

Senate Bill 1079

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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**.

Requires cardlock card issuer to provide Department of Transportation with fuel tax information.

Requires cardlock card issuer to collect and remit fuel tax when cardlock card holder purchases fuel at retail facility that has attended portion equipped with cardlock card reader.

A BILL FOR AN ACT

1
2 Relating to fuel; amending ORS 319.520, 319.550 and 319.665.

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

4 **SECTION 1.** ORS 319.520 is amended to read:

5 319.520. As used in ORS 319.510 to 319.880, unless the context clearly indicates a different
6 meaning:

7 (1) **"Cardlock card" means a fuel card:**

8 (a) **Capable of generating an electronic invoice or electronic statement that includes the**
9 **information required by ORS 319.671 and the applicable fuel tax amount;**

10 (b) **Issued for a specific vehicle, a specific piece of equipment or a group of equipment;**

11 (c) **That includes the qualifying information, as designated by the Department of Trans-**
12 **portation by rule, that is printed on the electronic invoice or electronic statement;**

13 (d) **That allows the tax status of the cardlock card to be indicated on the electronic in-**
14 **voice or electronic statement and includes state tax as a separate item on the invoice or**
15 **statement; and**

16 (e) **That allows a cardlock card issuer to generate a statement recording, by fuel type,**
17 **gallons of fuel purchased for domestic and foreign customers each month.**

18 [(1)] (2) "Combined weight" means the total empty weight of all vehicles in a combination plus
19 the total weight of the load carried on that combination of vehicles.

20 [(2)] (3) "Delinquent" means having failed to pay a tax or penalty within the time provided by
21 law.

22 [(3)] (4) "Department" means the Department of Transportation.

23 (5) **"Domestic customer" means a customer issued a cardlock card by a cardlock card**
24 **issuer licensed in this state.**

25 (6) **"Foreign customer" means a customer issued a cardlock card by someone other than**
26 **a cardlock card issuer licensed in this state.**

27 [(4)] (7) "Fuel" means any combustible gas, liquid or material of a kind used for the generation
28 of power to propel a motor vehicle on the highways except motor vehicle fuel as defined in ORS
29 319.010.

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 [(5)] (8) “Highway” means every way, thoroughfare and place, of whatever nature, open to the
2 use of the public for the purpose of vehicular travel.

3 [(6)] (9) “Light weight” means the weight of a vehicle when fully equipped for moving over the
4 highway.

5 [(7)] (10) “Motor vehicle” means every self-propelled vehicle operated on the highway, except
6 an implement of husbandry used in agricultural operations and only incidentally operated or moved
7 upon the highway.

8 (11) “Nonretail facility” means:

9 (a) **An unattended facility accessible only by cardlock card and not associated with a re-**
10 **tail facility; or**

11 (b) **An unattended portion of a retail facility separate from the retail operations and ac-**
12 **cessible only by cardlock card.**

13 [(8)] (12) “Person” means any individual, firm, copartnership, joint venture, association, corpo-
14 ration, trust, receiver or any group or combination acting as a unit.

15 [(9)] (13) “Seller” means:

16 (a) A person that sells fuel to a user; or

17 (b) If the fuel is dispensed at a nonretail facility [*as defined in ORS 480.310*], the person that
18 owns the user’s accounts and bills the user for fuel purchased at a nonretail facility.

19 [(10)] (14) “To sell fuel for use in a motor vehicle” means to dispense or place fuel for a price
20 into a receptacle on a motor vehicle, from which receptacle the fuel is supplied to propel the motor
21 vehicle.

22 [(11)] (15) “To use fuel in a motor vehicle” means to receive into any receptacle on a motor
23 vehicle, fuel to be consumed in propelling the motor vehicle on the highways of this state; and, if
24 the fuel is received into the receptacle outside the taxing jurisdiction of the state, “to use fuel in
25 a motor vehicle” means to consume in propelling the motor vehicle on the highways of this state.

26 **SECTION 2.** ORS 319.665 is amended to read:

27 319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS
28 319.530 at the time the fuel is sold, unless:

29 (a) The vehicle into which the seller delivers or places the fuel bears a valid permit or user’s
30 emblem issued by the Department of Transportation; [*or*]

31 (b) The fuel is dispensed at a nonretail facility, [*as defined in ORS 480.310,*] in which case the
32 seller shall collect any tax owed at the same time the seller collects the purchase price from the
33 person to whom the fuel was dispensed at the nonretail facility. A seller is not required to collect
34 the tax under this paragraph from a person who certifies to the seller that the use of the fuel is
35 exempt from the tax imposed under ORS 319.530; **or**

36 (c) **A cardlock card is used for purchase of fuel at an attended portion of a retail facility**
37 **equipped with a cardlock card reader, in which case the cardlock card issuer licensed in this**
38 **state is responsible for collecting and remitting the tax unless the cardlock card issuer cer-**
39 **tifies to the department that the use of the fuel is exempt from the tax imposed under ORS**
40 **319.530.**

41 (2) **If a cardlock card is used for purchase of fuel at an attended portion of a retail fa-**
42 **ility equipped with a cardlock card reader, the seller at the retail facility may deduct fuel**
43 **purchases made with a cardlock card from the seller’s retail transactions if the seller pro-**
44 **vides the department with the following information:**

45 (a) **A monthly statement from a cardlock card issuer that details the cardlock card pur-**

1 **chases at the retail facility; and**

2 **(b) A listing of cardlock card issuer's names and gallons of fuel purchased at the retail**
3 **facility by the issuer's customers.**

4 [(2)] (3) The department shall supply each seller of fuel for use in a motor vehicle with a chart
5 which sets forth the tax imposed on given quantities of fuel.

6 **SECTION 3.** ORS 319.550 is amended to read:

7 319.550. *[No person shall]* **A person may not** use fuel in a motor vehicle in this state unless the
8 person holds a valid user's license, except that:

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

13 (2) *[No user's license is]* **A user's license is not** required for a person who uses fuel in a motor
14 vehicle with a combined weight of 26,000 pounds or less if, for all fuel used in a motor vehicle in
15 this state, the person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

16 (3) *[No user's license is]* **A user's license is not** required for a person who uses fuel as described
17 in ORS 319.520 [(4)] (7) in the vehicles specified in subsection (4) of this section if the person pays
18 to a seller, at the time of the sale, the tax provided in ORS 319.530.

19 (4) Subsection (3) of this section applies to the following vehicles:

20 (a) Motor homes as defined in ORS 801.350.

21 (b) Recreational vehicles as defined in ORS 446.003.

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