registration fees for vehicles subject to ownership registration are as follows:

(a) Government-owned vehicles registered under ORS 805.040, \$5.

(b) Vehicles registered with special registration for disabled veterans under ORS 805.100 or for former prisoners of war under ORS 805.110, \$15.

(c) School vehicles registered under ORS 805.050, \$5.

(10) The registration fees for vehicles subject to permanent registration are as follows:

(a) Antique vehicles registered under ORS 805.010, \$100.

(b) Vehicles of special interest registered under ORS 805.020, \$100.

(c) Racing activity vehicles registered under ORS 805.035, \$100.

(d) Trailers, \$10.

**(e) State-owned vehicles registered under ORS 805.045 and undercover vehicles registered under ORS 805.060, \$10.**

(11) The registration fee for trailers registered as part of a fleet under an agreement reached pursuant to ORS 802.500 is the same fee as the fee for vehicles of the same type registered under other provisions of the Oregon Vehicle Code.

(12) The registration fee for vehicles with proportional registration under ORS 826.009, or proportional fleet registration under ORS 826.011, is the same fee as the fee for vehicles of the same type under this section except that the fees shall be fixed on an apportioned basis as provided under the agreement established under ORS 826.007.

(13) In addition to any other registration fees charged for registration of vehicles in fleets under ORS 805.120, the department may charge the following fees:

(a) Service charge for each vehicle entered into a fleet, \$3.

(b) Service charge for each vehicle in the fleet at the time of renewal, \$2.

(14)(a)(A) For the period beginning January 1, 2018, and ending December 31, 2019, the registration fee for motor vehicles required to establish a registration weight under ORS 803.430 or 826.013, tow vehicles used to transport property for hire other than as described in ORS 822.210 and commercial buses is as provided in the following chart, based upon the weight submitted in the declaration of weight prepared under ORS 803.435 or 826.015:

36,001	to	38,000	485
38,001	to	40,000	515
40,001	to	42,000	532
42,001	to	44,000	562
44,001	to	46,000	578
46,001	to	48,000	593
48,001	to	50,000	625
50,001	to	52,000	656
52,001	to	54,000	672
54,001	to	56,000	686
56,001	to	58,000	717
58,001	to	60,000	750
60,001	to	62,000	780
62,001	to	64,000	811
64,001	to	66,000	827
66,001	to	68,000	857
68,001	to	70,000	874
70,001	to	72,000	904
72,001	to	74,000	921
74,001	to	76,000	951
76,001	to	78,000	967
78,001	to	80,000	998
80,001	to	82,000	1,014
82,001	to	84,000	1,045
84,001	to	86,000	1,061
86,001	to	88,000	1,092
88,001	to	90,000	1,108
90,001	to	92,000	1,139
92,001	to	94,000	1,155
94,001	to	96,000	1,185
96,001	to	98,000	1,202
98,001	to	100,000	1,218
100,001	to	102,000	1,249
102,001	to	104,000	1,265
104,001	to	105,500	1,295

(B) For the period beginning on January 1, 2020, and ending on December 31, 2021, the registration fee for motor vehicles required to establish a registration weight under ORS 803.430 or 826.013, tow vehicles used to transport property for hire other than as described in ORS 822.210 and commercial buses is as provided in the following chart, based upon the weight submitted in the declaration of weight prepared under ORS 803.435 or 826.015:

Weight in Pounds	Fee
8,000 or less	\$ 63
8,001 to 10,000	396
10,001 to 12,000	450
12,001 to 14,000	504
14,001 to 16,000	558
16,001 to 18,000	612
18,001 to 20,000	682
20,001 to 22,000	736
22,001 to 24,000	808
24,001 to 26,000	879
26,001 to 28,000	375
28,001 to 30,000	391
30,001 to 32,000	422
32,001 to 34,000	438
34,001 to 36,000	468

Weight in Pounds	Fee
8,000 or less	\$ 70
8,001 to 10,000	437
10,001 to 12,000	497
12,001 to 14,000	556
14,001 to 16,000	616
16,001 to 18,000	676
18,001 to 20,000	753
20,001 to 22,000	813
22,001 to 24,000	893
24,001 to 26,000	970
26,001 to 28,000	375
28,001 to 30,000	391
30,001 to 32,000	422
32,001 to 34,000	438
34,001 to 36,000	468
36,001 to 38,000	485
38,001 to 40,000	515
40,001 to 42,000	532
42,001 to 44,000	562



44,001 to 46,000	578	58,001 to 60,000	305
46,001 to 48,000	593	60,001 to 62,000	318
48,001 to 50,000	625	62,001 to 64,000	330
50,001 to 52,000	656	64,001 to 66,000	337
52,001 to 54,000	672	66,001 to 68,000	349
54,001 to 56,000	686	68,001 to 70,000	356
56,001 to 58,000	717	70,001 to 72,000	368
58,001 to 60,000	750	72,001 to 74,000	375
60,001 to 62,000	780	74,001 to 76,000	387
62,001 to 64,000	811	76,001 to 78,000	394
64,001 to 66,000	827	78,001 to 80,000	406
66,001 to 68,000	857	80,001 to 82,000	413
68,001 to 70,000	874	82,001 to 84,000	425
70,001 to 72,000	904	84,001 to 86,000	432
72,001 to 74,000	921	86,001 to 88,000	445
74,001 to 76,000	951	88,001 to 90,000	451
76,001 to 78,000	967	90,001 to 92,000	464
78,001 to 80,000	998	92,001 to 94,000	470
80,001 to 82,000	1,014	94,001 to 96,000	483
82,001 to 84,000	1,045	96,001 to 98,000	489
84,001 to 86,000	1,061	98,001 to 100,000	495
86,001 to 88,000	1,092	100,001 to 102,000	508
88,001 to 90,000	1,108	102,001 to 104,000	514
90,001 to 92,000	1,139	104,001 to 105,500	527
92,001 to 94,000	1,155		
94,001 to 96,000	1,185		
96,001 to 98,000	1,202		
98,001 to 100,000	1,218		
100,001 to 102,000	1,249		
102,001 to 104,000	1,265		
104,001 to 105,500	1,295		

(ii) For the period beginning on January 1, 2020, and ending on December 31, 2021, the registration fee for motor vehicles with a registration weight of more than 8,000 pounds that are described in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 (13), is as provided in the following chart:

(b)(A)(i) For the period beginning January 1, 2018, and ending December 31, 2019, the registration fee for motor vehicles with a registration weight of more than 8,000 pounds that are described in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 (13), is as provided in the following chart:

Weight in Pounds	Fee
8,001 to 10,000	\$ 64
10,001 to 12,000	76
12,001 to 14,000	83
14,001 to 16,000	95
16,001 to 18,000	102
18,001 to 20,000	114
20,001 to 22,000	121
22,001 to 24,000	133
24,001 to 26,000	140
26,001 to 28,000	152
28,001 to 30,000	159
30,001 to 32,000	171
32,001 to 34,000	178
34,001 to 36,000	191
36,001 to 38,000	197
38,001 to 40,000	210
40,001 to 42,000	216
42,001 to 44,000	229
44,001 to 46,000	235
46,001 to 48,000	241
48,001 to 50,000	254
50,001 to 52,000	267
52,001 to 54,000	273
54,001 to 56,000	279
56,001 to 58,000	292

Weight in Pounds	Fee
8,001 to 10,000	\$ 68
10,001 to 12,000	81
12,001 to 14,000	88
14,001 to 16,000	101
16,001 to 18,000	108
18,001 to 20,000	122
20,001 to 22,000	128
22,001 to 24,000	142
24,001 to 26,000	149
26,001 to 28,000	162
28,001 to 30,000	169
30,001 to 32,000	182
32,001 to 34,000	189
34,001 to 36,000	203
36,001 to 38,000	209
38,001 to 40,000	223
40,001 to 42,000	230
42,001 to 44,000	243
44,001 to 46,000	250
46,001 to 48,000	257
48,001 to 50,000	270
50,001 to 52,000	284
52,001 to 54,000	290
54,001 to 56,000	297
56,001 to 58,000	311
58,001 to 60,000	324
60,001 to 62,000	338
62,001 to 64,000	351
64,001 to 66,000	358
66,001 to 68,000	371
68,001 to 70,000	378
70,001 to 72,000	392

72,001 to 74,000	398
74,001 to 76,000	412
76,001 to 78,000	419
78,001 to 80,000	432
80,001 to 82,000	439
82,001 to 84,000	452
84,001 to 86,000	459
86,001 to 88,000	473
88,001 to 90,000	479
90,001 to 92,000	493
92,001 to 94,000	500
94,001 to 96,000	513
96,001 to 98,000	520
98,001 to 100,000	527
100,001 to 102,000	540
102,001 to 104,000	547
104,001 to 105,500	560

84,001 to 86,000	879
86,001 to 88,000	906
88,001 to 90,000	918
90,001 to 92,000	944
92,001 to 94,000	958
94,001 to 96,000	983
96,001 to 98,000	996
98,001 to 100,000	1,008
100,001 to 102,000	1,035
102,001 to 104,000	1,048
104,001 to 105,500	1,073

(B)(i) For the period beginning January 1, 2018, and ending December 31, 2019, the registration fee for motor vehicles that are certified under ORS 822.205, unless the motor vehicles are registered under paragraph (a) of this subsection, or that are used exclusively to transport manufactured structures, is as provided in the following chart:

(ii) For the period beginning on January 1, 2020, and ending on December 31, 2021, the registration fee for motor vehicles that are certified under ORS 822.205, unless the motor vehicles are registered under paragraph (a) of this subsection, or that are used exclusively to transport manufactured structures, is as provided in the following chart:

Weight in Pounds	Fee
8,000 or less	\$ 56
8,001 to 10,000	130
10,001 to 12,000	155
12,001 to 14,000	168
14,001 to 16,000	194
16,001 to 18,000	207
18,001 to 20,000	232
20,001 to 22,000	245
22,001 to 24,000	272
24,001 to 26,000	284
26,001 to 28,000	310
28,001 to 30,000	324
30,001 to 32,000	349
32,001 to 34,000	362
34,001 to 36,000	389
36,001 to 38,000	401
38,001 to 40,000	427
40,001 to 42,000	439
42,001 to 44,000	466
44,001 to 46,000	479
46,001 to 48,000	491
48,001 to 50,000	517
50,001 to 52,000	544
52,001 to 54,000	556
54,001 to 56,000	569
56,001 to 58,000	594
58,001 to 60,000	621
60,001 to 62,000	646
62,001 to 64,000	673
64,001 to 66,000	686
66,001 to 68,000	711
68,001 to 70,000	724
70,001 to 72,000	751
72,001 to 74,000	763
74,001 to 76,000	789
76,001 to 78,000	801
78,001 to 80,000	828
80,001 to 82,000	841
82,001 to 84,000	866

Weight in Pounds	Fee
8,000 or less	\$ 61
8,001 to 10,000	138
10,001 to 12,000	165
12,001 to 14,000	178
14,001 to 16,000	207
16,001 to 18,000	220
18,001 to 20,000	247
20,001 to 22,000	261
22,001 to 24,000	289
24,001 to 26,000	302
26,001 to 28,000	329
28,001 to 30,000	344
30,001 to 32,000	371
32,001 to 34,000	385
34,001 to 36,000	413
36,001 to 38,000	427
38,001 to 40,000	454
40,001 to 42,000	467
42,001 to 44,000	495
44,001 to 46,000	509
46,001 to 48,000	522
48,001 to 50,000	549
50,001 to 52,000	578
52,001 to 54,000	591
54,001 to 56,000	605
56,001 to 58,000	632
58,001 to 60,000	660
60,001 to 62,000	687
62,001 to 64,000	716
64,001 to 66,000	729
66,001 to 68,000	756
68,001 to 70,000	770
70,001 to 72,000	798
72,001 to 74,000	811
74,001 to 76,000	838
76,001 to 78,000	852
78,001 to 80,000	880
80,001 to 82,000	894
82,001 to 84,000	921
84,001 to 86,000	934
86,001 to 88,000	963
88,001 to 90,000	976
90,001 to 92,000	1,003
92,001 to 94,000	1,018
94,001 to 96,000	1,045

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96,001 to 98,000	1,058
98,001 to 100,000	1,072
100,001 to 102,000	1,100
102,001 to 104,000	1,114
104,001 to 105,500	1,141

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(C) The owner of a vehicle described in subparagraph (A) or (B) of this paragraph must certify at the time of initial registration, in a manner determined by the department by rule, that the motor vehicle will be used exclusively to transport manufactured structures or exclusively as described in ORS 822.210, unless the motor vehicle is registered under paragraph (a) of this subsection, or as described in ORS 825.015 or 825.017 (13). Registration of a vehicle described in subparagraph (A) or (B) of this paragraph is invalid if the vehicle is operated in any manner other than that described in the certification under this subparagraph.

(c)(A) For the period beginning on January 1, 2018, and ending on December 31, 2019, subject to paragraph (d) of this subsection, the registration fee for motor vehicles registered as farm vehicles under ORS 805.300 is as provided in the following chart, based upon the registration weight given in the declaration of weight submitted under ORS 803.435:

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Weight in Pounds	Fee
8,000 or less	\$ 44
8,001 to 10,000	58
10,001 to 12,000	67
12,001 to 14,000	86
14,001 to 16,000	97
16,001 to 18,000	116
18,001 to 20,000	126
20,001 to 22,000	145
22,001 to 24,000	154
24,001 to 26,000	174
26,001 to 28,000	183
28,001 to 30,000	202
30,001 to 32,000	212
32,001 to 34,000	231
34,001 to 36,000	241
36,001 to 38,000	260
38,001 to 40,000	271
40,001 to 42,000	290
42,001 to 44,000	298
44,001 to 46,000	319
46,001 to 48,000	328
48,001 to 50,000	347
50,001 to 52,000	357
52,001 to 54,000	366
54,001 to 56,000	386
56,001 to 58,000	405
58,001 to 60,000	414
60,001 to 62,000	424
62,001 to 64,000	443
64,001 to 66,000	462
66,001 to 68,000	472
68,001 to 70,000	483
70,001 to 72,000	502
72,001 to 74,000	511
74,001 to 76,000	531
76,001 to 78,000	540
78,001 to 80,000	559

80,001 to 82,000	569
82,001 to 84,000	588
84,001 to 86,000	598
86,001 to 88,000	617
88,001 to 90,000	626
90,001 to 92,000	646
92,001 to 94,000	655
94,001 to 96,000	674
96,001 to 98,000	685
98,001 to 100,000	704
100,001 to 102,000	714
102,001 to 104,000	733
104,001 to 105,500	743

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(B) For the period beginning on January 1, 2020, and ending on December 31, 2021, subject to paragraph (d) of this subsection, the registration fee for motor vehicles registered as farm vehicles under ORS 805.300 is as provided in the following chart, based upon the registration weight given in the declaration of weight submitted under ORS 803.435:

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Weight in Pounds	Fee
8,000 or less	\$ 47
8,001 to 10,000	62
10,001 to 12,000	72
12,001 to 14,000	92
14,001 to 16,000	103
16,001 to 18,000	123
18,001 to 20,000	134
20,001 to 22,000	154
22,001 to 24,000	163
24,001 to 26,000	185
26,001 to 28,000	194
28,001 to 30,000	215
30,001 to 32,000	225
32,001 to 34,000	246
34,001 to 36,000	257
36,001 to 38,000	277
38,001 to 40,000	288
40,001 to 42,000	308
42,001 to 44,000	317
44,001 to 46,000	339
46,001 to 48,000	348
48,001 to 50,000	369
50,001 to 52,000	379
52,001 to 54,000	389
54,001 to 56,000	410
56,001 to 58,000	431
58,001 to 60,000	440
60,001 to 62,000	451
62,001 to 64,000	471
64,001 to 66,000	491
66,001 to 68,000	502
68,001 to 70,000	513
70,001 to 72,000	533
72,001 to 74,000	543
74,001 to 76,000	564
76,001 to 78,000	574
78,001 to 80,000	594
80,001 to 82,000	605
82,001 to 84,000	625
84,001 to 86,000	636
86,001 to 88,000	656
88,001 to 90,000	666
90,001 to 92,000	687

92,001 to	94,000	697
94,001 to	96,000	717
96,001 to	98,000	728
98,001 to	100,000	748
100,001 to	102,000	759
102,001 to	104,000	779
104,001 to	105,500	790

(d) For any vehicle that is registered under a quarterly registration period, the registration fee is a minimum of \$15 for each quarter registered plus an additional fee of \$2.

**(15) The registration and renewal fees for vehicles specified in this subsection that are required to establish a registration weight under ORS 803.430 or 826.013 are as follows:**

(a) **State-owned vehicles registered under ORS 805.045, \$10.**

(b) **Undercover vehicles registered under ORS 805.060, \$10.**

**SECTION 17.** ORS 803.420, as amended by section 35, chapter 750, Oregon Laws 2017, and section 4, chapter 114, Oregon Laws 2018, is amended to read:

803.420. (1) The vehicle registration fees imposed under this section shall be based on the classifications determined by the Department of Transportation by rule. The department may classify a vehicle to ensure that registration fees for the vehicle are the same as for other vehicles the department determines to be comparable.

(2) Except as otherwise provided in this section, or unless the vehicle is registered quarterly, the fees described in this section are for an entire registration period for the vehicle as described under ORS 803.415. For a vehicle registered for a quarterly registration period under ORS 803.415, the department shall apportion any fee under this section to reflect the number of quarters registered.

(3) Vehicle registration fees are due when a vehicle is registered and when the registered owner renews the registration.

(4) In addition to the registration fees listed in this section, a county or a district may impose an additional registration fee as provided under ORS 801.041 and 801.042.

(5) A rental or leasing company, as defined in ORS 221.275, that elects to initially register a vehicle for an annual or biennial registration period shall pay a fee of \$2 in addition to the vehicle registration fee provided under this section.

(6) The registration fees for each year of the registration period for vehicles subject to biennial registration are as follows:

(a) Passenger vehicles not otherwise provided for in this section or ORS 821.320, \$43.

(b) Utility trailers or light trailers, as those terms are defined by rule by the department, \$63.

(c) Mopeds and motorcycles, \$44.

(d) Low-speed vehicles, \$63.

(e) Medium-speed electric vehicles, \$63.

(7) The registration fees for vehicles that are subject to biennial registration and that are listed in this subsection are as follows:

(a) State-owned vehicles registered under ORS 805.045 and undercover vehicles registered under ORS 805.060, \$10 upon registration or renewal.

(b) Fixed load vehicles:

(A) If a declaration of weight described under ORS 803.435 is submitted establishing the weight of the vehicle at 3,000 pounds or less, \$61.

(B) If no declaration of weight is submitted or if the weight of the vehicles is in excess of 3,000 pounds, \$82.

(c) Travel trailers, special use trailers, campers and motor homes, based on length as determined under ORS 803.425:

(A) Trailers or campers that are 6 to 10 feet in length, \$81.

(B) Trailers or campers over 10 feet in length, \$81 plus \$6.75 a foot for each foot of length over the first 10 feet.

(C) Motor homes that are 6 to 14 feet in length, \$86.

(D) Motor homes over 14 feet in length, \$126 plus \$7.50 a foot for each foot of length over the first 10 feet.

(8) The registration fee for trailers for hire that are equipped with pneumatic tires made of an elastic material and that are not travel trailers or trailers registered under permanent registration is \$30.

(9) The registration fees for vehicles subject to ownership registration are as follows:

(a) Government-owned vehicles registered under ORS 805.040, \$5.

(b) Vehicles registered with special registration for disabled veterans under ORS 805.100 or for former prisoners of war under ORS 805.110, \$15.

(c) School vehicles registered under ORS 805.050, \$5.

(10) The registration fees for vehicles subject to permanent registration are as follows:

(a) Antique vehicles registered under ORS 805.010, \$100.

(b) Vehicles of special interest registered under ORS 805.020, \$100.

(c) Racing activity vehicles registered under ORS 805.035, \$100.

(d) Trailers, \$10.

**(e) State-owned vehicles registered under ORS 805.045 and undercover vehicles registered under ORS 805.060, \$10.**

(11) The registration fee for trailers registered as part of a fleet under an agreement reached pursuant to ORS 802.500 is the same fee as the fee for vehicles of the same type registered under other provisions of the Oregon Vehicle Code.

(12) The registration fee for vehicles with proportional registration under ORS 826.009, or proportional fleet registration under ORS 826.011, is the same fee as the fee for vehicles of the same type under this section except that the fees shall be fixed on an apportioned basis as provided under the agreement established under ORS 826.007.

(13) In addition to any other registration fees charged for registration of vehicles in fleets under ORS 805.120, the department may charge the following fees:

(a) Service charge for each vehicle entered into a fleet, \$3.

(b) Service charge for each vehicle in the fleet at the time of renewal, \$2.

(14)(a) The registration fee for motor vehicles required to establish a registration weight under ORS 803.430 or 826.013, tow vehicles used to transport property for hire other than as described in ORS 822.210 and commercial buses is as provided in the following chart, based upon the weight submitted in the declaration of weight prepared under ORS 803.435 or 826.015:

Weight in Pounds	Fee
8,000 or less	\$ 74
8,001 to 10,000	464
10,001 to 12,000	528
12,001 to 14,000	591
14,001 to 16,000	655
16,001 to 18,000	718
18,001 to 20,000	801
20,001 to 22,000	864
22,001 to 24,000	949
24,001 to 26,000	1,031
26,001 to 28,000	375
28,001 to 30,000	391
30,001 to 32,000	422
32,001 to 34,000	438
34,001 to 36,000	468
36,001 to 38,000	485
38,001 to 40,000	515
40,001 to 42,000	532
42,001 to 44,000	562
44,001 to 46,000	578
46,001 to 48,000	593
48,001 to 50,000	625
50,001 to 52,000	656
52,001 to 54,000	672
54,001 to 56,000	686
56,001 to 58,000	717
58,001 to 60,000	750
60,001 to 62,000	780
62,001 to 64,000	811
64,001 to 66,000	827
66,001 to 68,000	857
68,001 to 70,000	874
70,001 to 72,000	904
72,001 to 74,000	921
74,001 to 76,000	951
76,001 to 78,000	967
78,001 to 80,000	998
80,001 to 82,000	1,014
82,001 to 84,000	1,045
84,001 to 86,000	1,061
86,001 to 88,000	1,092
88,001 to 90,000	1,108
90,001 to 92,000	1,139
92,001 to 94,000	1,155
94,001 to 96,000	1,185
96,001 to 98,000	1,202
98,001 to 100,000	1,218
100,001 to 102,000	1,249

102,001 to 104,000	1,265
104,001 to 105,500	1,295

(b)(A) The registration fee for motor vehicles with a registration weight of more than 8,000 pounds that are described in ORS 825.015, that are operated by a charitable organization as defined in ORS 825.017 (13), is as provided in the following chart:

Weight in Pounds	Fee
8,001 to 10,000	\$ 71
10,001 to 12,000	85
12,001 to 14,000	92
14,001 to 16,000	107
16,001 to 18,000	114
18,001 to 20,000	128
20,001 to 22,000	135
22,001 to 24,000	149
24,001 to 26,000	156
26,001 to 28,000	170
28,001 to 30,000	178
30,001 to 32,000	192
32,001 to 34,000	199
34,001 to 36,000	213
36,001 to 38,000	220
38,001 to 40,000	234
40,001 to 42,000	241
42,001 to 44,000	256
44,001 to 46,000	263
46,001 to 48,000	270
48,001 to 50,000	284
50,001 to 52,000	298
52,001 to 54,000	305
54,001 to 56,000	312
56,001 to 58,000	327
58,001 to 60,000	341
60,001 to 62,000	355
62,001 to 64,000	369
64,001 to 66,000	376
66,001 to 68,000	391
68,001 to 70,000	398
70,001 to 72,000	412
72,001 to 74,000	419
74,001 to 76,000	433
76,001 to 78,000	440
78,001 to 80,000	454
80,001 to 82,000	462
82,001 to 84,000	476
84,001 to 86,000	483
86,001 to 88,000	497
88,001 to 90,000	504
90,001 to 92,000	518
92,001 to 94,000	525
94,001 to 96,000	540
96,001 to 98,000	547
98,001 to 100,000	554
100,001 to 102,000	568
102,001 to 104,000	575
104,001 to 105,500	589

(B) The registration fee for motor vehicles that are certified under ORS 822.205, unless the motor vehicles are registered under paragraph (a) of this subsection, or that are used exclusively to transport

manufactured structures, is as provided in the following chart:

Weight in Pounds		Fee
8,000 or less		\$
8,001 to 10,000		63
10,001 to 12,000		145
12,001 to 14,000		173
14,001 to 16,000		217
16,001 to 18,000		231
18,001 to 20,000		260
20,001 to 22,000		274
22,001 to 24,000		304
24,001 to 26,000		318
26,001 to 28,000		346
28,001 to 30,000		362
30,001 to 32,000		391
32,001 to 34,000		405
34,001 to 36,000		435
36,001 to 38,000		449
38,001 to 40,000		477
40,001 to 42,000		491
42,001 to 44,000		521
44,001 to 46,000		535
46,001 to 48,000		550
48,001 to 50,000		578
50,001 to 52,000		608
52,001 to 54,000		622
54,001 to 56,000		636
56,001 to 58,000		665
58,001 to 60,000		694
60,001 to 62,000		723
62,001 to 64,000		753
64,001 to 66,000		767
66,001 to 68,000		795
68,001 to 70,000		809
70,001 to 72,000		839
72,001 to 74,000		853
74,001 to 76,000		882
76,001 to 78,000		896
78,001 to 80,000		926
80,001 to 82,000		940
82,001 to 84,000		968
84,001 to 86,000		983
86,001 to 88,000		1,012
88,001 to 90,000		1,027
90,001 to 92,000		1,055
92,001 to 94,000		1,071
94,001 to 96,000		1,099
96,001 to 98,000		1,113
98,001 to 100,000		1,127
100,001 to 102,000		1,157
102,001 to 104,000		1,172
104,001 to 105,500		1,200

(C) The owner of a vehicle described in subparagraph (A) or (B) of this paragraph must certify at the time of initial registration, in a manner determined by the department by rule, that the motor vehicle will be used exclusively to transport manufactured structures or exclusively as described in ORS 822.210, unless the motor vehicle is registered under paragraph (a) of this subsection, or as described in ORS 825.015 or 825.017 (13). Registration of a vehicle described in subparagraph (A) or (B) of

this paragraph is invalid if the vehicle is operated in any manner other than that described in the certification under this subparagraph.

(c) Subject to paragraph (d) of this subsection, the registration fee for motor vehicles registered as farm vehicles under ORS 805.300 is as provided in the following chart, based upon the registration weight given in the declaration of weight submitted under ORS 803.435:

Weight in Pounds		Fee
8,000 or less		\$
8,001 to 10,000		50
10,001 to 12,000		65
12,001 to 14,000		75
14,001 to 16,000		97
16,001 to 18,000		108
18,001 to 20,000		129
20,001 to 22,000		141
22,001 to 24,000		162
24,001 to 26,000		172
26,001 to 28,000		195
28,001 to 30,000		204
30,001 to 32,000		226
32,001 to 34,000		237
34,001 to 36,000		258
36,001 to 38,000		270
38,001 to 40,000		291
40,001 to 42,000		302
42,001 to 44,000		324
44,001 to 46,000		334
46,001 to 48,000		356
48,001 to 50,000		366
50,001 to 52,000		388
52,001 to 54,000		399
54,001 to 56,000		409
56,001 to 58,000		432
58,001 to 60,000		453
60,001 to 62,000		463
62,001 to 64,000		474
64,001 to 66,000		496
66,001 to 68,000		517
68,001 to 70,000		528
70,001 to 72,000		540
72,001 to 74,000		561
74,001 to 76,000		571
76,001 to 78,000		594
78,001 to 80,000		604
80,001 to 82,000		625
82,001 to 84,000		636
84,001 to 86,000		657
86,001 to 88,000		669
88,001 to 90,000		690
90,001 to 92,000		700
92,001 to 94,000		723
94,001 to 96,000		733
96,001 to 98,000		754
98,001 to 100,000		765
100,001 to 102,000		787
102,001 to 104,000		798
104,001 to 105,500		819

(d) For any vehicle that is registered under a quarterly registration period, the registration fee is

a minimum of \$15 for each quarter registered plus an additional fee of \$2.

**(15) The registration and renewal fees for vehicles specified in this subsection that are required to establish a registration weight under ORS 803.430 or 826.013 are as follows:**

**(a) State-owned vehicles registered under ORS 805.045, \$10.**

**(b) Undercover vehicles registered under ORS 805.060, \$10.**

**SECTION 18. Section 19 of this 2019 Act is added to and made a part of ORS 320.400 to 320.490.**

**SECTION 19. For purposes of ORS 315.037, any tax expenditure enacted with respect to any or all transportation project taxes shall remain in continuous effect until the Legislative Assembly expressly provides otherwise.**

**SECTION 20. ORS 367.080 is amended to read:**

367.080. (1) As used in ORS 367.080 to 367.089:

*[(a) "Bicycle" has the meaning given that term in ORS 801.150.]*

*[(b)] (a) "Private entity" means any entity that is not a public body, including but not limited to a corporation, partnership, company, nonprofit organization or other legal entity or natural person.*

*[(c)] (b) "Public body" has the meaning given that term in ORS 174.109.*

*[(d) "Statewide significance" means a transportation project that:]*

*[(A) Benefits the regional and statewide economy; and]*

*[(B) Sustains employment within the community or region in which the transportation project is located beyond the employment associated with construction or implementation of the project.]*

*[(e) "Transportation project" means a project or undertaking for transit, rail, marine, aviation and bicycle and pedestrian capital infrastructure, including bridges, paths and ways, or a project that facilitates the transportation of materials, animals or people. A transportation project does not include costs associated with operating expenses or the purchase of bicycles.]*

**(c)(A) "Transportation project" means a project or undertaking for rail, marine or aviation capital infrastructure, including bridges, or a project that facilitates the transportation of materials, animals or people.**

**(B) A transportation project does not include costs associated with operating expenses.**

(2) The Connect Oregon Fund is established in the State Treasury, separate and distinct from the General Fund. Earnings on moneys in the Connect Oregon Fund shall be deposited into the fund. Moneys in the Connect Oregon Fund are continuously appropriated to the Department of Transportation for the purposes described in subsection (3) of this section and in ORS 367.086. The fund consists of the following:

(a) Moneys transferred to the fund under ORS 320.435 *[and 320.440]*.

(b) Moneys appropriated to the fund by the Legislative Assembly.

(c) Earnings on moneys in the fund.

(d) Lottery bond proceeds.

(e) Moneys from any other source.

(3) The department shall use moneys in the Connect Oregon Fund to provide grants for transportation projects as provided in ORS 367.080 to 367.089. Grants may be provided only for projects that involve one or more of the following modes of transportation:

(a) *[Air] Aviation;*

(b) *Marine; and*

(c) *Rail.;* *and]*

*[(d) Bicycle and pedestrian.]*

**SECTION 21. ORS 367.081 is amended to read:**

367.081. (1) **Each biennium, the Department of Transportation may provide grants for transportation projects under ORS 367.080 only if the department determines that \$50 million or more will be available in the Connect Oregon Fund for the biennium in which the grants are provided.**

**(2) The department may use up to one percent of the amounts available within the Connect Oregon Fund to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.089.**

**(3) Each biennium, the department shall transfer seven percent of the moneys in the Connect Oregon Fund to the Multimodal Active Transportation Fund established under section 23 of this 2019 Act for the purpose of providing grants for bicycle and pedestrian transportation projects.**

*[(1) If there is \$75 million or more in the Connect Oregon Fund on July 1 of an odd-numbered year, the amounts available under ORS 367.080 shall be distributed for transportation projects within the Connect Oregon program as follows:]*

*[(a) For projects within Connect Oregon Part One:]*

*[(A) Forty-seven percent for transportation projects that involve one or more of the following modes of transportation:]*

*[(i) Aviation;]*

*[(ii) Marine; or]*

*[(iii) Rail.]*

*[(B) Seven percent for bicycle and pedestrian transportation projects.]*

*[(C) One percent is appropriated to the Department of Transportation to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.089.]*

*[(b) For transportation projects within Connect Oregon Part Two, forty-five percent.]*

*[(2) If there is less than \$75 million in the Connect Oregon Fund on July 1 of an odd-numbered year, the amounts available under ORS 367.080 shall be distributed for transportation projects within the*

*Connect Oregon program as follows for projects within Connect Oregon Part One:*

*[(a) Ninety-two percent for transportation projects that involve one or more of the following modes of transportation:]*

- [(A) Aviation;]*
- [(B) Marine; or]*
- [(C) Rail.]*

*[(b) Seven percent for bicycle and pedestrian transportation projects.]*

*[(c) One percent is appropriated to the Department of Transportation to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.089.]*

*[(3) To the extent that proposed transportation projects meet the qualifications established by the Oregon Transportation Commission by rule, the commission shall allocate at least 10 percent of the amount described in subsection (1) or (2) of this section to each of the five regions described in ORS 366.805.]*

**SECTION 22.** ORS 367.084 is amended to read:

367.084. (1) The Oregon Transportation Commission shall select transportation projects to be funded with moneys in the Connect Oregon Fund established under ORS 367.080.

(2)(a) Prior to selecting transportation projects, the commission shall seek input from the applicable area commission on transportation.

(b) Prior to selecting aeronautic and airport transportation projects, the commission shall solicit recommendations from the State Aviation Board.

(c) Prior to selecting freight transportation projects, the commission shall solicit recommendations from the Freight Advisory Committee.

(d) Prior to selecting rail projects, the commission shall solicit recommendations from the rail advisory committee.

(e) Prior to selecting marine projects, the commission shall solicit recommendations from the Oregon Business Development Department.

*[(f) Prior to selecting bicycle and pedestrian projects, the commission shall solicit recommendations from the advisory committee created by ORS 366.112.]*

*[(3) The commission shall divide the Connect Oregon program into two parts to be known as Connect Oregon Part One and Connect Oregon Part Two.]*

*[(4) Connect Oregon Part One consists of transportation projects that involve one or more of the following modes of transportation:]*

- [(a) Air;]*
- [(b) Marine;]*
- [(c) Rail; and]*
- [(d) Bicycle and pedestrian.]*

*[(5) Connect Oregon Part Two consists of transportation projects that:]*

*[(a) Are transportation projects of statewide significance; and]*

*[(b) Enhance or maintain one or more of the following modes of transportation:]*

- [(A) Air;]*

*[(B) Marine;]*

*[(C) Class I railroads;]*

*[(D) Class II railroads; or]*

*[(E) Class III railroads.]*

*[(6) (3) In selecting transportation projects [within Connect Oregon Part One], the commission shall consider:*

*(a) Whether a proposed transportation project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor;*

*(b) Whether a proposed transportation project results in an economic benefit to this state;*

*(c) Whether a proposed transportation project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system;*

*(d) How much of the cost of a proposed transportation project can be borne by the applicant for the grant from any source other than the Connect Oregon Fund;*

*(e) Whether a proposed transportation project is ready for construction;*

*(f) Whether a proposed transportation project has a useful life expectancy that offers maximum benefit to the state; and*

*(g) Whether a proposed transportation project is located near operations conducted for mining aggregate or processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b).*

*[(7) The commission may award grants only for bicycle and pedestrian transportation projects that expand and improve commuter routes for nonmotorized vehicles and pedestrians, including bicycle trails, footpaths and multiuse trails.]*

*[(8) In selecting marine enhancement transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Is located in a deepwater port;]*

*[(b) Is located in a port with commercial activities where freight is transferred between water and another mode of freight transport;]*

*[(c) Improves efficiency of port operations or transportation system;]*

*[(d) Improves accessibility, connections, safety or mobility between a port and another modes of transportation;]*

*[(e) Has a significant economic benefit to this state including but not limited to adding jobs, retaining a high number of existing jobs or supporting business expansion at a port facility; and]*

*[(f) Leverages private funding.]*

*[(9) In selecting marine maintenance transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Maintains or improves channel depth or width;]*

*[(b) Preserves high-use or high-volume dock or pier infrastructure;]*

*[(c) Maintains connections to a port facility, including railroads or highways; and]*



*[(d) Preserves critical equipment necessary to maintain port functionality including but not limited to cranes, lifts, hoists and moorings.]*

*[(10) In selecting Class II or III railroad enhancement transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Allows a Class II or III railroad to transport a substantial volume or value of freight in relation to other Class II or III railroads;]*

*[(b) Connects a Class II or III railroad to a deepwater port;]*

*[(c) Improves efficiency of the line;]*

*[(d) Improves capacity of the line;]*

*[(e) Connects to new or expanding businesses requiring rail service; and]*

*[(f) Improves connectivity with Class I railroads.]*

*[(11) In selecting Class II or III railroad maintenance transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Maintains or increases functionality of the railroad;]*

*[(b) Maintains or improves a critical bridge, tunnel or other structure necessary to maintain rail service;]*

*[(c) Provides jobs to economically disadvantaged areas, as determined by the Oregon Business Development Department by rule;]*

*[(d) Helps protect critical rail infrastructure from seismic vulnerability;]*

*[(e) Improves railroads that serve industries that are important to this state;]*

*[(f) Increases the volume or value of freight; and]*

*[(g) Improves connections to highways or intermodal terminals.]*

*[(12) In selecting Class I railroad enhancement transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Eliminates or improves an identified rail congestion point;]*

*[(b) Improves the capacity or efficiency of the rail system;]*

*[(c) Has a strong benefit to Oregon's economy;]*

*[(d) Improves operations and efficiency of shared rail passenger service providers;]*

*[(e) Improves accessibility to ports or other intermodal terminals; and]*

*[(f) Improves the safety or reliability of the rail system.]*

*[(13) In selecting Class I railroad maintenance transportation projects within Connect Oregon Part Two, the commission shall consider whether a proposed transportation project:]*

*[(a) Connects to Class II or III railroads, ports, intermodal terminals or highways; and]*

*[(b) Improves seismically vulnerable portions of the railroad or bridges.]*

*[(14) To receive a grant under Connect Oregon Part Two a proposed aviation transportation project must benefit a category I, II, III or IV airport, as defined by the Oregon Department of Aviation by rule*

*and the airport must be eligible for federal matching funds. In addition the commission shall consider whether a proposed transportation project:]*

*[(a) Facilitates rescue or recovery efforts following a seismic event;]*

*[(b) Serves joint military and civilian operations; or]*

*[(c) Facilitates expanded commercial service, excluding the acquisition or operation of aircraft.]*

*[(15)] (4) To promote fairness in the selection process, the Director of Transportation may not choose a member of a final review committee:*

*(a) Who represents an entity that submitted an application for a Connect Oregon Fund grant that is being considered for funding by a final review committee; or*

*(b) Has a direct financial interest in an application that is being considered for funding by a final review committee.*

**SECTION 23. (1) As used in this section and section 24 of this 2019 Act:**

**(a) "Private entity" means any entity that is not a public body, including but not limited to a corporation, partnership, company, nonprofit organization or other legal entity or natural person.**

**(b) "Public body" has the meaning given that term in ORS 174.109.**

**(c) "Transportation project" means a project or undertaking for bicycle and pedestrian capital infrastructure, including bridges, paths and ways. A transportation project does not include costs associated with operating expenses or the purchase of bicycles.**

**(2) The Multimodal Active Transportation Fund is established in the State Treasury, separate and distinct from the General Fund. Earnings on moneys in the Multimodal Active Transportation Fund shall be deposited into the fund. Moneys in the fund are continuously appropriated to the Department of Transportation for the purposes described in subsection (3) of this section and in section 24 of this 2019 Act. The fund consists of the following:**

**(a) Moneys transferred to the fund under ORS 320.440.**

**(b) Moneys transferred to the fund under ORS 367.081.**

**(c) Moneys appropriated to the fund by the Legislative Assembly.**

**(d) Earnings on moneys in the fund.**

**(e) Moneys from any other source.**

**(3) The department shall use moneys in the fund to award grants for bicycle and pedestrian transportation projects as provided in section 24 of this 2019 Act.**

**SECTION 24. (1) The Department of Transportation shall establish the Multimodal Active Transportation Program. The department may provide, from moneys in the Multimodal Active Transportation Fund established under section**

**23 of this 2019 Act, grants for transportation projects to public bodies and to private entities.**

**(2) The department shall adopt rules specifying the process by which a public body or private entity may apply for a grant under this section and prescribing the terms and conditions of grants. An applicant receiving a grant must provide 30 percent of the moneys required for the transportation project.**

**(3) The Oregon Transportation Commission shall select transportation projects to be funded with moneys in the Multimodal Active Transportation Fund. Before selecting bicycle and pedestrian transportation projects, the commission shall solicit recommendations from the advisory committee created by ORS 366.112.**

**SECTION 25.** ORS 320.440 is amended to read:

320.440. (1) The Department of Revenue shall deposit all revenue collected from the excise tax imposed under ORS 320.415 in a suspense account established under ORS 293.445 for the purposes of receiving the excise tax revenue. The department may pay expenses for the administration and enforcement of the excise tax out of moneys received from the excise tax. Amounts necessary to pay administrative and enforcement expenses are continuously appropriated to the department from the suspense account.

(2) After payment of administrative and enforcement expenses under subsection (1) of this section and refunds or credits arising from erroneous overpayments, the department shall transfer the balance of the moneys received from the excise tax to the [Connect Oregon Fund] **Multimodal Active Transportation Fund** established under [ORS 367.080] **section 23 of this 2019 Act** for the purpose of providing grants for bicycle and pedestrian transportation projects **under section 24 of this 2019 Act.**

**SECTION 26.** Section 7, chapter 700, Oregon Laws 2015, as amended by section 80a, chapter 750, Oregon Laws 2017, is amended to read:

**Sec. 7.** (1) The following amounts shall be distributed in the manner prescribed in this section:

(a) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines that is computed on a basis in excess of one cent per gallon and any amount of tax on all other aircraft fuel that is computed on a basis in excess of nine cents per gallon, under ORS 319.020 (2); and

(b) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines in excess of one cent per gallon and any amount of tax on all other aircraft fuel in excess of nine cents per gallon, that is deducted before the refunding of tax under ORS 319.330 (1).

(2) Applications for distributions under this section may not be approved unless the applicant demonstrates a commitment to contribute at least five percent of the costs of the project to which the application relates. The Oregon Department of Avi-

ation shall adopt rules for purposes of this subsection.

(3)(a) The State Aviation Board shall establish a review committee composed of one member from each of the area commissions on transportation chartered by the Oregon Transportation Commission.

(b) The review committee shall meet as necessary to review applications for distributions of amounts pursuant to this section. The criteria specified in ORS 367.084 [(6)] (3) apply to the review process of the review committee.

(c) The review committee shall recommend applications to the State Aviation Board, which shall select applications with the following priority:

(A) First, to applications filed pursuant to subsection (5)(a)(A) of this section;

(B) Second, to applications filed with respect to safety and infrastructure development; and

(C) Third, to applications filed with respect to aviation-related economic benefits related to airports.

(4)(a) Five percent of the amounts described in subsection (1) of this section are appropriated to the Oregon Department of Aviation for the costs of the department and the State Aviation Board in administering this section.

(b) The remaining 95 percent of the amounts described in subsection (1) of this section shall be distributed pursuant to subsections (5) to (7) of this section.

(5)(a) Fifty percent of the amounts described in subsection (4)(b) of this section shall be distributed for the following purposes:

(A) To assist airports in Oregon with match requirements for Federal Aviation Administration Airport Improvement Program grants.

(B) To make grants for emergency preparedness and infrastructure projects, in accordance with the Oregon Resilience Plan, including grants for emergency management plan development, seismic studies and emergency generators and similar equipment.

(C) To make grants for:

(i) Services critical or essential to aviation, including, but not limited to, fuel, sewer, water and weather equipment.

(ii) Aviation-related business development, including, but not limited to, hangars, parking for business aircraft and related facilities.

(iii) Airport development for local economic benefit, including, but not limited to, signs and marketing.

(b) Priority in distributing grants shall be given to projects for which applicants demonstrate a commitment to contribute the greatest amounts toward the costs of the projects to which the applications relate.

(6) Twenty-five percent of the amounts described in subsection (4)(b) of this section shall be distributed for the purpose of assisting commercial air service to rural Oregon.

(7) Twenty-five percent of the amounts described in subsection (4)(b) of this section shall be distributed to state-owned airports for the purposes of:

(a) Safety improvements recommended by the State Aviation Board and local community airports.

(b) Infrastructure projects at public use airports.

(8)(a) The State Aviation Board shall submit reports, in the manner provided in ORS 192.245 and paragraph (b) of this subsection, that describe in detail the projects for which applications have been submitted and approved, the airports affected, the names of the applicants and the persons who will perform the work proposed in the applications, the progress of projects for which applications have been approved and any other information the board considers necessary for a comprehensive analysis of the implementation of this section.

(b) The reports described in paragraph (a) of this subsection shall be submitted:

(A) Not later than February 10 of each year to the committees of the Legislative Assembly related to air transportation; and

(B) Not later than September 30 of each year to the interim committees of the Legislative Assembly related to air transportation.

**SECTION 27.** The Department of Transportation shall transfer from the Connect Oregon Fund, established under ORS 367.080, to the Multimodal Active Transportation Fund, established under section 23 of this 2019 Act, any amounts remaining in the Connect Oregon Fund on the effective date of this 2019 Act that are attributable to the transfer of the excise tax revenues under ORS 320.440.

**SECTION 28.** (1) Each biennium, in cooperation with the Department of Transportation, the State Parks and Recreation Department shall allocate, for bicycle and pedestrian transportation projects to meet recreation and transportation needs, up to \$4 million of lottery revenues designated for outdoor recreation improvement projects.

(2) Each biennium, the State Parks and Recreation Department shall allocate one-half of the funding described in subsection (1) of this section for the purpose of providing grants for bicycle and pedestrian transportation projects through local and regional grant programs.

(3) Each biennium, the State Parks and Recreation Department shall allocate one-half of the funding described in subsection (1) of this section for the purpose of funding bicycle and pedestrian transportation projects on signature, scenic or recreation trails within the State of Oregon.

**SECTION 29.** Section 28 of this 2019 Act is repealed on January 2, 2025.

**SECTION 30.** Section 31 of this 2019 Act is added to and made a part of ORS 295.001 to 295.108.

**SECTION 31.** (1) This section applies to the following moneys:

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

(A) Imposed on motor carriers; and

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

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

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

(B) Apportioned to this state; and

(C) Payable through a clearinghouse operated under an agreement for proportional registration entered into under ORS 826.007.

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

**NOTE:** Sections 32 and 33 were deleted by amendment. Subsequent sections were not renumbered.

**SECTION 34.** Section 148, chapter 750, Oregon Laws 2017, as amended by section 154, chapter 750, Oregon Laws 2017, is amended to read:

**Sec. 148.** As used in sections 148 to 152, chapter 750, Oregon Laws 2017 [of this 2017 Act]:

(1) "Light-duty zero-emission vehicle" means a motor vehicle that:

(a) Has a gross vehicle weight rating of 8,500 pounds or less;

(b) Is capable of attaining a speed of 55 miles per hour or more; and

(c) Is powered:

(A) Primarily by an electric battery and may or may not use a flywheel energy storage device or a capacitor that also stores energy to assist in vehicle operation.

(B) By polymer electrolyte membrane fuel cells or proton exchange membrane fuel cells that use hydrogen fuel and oxygen from the air to produce electricity.

(C) Primarily by a zero-emission energy storage device that provides enough power for the vehicle to travel 75 miles or more using only electricity and may or may not use a backup alternative power unit that does not operate until the energy storage device is fully depleted.

(2) "Motor vehicle" has the meaning given that term in ORS 801.360.

(3) "Neighborhood electric vehicle" means a low-speed vehicle that:

(a) Is powered using an electric battery;

(b) Has a gross vehicle weight not exceeding 3,000 pounds; and

(c) Has at least four wheels.

(4) "Person" means a person as defined in ORS 174.100 or a public body as defined in ORS 174.109.

(5) "Plug-in hybrid electric vehicle" means a hybrid electric motor vehicle that:

(a) Has zero evaporative emissions from its fuel system;

(b) Has an onboard electrical energy storage device with useful capacity of 10 or more miles of urban dynamometer driving schedule range, as described by the United States Environmental Protection Agency, on electricity alone;

(c) Is equipped with an onboard charger;

(d) Is rechargeable from an external connection to an off-board electrical source;

(e) Meets the super ultra-low emission vehicle standards for exhaust emissions, as defined by the Environmental Quality Commission by rule;

(f) Has a warranty of at least 15 years and 150,000 miles on emission control components; and

(g) Is capable of attaining a speed of 55 miles per hour or more.

(6) "Qualifying vehicle" means a motor vehicle that:

(a) Is a:

(A) Light-duty zero-emission vehicle; *[or]*

**(B) Neighborhood electric vehicle;**

*[(B)] (C) Plug-in hybrid electric vehicle; or*

**(D) Zero-emission motorcycle;**

(b) Is new, or has been previously used only as a dealership floor model or test-drive vehicle;

(c) Has not previously been registered;

(d) Is constructed entirely from new parts that have never been the subject of a retail sale;

(e) Has a base manufacturer's suggested retail price of less than \$50,000;

(f) Is covered by a manufacturer's express warranty on the vehicle drive train, including the applicable energy storage system or battery pack, for at least 24 months from the date of purchase; and

(g) Is certified by the manufacturer to comply with all applicable federal safety standards issued by the National Highway Traffic Safety Administration for new motor vehicles and new motor vehicle equipment.

(7)(a) "Vehicle dealer" means:

(A) A person engaged in business in this state that has been issued a vehicle dealer certificate under ORS 822.020; and

(B) A person engaged in business in another state that would be subject to ORS 822.005 if the person engaged in business in this state.

(b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer for purposes of sections 148 to 152, **chapter 750, Oregon Laws 2017**, *[of this 2017 Act]* to the extent the person:

(A) Conducts an event that lasts less than seven consecutive days, for which the public is charged admission and at which otherwise qualifying vehicles are sold at auction; or

(B) Sells an otherwise qualifying vehicle at auction at an event described in this paragraph.

(8) "Zero-emission motorcycle" means a motorcycle that:

(a) Has zero evaporative emissions from its fuel system;

(b) Is capable of attaining a speed of 55 miles per hour or more;

(c) Is designed to travel on two wheels; and

(d) Is powered by electricity.

**SECTION 35.** Section 149, chapter 750, Oregon Laws 2017, as amended by section 155, chapter 750, Oregon Laws 2017, and section 20, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 149.** (1) The Department of Environmental Quality shall establish a program for providing rebates to persons that purchase or lease qualifying vehicles for use in this state. The Director of the Department of Environmental Quality may hire or contract with a third-party organization to implement and serve as the administrator of the program required by this section.

(2) The department may:

(a) Specify design features for the program; and

(b) Establish procedures to:

(A) Prioritize available moneys for specific qualifying vehicles; and

(B) Limit the number of rebates available for each type of qualifying vehicle.

(3) The purchaser or lessee of a qualifying vehicle may apply for a rebate for a portion of the purchase price or may choose to assign the rebate to a vehicle dealer or lessor.

(4) Rebates under the program shall be made from moneys credited to or deposited in the Zero-Emission Incentive Fund established under section 152, chapter 750, Oregon Laws 2017. A rebate may not be made until there are sufficient moneys available in the fund to make the rebate.

(5) The department shall prescribe the rebate application procedure for purchasers and lessees. All rebate applications must include a declaration under penalty of perjury in the form required by ORCP 1 E.

(6) Rebates for qualifying vehicles shall be set annually by the department as follows:

(a) For light-duty zero-emission vehicles and plug-in hybrid electric vehicles with an electrochemical energy storage capacity of 10 kilowatt hours or more, up to \$2,500 but no less than \$1,500.

(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehicles with an electrochemical energy storage capacity of less than 10 kilowatt hours, up to \$1,500 but no less than \$750.

(c) For neighborhood electric vehicles, up to \$750 but not less than \$375.

(d) For zero-emission motorcycles, up to \$750 but not less than \$375.

(7) To be eligible for a rebate, a person requesting a rebate under the program shall:

(a) Purchase or lease a qualifying vehicle. A lease must have a minimum term of 24 months.

(b) Provide proof of an intent to use the qualifying vehicle primarily on the public highways of this state, which may be satisfied by providing proof of registration of the qualifying vehicle in Oregon.

(c) Submit an application for a rebate to the administrator of the program within six months after the date of purchase of the qualifying vehicle or six months after the date the lease of the qualifying vehicle begins.

(d) Retain registration of the qualifying vehicle for a minimum of 24 consecutive months after the date of purchase or the date the lease begins.

(8) A rebate recipient may not make or allow any modifications to the qualifying vehicle's emissions control systems, hardware, software calibrations or hybrid system.

(9)(a) If a rebate recipient sells the qualifying vehicle[,] or terminates the qualifying vehicle lease before the end of 24 months, the rebate recipient shall:

(A) Notify the administrator of the program of the sale or termination; and [shall]

(B) Reimburse the administrator for the [entire rebate amount] **rebate in a prorated amount based on the number of months that the rebate recipient owned or leased the qualifying vehicle.**

**(b) The administrator may waive the reimbursement requirement under paragraph (a) of this subsection if the administrator determines that a waiver is appropriate given unforeseeable or unavoidable circumstances that gave rise to a need for the rebate recipient to sell the qualifying vehicle or terminate the qualifying vehicle lease before the end of 24 months.**

(10) Rebate recipients may be requested to participate in ongoing research efforts.

(11) The administrator of the program shall work to ensure timely payment of rebates with a goal of paying rebates within 60 days after receiving an application for a rebate.

(12) A vehicle dealer may advertise the program on the premises owned or operated by the vehicle dealer. If no moneys are available from the program or the program otherwise changes, a vehicle dealer who advertises the program may not be held liable for advertising false or misleading information.

(13) The Environmental Quality Commission may adopt any rules necessary to carry out the provisions of this section.

**SECTION 36.** Section 150, chapter 750, Oregon Laws 2017, as amended by section 21, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 150.** (1) As used in this section:

(a) "Area median income" means the median income for the metropolitan statistical area in which a household is located or, if the household is not located within a metropolitan statistical area, for the metropolitan statistical area in closest proximity to the location of the household, as determined by the

Housing and Community Services Department, adjusted for household size.

(b) "Charge ahead rebate" means a rebate for the purchase or lease of a new or used light-duty zero-emission vehicle **or plug-in hybrid electric vehicle** issued through the Charge Ahead Oregon Program established under this section.

(c) "Low income household" means a household with income less than or equal to 80 percent of the area median income.

(d) "Moderate income household" means a household with income less than or equal to 120 percent and greater than 80 percent of the area median income.

(2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program to provide for charge ahead rebates to low income households and moderate income households. The Director of the Department of Environmental Quality may hire or contract with a third-party organization to implement and serve as the administrator of the program required by this section.

(3) The department may:

(a) Specify design features for the program; and

(b) Establish procedures to:

(A) Prioritize available moneys to specific income levels or geographic areas; and

(B) Limit the number of charge ahead rebates available.

(4) An eligible purchaser or lessee of a new or used light-duty zero-emission vehicle **or plug-in hybrid electric vehicle** may apply for a charge ahead rebate for a portion of the purchase price or may choose to assign the charge ahead rebate to a vehicle dealer or lessor.

(5) Rebates under the Charge Ahead Oregon Program shall be made from moneys credited to or deposited in the Zero-Emission Incentive Fund established under section 152, chapter 750, Oregon Laws 2017. A rebate may not be made until there are sufficient moneys available in the fund to make the rebate.

(6) The department shall prescribe the rebate application procedure for purchasers and lessees. All rebate applications must include a declaration under penalty of perjury in the form required by ORCP 1 E.

(7) Charge ahead rebates shall be in an amount up to \$2,500, but not less than \$1,250.

(8) To be eligible for a charge ahead rebate, a person requesting a rebate under the program must:

(a) Be a member of a low income household or a moderate income household.

(b) Purchase or lease a new or used light-duty zero-emission vehicle **or plug-in hybrid electric vehicle**. A lease must have a minimum term of 24 months.

(c) Provide proof of an intent to use the light-duty zero-emission vehicle **or plug-in hybrid electric vehicle** primarily on the public highways of this state, which may be satisfied by providing proof of registration of the vehicle in Oregon.

(d) Submit an application for a charge ahead rebate to the administrator of the program within six months of the date of purchase or six months from the date the lease begins.

(e) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consecutive months following the date of purchase or following the date the lease begins.

(9) A person that receives a charge ahead rebate may not make or allow any modifications to the vehicle's emissions control systems, hardware, software calibrations or hybrid system.

(10)(a) If a charge ahead rebate recipient sells the vehicle[,] or terminates the vehicle lease before the end of 24 months, the charge ahead rebate recipient shall:

(A) Notify the administrator of the program of the sale or termination; and *[shall]*

(B) Reimburse the administrator for the *[entire charge ahead rebate amount]* **rebate in a prorated amount based on the number of months that the rebate recipient owned or leased the qualifying vehicle.**

(b) **The administrator may waive the reimbursement requirement under paragraph (a) of this subsection if the administrator determines that a waiver is appropriate given unforeseeable or unavoidable circumstances that gave rise to a need for the rebate recipient to sell the qualifying vehicle or terminate the qualifying vehicle lease before the end of 24 months.**

(11) Charge ahead rebate recipients may be requested to participate in ongoing research efforts.

(12) The administrator of the program shall work to ensure timely payment of charge ahead rebates with a goal of paying rebates within 60 days of receiving an application for a charge ahead rebate.

(13) In establishing the Charge Ahead Oregon Program, the department shall provide opportunities for public comment by low income households, moderate income households and community-based organizations that are located in areas of this state that have elevated concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas of the state. The department shall use the comments received pursuant to this subsection to inform, evaluate and strengthen the design of the program in order to increase the usage of light-duty zero-emission vehicles **and plug-in hybrid electric vehicles.**

(14) The administrator of the program shall, throughout the course of implementing the program, conduct community outreach to low income households, moderate income households and community-based organizations that are located in areas of this state that have elevated concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas of the state, in order to:

(a) Solicit feedback on program implementation; and

(b) Take steps to ensure that the program is promoted effectively.

(15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned or operated by the vehicle dealer. If no moneys are available from the program or the program otherwise changes, a vehicle dealer who advertises the program may not be held liable for advertising false or misleading information.

(16) A charge ahead rebate may be combined with a rebate described in section 149, chapter 750, Oregon Laws 2017.

(17) An organization that the department has hired or contracted with to implement and serve as the administrator of the program may offer expanded financing mechanisms for program participants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to increase consumer access to new or used light-duty zero-emission vehicles **and plug-in hybrid electric vehicles.**

(18) The Environmental Quality Commission may adopt any rules necessary to carry out the provisions of this section.

**SECTION 37. (1) Notwithstanding section 149 (7)(c), chapter 750, Oregon Laws 2017, a person may submit an application for a rebate to the administrator of the program established under section 149, chapter 750, Oregon Laws 2017, within six months after the effective date of this 2019 Act, if the person purchased or leased a vehicle at any time beginning January 1, 2018, and ending August 2, 2018.**

**(2) Notwithstanding section 150 (8)(d), chapter 750, Oregon Laws 2017, a person may submit an application for a charge ahead rebate to the administrator of the Charge Ahead Oregon Program within six months after the effective date of this 2019 Act, if the person purchased or leased a vehicle at any time beginning January 1, 2018, and ending August 2, 2018.**

**SECTION 38.** ORS 825.450, as amended by section 58, chapter 750, Oregon Laws 2017, and section 28a, chapter 93, Oregon Laws 2018, is amended to read:

825.450. *[(1) Except as otherwise permitted under ORS 825.470, the Department of Transportation shall issue a receipt stating the combined weight of each self-propelled or motor-driven vehicle and any train or combination of vehicles to be used with the self-propelled or motor-driven vehicle.]*

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

**(2) A person may not load any motor vehicle in excess of *[its]* the combined weight *[permit rating determined]* stated on the weight identifier issued**

for that motor vehicle under subsection (1) of this section [except as variations may necessarily result in passenger loading. A fee of \$8 shall be paid to the department for each weight receipt issued].

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

(4) All vehicles operating under the carrier's authority shall have the same four-quarter period of [receipt] **weight identifier** validity. The department may allow a carrier to operate with expired [receipts] **weight identifiers** for up to one extra quarter if the renewal application has been submitted [and the required fees have been paid on or before the last day of the period of validity of the receipt]. The extension of time allowed by this subsection shall be granted only if the department determines that the extension is necessary for the administrative convenience of the department.

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

**SECTION 39.** Section 30a, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 30a.** The amendments to ORS 818.270 [and 825.450 by sections 28 and 28a] **by section 28, chapter 93, Oregon Laws 2018, [of this 2018 Act]** become operative on January 1, 2020.

**SECTION 40.** Section 30b, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 30b.** The amendments to ORS 818.270 [and 825.450 by sections 28 and 28a] **by section 28, chapter 93, Oregon Laws 2018, [of this 2018 Act]** apply to fees imposed on or after January 1, 2020.

**SECTION 41.** ORS 825.452 is amended to read:

825.452. In order to facilitate the registration issuance and registration renewal processes, when a carrier initially registers under ORS 826.009 or 826.037, the Department of Transportation may assign a registration period ranging from three to 12 months. [Initial fees shall be adjusted accordingly.]

**SECTION 42.** ORS 825.454 is amended to read:

825.454. (1) The Department of Transportation, in the discretion of the department, may require the use of identification devices, such as cab cards, stamps or carrier identification numbers, to identify and be carried with or placed upon each motor vehicle authorized to be operated in Oregon subject to the provisions of this chapter. The form of any identification device and the method for its use shall be determined by the department.

(2) Notwithstanding any other provision in this chapter, the department may require applications for identification devices to be made annually [and may require each carrier holding or obtaining a permit

under this chapter to pay to the department a fee of not to exceed \$8 for each device issued on an annual basis].

**SECTION 43.** ORS 319.665 is amended to read:

319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS 319.530 at the time the fuel is sold, unless one of the following situations applies:

(a) The **Department of Transportation has issued a weight identifier under ORS 825.450** for the vehicle into which the seller delivers or places the fuel [bears a valid permit or user's emblem issued by the Department of Transportation].

(b) The fuel is dispensed at a nonretail facility, in which case the seller shall collect any tax owed at the same time the seller collects the purchase price from the person to whom the fuel was dispensed at the nonretail facility. A seller is not required to collect the tax under this paragraph from a person who certifies to the seller that the use of the fuel is exempt from the tax imposed under ORS 319.530.

(c) A cardlock card is used for purchase of the fuel at an attended portion of a retail facility equipped with a cardlock card reader, in which case the cardlock card issuer licensed in this state is responsible for collecting and remitting the tax unless the person making the purchase certifies to the seller that the use of the fuel is exempt from the tax imposed under ORS 319.530.

(2) If a cardlock card is used for purchase of fuel at an attended portion of a retail facility equipped with a cardlock card reader, the seller at the retail facility may deduct fuel purchases made with a cardlock card from the seller's retail transactions if the seller provides the department with the following information:

(a) A monthly statement from a cardlock card issuer that details the cardlock card purchases at the retail facility; and

(b) A listing of cardlock card issuers and gallons of fuel purchased at the retail facility by the issuers' customers.

(3) The department shall supply each seller of fuel for use in a motor vehicle with a chart which sets forth the tax imposed on given quantities of fuel.

**SECTION 44.** ORS 319.671 is amended to read:

319.671. (1) The seller of fuel for any purpose shall make a duplicate invoice for every sale of fuel for any purpose and shall retain one copy and give the other copy to the user. The Department of Transportation may prescribe the form of the invoice. The invoice shall show:

(a) The seller's name and address;

(b) The date;

(c) The amount of the sale in gallons; and

(d) The name and address of the user.

(2) In addition to the invoice entries listed in subsection (1) of this section, the seller of fuel for

use in a motor vehicle shall indicate on the invoice the amount of the tax collected, if any, and:

(a) The *[identification]* **license** plate number, if the vehicle bears *[an identification]* **a license** plate issued by the department **or another jurisdiction**;

(b) The emblem number, if the vehicle bears a user's emblem; **or**

(c) The temporary pass number *[or the receipt number]*, if the vehicle bears no valid user's emblem or *[identification]* **license** plate issued by the department.; *[or]*

*[(d) The license plate number if the vehicle bears no valid user's emblem or permit issued by the department.]*

(3) Notwithstanding subsection (1) of this section, this section does not require any invoice to be prepared for any sale where fuel is delivered into the fuel tank of a vehicle described in this subsection unless the operator of the vehicle requests an invoice. If an invoice is prepared under this subsection, the name and address of a user is not required to be shown on the invoice for sales where the fuel is delivered into the fuel tanks of vehicles described in this subsection. This subsection applies to vehicles:

(a) That have a combined weight of 26,000 pounds or less; and

(b)(A) For which the tax under ORS 319.530 must be paid at the time of sale under ORS 319.665; or

(B) For which an emblem has been issued under ORS 319.535.

**SECTION 45.** ORS 366.747 is amended to read:

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

(a) The amount attributable to the increase in the inspection fee by the amendments to ORS 803.215 by section 47, chapter 618, Oregon Laws 2003.

(b) The amount attributable to any increase in registration plate fees by the amendments to ORS 803.570 by section 48, chapter 618, Oregon Laws 2003.

(c) The amount attributable to the increases in fees for driver licenses, permits and endorsements by the amendments to ORS 807.370 by section 49, chapter 618, Oregon Laws 2003.

*[(d) The amount attributable to the increase in the weight receipt fee by the amendments to ORS 825.450 by section 50, chapter 618, Oregon Laws 2003.]*

(2) The moneys described in subsection (1) of this section shall be allocated 60 percent to counties and 40 percent to cities. Moneys allocated under this section shall be distributed in the same manner as moneys allocated to counties and cities under ORS 366.739 are distributed.

**SECTION 46.** ORS 367.095, as amended by section 71b, chapter 750, Oregon Laws 2017, and section 30d, chapter 93, Oregon Laws 2018, is amended to read:

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

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

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

(c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420, 803.645, 818.225, **818.270**, 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, **54**, 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

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

(a) **For calendar years beginning on or after January 1, 2022**, \$30 million **per year** shall be used for the Interstate 5 Rose Quarter Project. This amount shall be used **to pay** for the Interstate 5 Rose Quarter Project, **including project costs on a current basis and paying for debt service on bonds issued to finance the project**, only until the later of the date on which the project is completed or on which all bonds issued to fund the project have been repaid. **Any remaining moneys shall be distributed as described in subsection (3) of this section.**

(b) **[\$15]** \$10 million per year shall be deposited into the Safe Routes to Schools Fund for the purpose of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the moneys shall be distributed as described in subsection (3) of this section.

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

(a) 50 percent to the Department of Transportation.

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

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

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

(a) \$10 million for safety.

(b) Of the remaining balance:

(A) Forty percent for bridges.

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

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

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

**SECTION 47.** ORS 367.095, as amended by section 71b, chapter 750, Oregon Laws 2017, section 30d, chapter 93, Oregon Laws 2018, and section 46 of this 2019 Act, is amended to read:



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

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

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

(c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420, 803.645, 818.225, [818.270,] 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, [54,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

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

(a) [For calendar years beginning on or after January 1, 2022,] \$30 million per year shall be used for the Interstate 5 Rose Quarter Project. This amount shall be used to pay for the Interstate 5 Rose Quarter Project, including project costs on a current basis and paying for debt service on bonds issued to finance the project, only until the later of the date on which the project is completed or on which all bonds issued to fund the project have been repaid. Any remaining moneys shall be distributed as described in subsection (3) of this section.

(b) [§10] **\$15** million per year shall be deposited into the Safe Routes to Schools Fund for the purpose of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the moneys shall be distributed as described in subsection (3) of this section.

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

(a) 50 percent to the Department of Transportation.

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

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

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

(a) \$10 million for safety.

(b) Of the remaining balance:

(A) Forty percent for bridges.

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

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

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

**SECTION 48.** The amendments to ORS 367.095 by section 47 of this 2019 Act become operative on January 1, 2023.

**SECTION 49.** ORS 823.012 is amended to read:

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

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

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

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

(d) ORS 825.160, requirement for person operating as motor carrier to have policy of public liability and property damage insurance.

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

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

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

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

(i) ORS 825.450, [weight receipts] **weight identifiers** issued by Department of Transportation [for motor vehicles subject to weight-mile tax].

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

(k) ORS 825.474, assessment of tax for use of highways.

(L) ORS 826.031, registration of certain vehicles not already registered with state.

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

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

**SECTION 50.** ORS 825.141 is amended to read:

825.141. In addition to any other requirements of this chapter, a carrier whose operating authority

has been suspended shall pay a reinstatement fee of \$25 to the Department of Transportation before the operating authority may be reinstated, plus \$5 for each vehicle [receipt outstanding] issued a weight identifier under ORS 825.450, and shall demonstrate operational activity at the time of reinstatement. [the carrier's authority at the time of suspension, if the suspension has been in effect more than 30 days. However, if the suspension has been in effect for 30 days or less, in addition to the reinstatement fee of \$25 the carrier only need pay \$5 for each receipt it does not surrender upon application for reinstatement of the authority.]

**SECTION 51.** ORS 801.285 is amended to read:

801.285. "Fixed load vehicle" means all of the following apply to the vehicle:

(1) It is a vehicle with or without motive power that is designed and used primarily:

(a) To support and move a permanent load in the form of equipment or appliances constructed as part of or permanently attached to the body of the vehicle;

(b) For transportation of equipment or appliances that are ordinarily kept on or in the vehicle in order that the vehicle may be used for its primary purpose; and

(c) Except for the transportation of permanent load, appliances and equipment described in paragraphs (a) and (b) of this subsection, for purposes other than for the transportation of persons or property over public highways or streets.

(2) It is a vehicle other than the following:

(a) A travel trailer.

(b) A tow vehicle, including a tow vehicle with cranes, hoists or dollies.

(c) A truck-mounted transit mixer or volumetric mixer.

(d) A self-propelled mobile crane.

(e) **A bucket truck.**

(3) It is a vehicle that may include, but is not limited to, the following vehicles:

(a) Air compressors, air drills, asphalt plants, asphalt spreaders, bituminous plants, bituminous mixers, bituminous spreaders and bucket loaders;

(b) Concrete batch plants, concrete mixers other than transit mixers or volumetric mixers, cement spreaders, carryalls, crawler cranes, crushers and crushing plants, diggers and ditchers, power units and plants;

(c) Earthmoving scrapers, electric generating equipment, electric load-bank and wiring equipment, front-end loaders, leveling graders, lighting plants and portable wiring, motor graders, payloaders, power hoists, road graders, scoopmobiles, skip hoists, stackers and hoists;

(d) Athey wheels, backhoes, bituminous and concrete pavement finishers, drag lines, fork lift trucks, log loaders, portable bins, portable parts and storage bins, portable shops, portable storage tanks, power shovels, road rollers, sheepsfoot rollers and paving mixers, towermobiles, welders, yarders;

(e) Bituminous and concrete finishing machines, elevator equipment, scarifiers and rooters, traction engines, vibro screens and rotary screens, wheeled and crawler tractors other than truck tractors; and

(f) Apron feeders, grain grinders, grain rollers, sand classifiers and drags, sawmills and special construction equipment, scrap metal balers, scrubber screens and plate feeders.

**SECTION 52.** Section 19 of this 2019 Act applies to tax expenditures enacted before, on or after the effective date of this 2019 Act with respect to transportation project taxes.

**SECTION 53.** The amendments to ORS 184.612 by section 8 of this 2019 Act apply to members appointed to the Oregon Transportation Commission on or after the effective date of this 2019 Act.

**SECTION 54.** The amendments to ORS 320.470 by section 14 of this 2019 Act apply to disclosures of information made before, on or after the effective date of this 2019 Act.

**SECTION 55.** ORS 824.237 and section 1, chapter 55, Oregon Laws 2012, and section 71c, chapter 750, Oregon Laws 2017, are repealed.

**SECTION 56.** ORS 367.089 is repealed.

**SECTION 57.** The repeal of ORS 367.089 by section 56 of this 2019 Act does not apply to a request for reimbursement submitted pursuant to ORS 367.089 that is received by the State Parks and Recreation Department before the effective date of this 2019 Act. A request for reimbursement received before the effective date of this 2019 Act shall be governed by the provisions of ORS 367.089 in effect immediately before the effective date of this 2019 Act.

**SECTION 58.** This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Approved by the Governor June 25, 2019  
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