

# Senate Bill 225

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Passenger Rail Transportation Account. Allows customized registration plate fees to be used to fund passenger rail programs.

Abolishes Environmental Quality Information Account.

Declares emergency, effective July 1, 2007.

## A BILL FOR AN ACT

1  
2 Relating to passenger rail programs; creating new provisions; amending ORS 366.157, 802.100,  
3 802.110, 805.205 and 805.250; and declaring an emergency.

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

5 **SECTION 1.** ORS 802.100 is amended to read:

6 802.100. The following accounts are established separate and distinct from the General Fund for  
7 the financial administration of those functions of the Department of Transportation dealing with  
8 driver and motor vehicle services in accordance with ORS 802.110:

9 (1) The Department of Transportation Driver and Motor Vehicle Suspense Account. The account  
10 established under this subsection is a suspense account in the State Treasury that is used to deposit  
11 moneys received by the department related to driver and motor vehicle services and to make ap-  
12 proved payments and disbursements of funds before the department pays administrative expenses related  
13 to the provision of driver and motor vehicle services. The department shall transfer the money that  
14 is not to be used to make approved payments and disbursements from the account established under this  
15 subsection and that remains in the account at the close of business on the last day of each month  
16 to the Department of Transportation Driver and Motor Vehicle Services Administrative Account on  
17 or before the 15th day of the following month.

18 (2) The Department of Transportation Driver and Motor Vehicle Services Administrative Ac-  
19 count. The account established under this subsection shall be used for the payment of administrative  
20 expenses payable before money from the account is transferred to the State Highway Fund. The  
21 department shall transfer the money that is not to be used to make payments from the account es-  
22 tablished under this subsection and that remains in the account at the close of business on the last  
23 day of each month to the State Highway Fund on or before the 15th day of the following month.

24 (3) [*Environmental Quality Information Account.*] **The Passenger Rail Transportation Account.**  
25 The account established under this subsection is a separate account in the State Treasury that shall  
26 be used to deposit moneys received from the sale of customized registration plates under ORS  
27 805.240. Moneys in the account shall be used for [*programs under ORS 366.157*] **passenger rail**  
28 **programs**. Moneys shall be deposited in the account after payment of administrative expenses as  
29 provided under ORS 802.110.

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

1 (4) The Revolving Account for Emergency Cash Advances. The account established under this  
 2 subsection is a separate account that shall be maintained for the payment of emergency cash ad-  
 3 vances and taking up of dishonored remittances.

4 **SECTION 2.** ORS 802.110 is amended to read:

5 802.110. Any procedures the Department of Transportation establishes for financial adminis-  
 6 tration of those functions of the department dealing with driver and motor vehicle services and for  
 7 the disposition and payment of moneys it receives from the provision of driver and motor vehicle  
 8 services shall comply with all of the following:

9 (1) The department shall deposit all moneys it receives related to driver and motor vehicle ser-  
 10 vices in the Department of Transportation Driver and Motor Vehicle Suspense Account for approved  
 11 expenses and disbursements before payment of general administrative expenses of the department related  
 12 to the provision of driver and motor vehicle services. Notwithstanding this subsection, the depart-  
 13 ment may return a bank check or money order when received in incorrect or incomplete form or  
 14 when not accompanied by the proper application.

15 (2) The department shall pay the following approved expenses and disbursements from the Depart-  
 16 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general  
 17 administrative expenses of the department related to driver and motor vehicle services:

18 (a) Refunds authorized by any statute administered by the department when such refunds are  
 19 approved by the department.

20 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-  
 21 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and  
 22 Facility Account by ORS 319.415, amounts transferred to the State Aviation Account by ORS 319.417  
 23 and amounts transferred to the Department of Transportation Operating Fund by ORS 184.643.

24 (c) After deduction of expenses of collection, transfer and administration, the department shall  
 25 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,  
 26 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The  
 27 moneys deposited in the Student Driver Training Fund under this paragraph are continuously ap-  
 28 propriated to the department for the following purposes:

29 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver  
 30 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,  
 31 336.810 (2) and 336.815.

32 (B) The remaining moneys, for reimbursing school districts as provided under ORS 336.805.

33 (d) After deduction of expenses of collection, transfer and administration, the department shall  
 34 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-  
 35 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys  
 36 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

37 (e) After deduction of expenses for the administration of the issuance of customized registration  
 38 plates under ORS 805.240, the department shall place moneys received from the sale of customized  
 39 registration plates in the [*Environmental Quality Information Account*] **Passenger Rail Transpor-**  
 40 **tation Account**. The moneys placed in the account are continuously appropriated to the department  
 41 and shall be used for the payment of expenses [*heretofore and hereafter*] incurred in administering  
 42 [*programs established under ORS 366.157*] **passenger rail programs**.

43 (f) After deduction of expenses of collection, transfer and administration, the department shall  
 44 pay moneys from any registration fees established by the governing bodies of counties or a district,  
 45 as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts.

1 The department shall make the payments on at least a monthly basis unless another basis is estab-  
2 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-  
3 partment and the governing bodies of a county or a district.

4 (g) After deducting the expenses of the department in collecting and transferring the moneys,  
5 the department shall make disbursements and payments of moneys collected for or dedicated to any  
6 other purpose or fund except the State Highway Fund, including but not limited to, payments to the  
7 Department of Transportation Operating Fund established by ORS 184.642 (1) and (2).

8 (3) The department shall refund from the Department of Transportation Driver and Motor Ve-  
9 hicle Suspense Account any excess or erroneous payment to a person who made the payment or to  
10 the person's legal representative when the department determines that money has been received by  
11 it in excess of the amount legally due and payable or that it has received money in which it has  
12 no legal interest. Refunds payable under this subsection are continuously appropriated for such  
13 purposes in the manner for payment of refunds under this section. If the department determines that  
14 a refund is due, the department may refund the amount of excess or erroneous payment without a  
15 claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a  
16 refund from the department must be filed within 12 months after the date payment is received by  
17 the department.

18 (4) After payment of those expenses and disbursements approved for payment before general admin-  
19 istrative expenses related to the provision of driver and motor vehicle services, the department shall  
20 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-  
21 count its general administrative expenses incurred in the administration of any law related to driver  
22 and motor vehicle services that the department is charged with administering and any other ex-  
23 penses the department is permitted by law to pay from moneys held by the department before  
24 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of  
25 administrative expenses under this subsection:

26 (a) The department shall make payment of the expenses of administering the issuance of winter  
27 recreation parking permits under ORS 811.595 from those moneys received from issuing the permits  
28 or from moneys received under ORS 153.630 from violation of the requirement to have the permit.

29 (b) The department shall pay its expenses for administering the registration and titling of  
30 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those  
31 sections. The department shall also pay its expenses for the administration of the snowmobile driver  
32 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

33 (c) The department shall pay its expenses for determining the amount of money to be withheld  
34 under ORS 802.120 from the fees collected for administering the registration and titling of  
35 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary  
36 but shall not exceed \$10,000 during each biennium.

37 (d) The department shall retain not more than \$15,000 in any biennium for the expenses of col-  
38 lecting and transferring moneys to the Student Driver Training Fund under this section and for the  
39 administration of ORS 336.810 (3).

40 (5) Except as otherwise provided in this subsection, the department shall transfer to the State  
41 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-  
42 proved expenses and disbursements before payment of general administrative expenses. The following  
43 apply to this subsection:

44 (a) If the Director of Transportation certifies the amount of principal or interest of highway  
45 bonds due on any particular date, the department may make available for the payment of such in-

1 terest or principal any sums that may be necessary to the extent of moneys on hand available for  
2 the State Highway Fund regardless of the dates otherwise specified under this section.

3 (b) Notwithstanding paragraph (a) of this subsection the department shall not make available for  
4 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when  
5 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds  
6 issued under ORS 367.615.

7 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-  
8 ferred to the State Highway Fund at the times described:

9 (a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses  
10 of the department shall be transferred before July 31 of each year.

11 (b) Moneys received from the registration of snowmobiles that is not to be used for payment of  
12 administrative expenses of the department shall be transferred within 30 days after the end of the  
13 quarter.

14 (c) Moneys received from the issuance of winter recreation parking permits or under ORS  
15 153.630 from violation of the requirement to have a winter recreation parking permit and that is not  
16 used for payment of administrative expenses of the department shall be transferred within 30 days  
17 after the end of the quarter.

18 (7) The following moneys transferred to the State Highway Fund under this section may be used  
19 only for the purposes described as follows:

20 (a) Moneys collected from the issuance of winter recreation parking permits or under ORS  
21 153.630 for violation of the requirement to have a winter recreation parking permit, and the interest  
22 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and  
23 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-  
24 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

25 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170  
26 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-  
27 tion;

28 (B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

29 (C) Be carried over to be used in subsequent years for the purposes and in the manner described  
30 in this paragraph.

31 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 shall be used  
32 for the development and maintenance of snowmobile facilities, including the acquisition of land  
33 therefor by any means other than the exercise of eminent domain. Moneys received under ORS  
34 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150,  
35 821.190, 821.210 and 821.240 to 821.290.

36 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-  
37 rate from other moneys described in this section. From the account, the department may pay for the  
38 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency  
39 cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund.  
40 The department shall at all times be accountable for the amount of the account, either in cash or  
41 unreimbursed items and advances. The moneys in the account are continuously appropriated for the  
42 purposes of this subsection. The amount of the account under this subsection shall not exceed  
43 \$40,000 from moneys received by the department in the performance of its driver and motor vehicle  
44 services functions and moneys otherwise appropriated for purposes of this subsection. The account  
45 under this subsection shall be kept on deposit with the State Treasurer. The State Treasurer is au-

1 thorized to honor and pay all properly signed and indorsed checks or warrants drawn against the  
2 account.

3 **SECTION 3.** ORS 805.205 is amended to read:

4 805.205. (1) The Department of Transportation by rule shall provide for issuance of registration  
5 plates described in subsection (3) of this section for nonprofit groups meeting the qualifications for  
6 tax exempt status under section 501(c)(3) of the Internal Revenue Code, for institutions of higher  
7 education and for veterans' organizations. The department shall also provide, upon request from a  
8 veterans' group or the Director of Veterans' Affairs, for issuance of a veterans' recognition regis-  
9 tration plate that may be issued only to veterans. Plates issued under this section may be issued to  
10 owners of motor vehicles registered under the provisions of ORS 803.420 (1). Plates issued under  
11 this section may not contain expressions of political opinion or religious belief. Rules adopted under  
12 this section shall include, but need not be limited to, rules that:

13 (a) Describe general qualifications to be met by any group in order to be eligible for plates is-  
14 sued under this section.

15 (b) Specify circumstances under which the department may cease to issue plates for any partic-  
16 ular group.

17 (c) Require each group for which plates are issued, other than a group or the Director of Vet-  
18 erans' Affairs requesting a veterans' recognition plate, to file an annual statement on a form de-  
19 signed by the department showing that the group is a nonprofit group or an institution of higher  
20 education and otherwise meets the qualifications imposed for eligibility for plates issued under this  
21 section. The statement shall include names and addresses of current directors or officers of the  
22 group or of other persons authorized to speak for the group or institution on matters affecting plates  
23 issued under this section.

24 (d) Require proof of veteran status for issuance of a veterans' recognition plate and specify what  
25 constitutes proof.

26 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, in addition to any other  
27 fee authorized by law, upon issuance of a plate under this section and upon renewal of registration  
28 for a vehicle that has plates issued under this section, the department shall collect a surcharge of  
29 \$2.50 per plate for each year of the registration period.

30 (b) In addition to any other fee authorized by law, upon issuance of a plate under this section  
31 that recognizes an institution of higher education in this state, and upon renewal of registration for  
32 a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year  
33 of the registration period.

34 (3) Plates issued under this section shall be from the current regular issue of plates except that:

35 (a) In consultation with the group or the Director of Veterans' Affairs requesting the plates, the  
36 department shall add words to the plate that name or describe the group or veterans recognized.

37 (b) If the group or the Director of Veterans' Affairs requesting the plates represents persons  
38 who have been awarded the Purple Heart medal, the plates shall contain an image of the medal.

39 (c) If the group requesting the plates is an institution of higher education, the plates shall, upon  
40 request, contain words that indicate the plates are issued to recognize the institution or shall con-  
41 tain the institution's logo or an image of the institution's mascot.

42 (4) Except as otherwise required by the design chosen, the plates shall comply with the re-  
43 quirements of ORS 803.535. The department shall determine how many sets of plates shall be man-  
44 ufactured for each group approved under this section or for the Director of Veterans' Affairs. If the  
45 department does not sell or issue renewal for 500 sets of plates for a particular group or for the

1 Director of Veterans' Affairs in any one year, the department shall cease production of those plates.

2 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by  
 3 the department to be eligible for plates issued under this section may designate an account into  
 4 which the net proceeds of the surcharge collected by the department under subsection (2) of this  
 5 section are to be deposited. The department shall keep accurate records of the number of plates is-  
 6 sued for each group that qualifies. After payment of administrative expenses of the department,  
 7 moneys collected under this section for each group shall be deposited by the department into an  
 8 account specified by that group. If any group does not specify an account for the moneys collected  
 9 from the sale of plates issued under this section, the department shall deposit moneys collected for  
 10 those plates into the [*Environmental Quality Information Account*] **Passenger Rail Transportation**  
 11 **Account** established under ORS 802.100 to be used as other moneys in the account are used. De-  
 12 posits under this subsection shall be made at least quarterly.

13 (6)(a) Each institution of higher education that requests a plate under this section shall desig-  
 14 nate an account in the general fund of the institution, and the proceeds in the account shall be used  
 15 for the purpose of academic enrichment at the institution.

16 (b) Net proceeds of the surcharge collected by the department for the veterans' recognition plate  
 17 shall be deposited in the trust fund established under ORS 406.050 for paying the expenses of oper-  
 18 ating the Oregon Veterans' Home. Deposits under this paragraph shall be made at least quarterly.

19 **SECTION 4.** ORS 805.250 is amended to read:

20 805.250. This section establishes fees for issuance of registration plates authorized under ORS  
 21 805.200. If a fee for plates authorized in ORS 805.200 is not established in this section, the fee is the  
 22 same fee as established under ORS 803.570. Where a fee is established under this section, the fee  
 23 is in addition to the fee established under ORS 803.570 unless otherwise provided in the following:

24 (1) Amateur radio operator registration plates issued under ORS 805.230, \$5.

25 (2) Customized registration plates issued under ORS 805.240:

26 (a) For original issuance **or renewal**, \$25 annual fee.

27 (b) For issuance of a duplicate or replacement plate, \$5 when the plate is issued at the time of  
 28 renewal of registration or \$10 when the plate is issued at any other time.

29 (3) Special interest registration plates approved under ORS 805.210 are approved without cost  
 30 except as provided in this subsection, including without payment of the fee established under ORS  
 31 803.570. If identifying stickers are required, \$1 per sticker or pair of stickers.

32 (4) Dealer plates issued under ORS 822.020 and 822.040 are as follows:

33 (a) For the original dealer plate, no fee except the fee established under ORS 803.570.

34 (b) For replacement dealer plates, \$10 for each plate except that persons dealing exclusively in  
 35 motorcycles, mopeds, snowmobiles or any combination of those vehicles shall pay only \$3 for each  
 36 replacement plate.

37 (c) For additional plates, or for renewal of registration, \$42, except that persons dealing exclu-  
 38 sively in motorcycles, mopeds or snowmobiles or any combination of those vehicles shall pay only  
 39 \$9 for each additional plate, or for renewal of registration.

40 (5) Special vehicle transporter plates or devices issued under ORS 822.310, \$5 for each plate or  
 41 device.

42 **SECTION 5.** ORS 366.157 is amended to read:

43 366.157. The Department of Transportation shall administer a program **for the employment of**  
 44 **youth in the prevention and cleanup of litter and vandalism.** [*aimed toward prevention of*  
 45 *vandalism and prevention and cleanup of litter. The program may include public informational activ-*

1 *ities, but shall be directed primarily toward encouraging and facilitating involvement of youth in pre-*  
2 *vention of vandalism and litter and in litter cleanup work. Moneys for the program are provided from*  
3 *the Environmental Quality Information Account described under ORS 802.100.]*

4 **SECTION 6. On the effective date of this 2007 Act:**

5 **(1) The Department of Transportation shall transfer any unexpended balance in the En-**  
6 **vironmental Quality Information Account to the Passenger Rail Transportation Account.**

7 **(2) The Environmental Quality Information Account is abolished.**

8 **SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
10 **July 1, 2007.**

11 \_\_\_\_\_