

House Bill 3050

Sponsored by Representative BERGER; Representatives BOONE, CLEM, THATCHER, WHISNANT, Senators MONROE, TELFER

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**.

Directs Department of Transportation to establish education registration plate program. Imposes \$35 surcharge per year of registration. Directs that moneys from surcharge on registration plate be transferred to qualified education foundation in each school district and if no foundation exists, then to school district.

Directs Oregon Transportation Commission to conduct contest for design of education registration plate.

Appropriates moneys from General Fund to department for purpose of initiating education registration plate program.

Authorizes department to offer four special registration plates at one time.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to education registration plates; creating new provisions; amending ORS 805.202; appropri-
3 ating money; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2009 Act are added to and made a part of the Oregon**
6 **Vehicle Code.**

7 **SECTION 2. (1) The Department of Transportation shall establish an education registra-**
8 **tion plate program to issue special registration plates called "education registration plates"**
9 **upon request to owners of motor vehicles registered under ORS 803.420 (1) to observe the**
10 **importance of education to Oregon. In addition, the department may adopt rules for issuance**
11 **of education registration plates for vehicles not registered under ORS 803.420 (1).**

12 **(2) In addition to any other fee authorized by law, for each education registration plate**
13 **issued under subsection (1) of this section, the department shall collect a surcharge of \$35**
14 **per year of registration payable when the plate is issued and upon each subsequent renewal**
15 **of registration of a vehicle bearing the plate. The department shall distribute the surcharge**
16 **as provided in section 3 of this 2009 Act.**

17 **(3) Notwithstanding ORS 803.530, education registration plates may be transferred from**
18 **vehicle to vehicle if the department stops issuing the plates, as long as the plates are not too**
19 **old, damaged, mutilated or otherwise rendered illegible to be useful for purposes of identifi-**
20 **cation.**

21 **SECTION 3. (1) As used in this section:**

22 **(a) "Cost of administration of the education registration plate program" means the sum**
23 **of all Department of Transportation expenses for the issuance or transfer of education reg-**
24 **istration plates under section 2 of this 2009 Act, including but not limited to the costs of**
25 **collecting the education registration plate surcharge and transferring education registration**
26 **plates that are above the normal costs of issuing, renewing and transferring registration**

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 plates in the normal course of the business of the department.

2 (b) "Qualified education foundation" means an entity:

3 (A) That is exempt from federal income tax under section 501(c)(3) of the Internal Re-
4 venue Code;

5 (B) To which persons may make contributions that are deductible under section 170 of
6 the Internal Revenue Code in computing taxable income;

7 (C) That distributes at least 90 percent of all moneys contributed to the entity during a
8 calendar year to public schools or to both public and private schools providing kindergarten
9 through grade 12 education and located in this state;

10 (D) That makes distributions to public schools or to multiple public and private schools
11 in a way that does not discriminate on the basis of race, religion, ethnicity or national origin;

12 (E) That ensures that no contributor, or relative of a contributor, may directly benefit
13 from a contribution to the entity; and

14 (F) That ensures that distributions do not aid the religious functions of any institution
15 eligible to receive distributions.

16 (2)(a) After deduction of the cost of administration of the education registration plate
17 program, moneys from the surcharge imposed by section 2 of this 2009 Act shall be trans-
18 ferred to the Department of Education.

19 (b) Except as provided in paragraphs (c) and (d) of this subsection, the Department of
20 Education shall distribute the funds the department receives from the Department of
21 Transportation under paragraph (a) of this subsection to each school district. The funds
22 shall be distributed to school districts according to the weighted average daily membership
23 (ADMw) for the prior fiscal year as calculated under ORS 327.013. The Department of Edu-
24 cation shall establish by rule a methodology for distributing a proportionate share of funds
25 under this paragraph to each school district.

26 (c) If a qualified education foundation is operating within a school district, the Depart-
27 ment of Education shall distribute the moneys that would have been distributed to the school
28 district to the qualified education foundation.

29 (d) If more than one qualified education foundation exists in a school district, the De-
30 partment of Education shall distribute the moneys that would have been distributed to the
31 school district to each qualified education foundation in equal amounts.

32 **SECTION 4.** The Oregon Transportation Commission shall conduct a contest for the de-
33 sign of the education registration plate issued under section 2 of this 2009 Act. The contest
34 shall be held in the following manner:

35 (1) The commission shall conduct a statewide publicity campaign to inform people of the
36 education registration plate contest.

37 (2) Designs submitted for the contest must:

38 (a) Contain the word "Oregon" and depict an aspect of education;

39 (b) Fit on a registration plate that is the same size as those currently in use; and

40 (c) Use no more than four colors.

41 (3) The commission shall choose a panel of seven judges for the contest. Of the members
42 of the panel, two shall be artists or graphic artists and two shall be traffic officers employed
43 by a police agency.

44 (4) The panel of judges shall choose from among the entries five designs that they shall
45 then forward to the commission. The commission, in consultation with the Department of

1 **Education, shall choose the winning design from among the five forwarded to the commission**
 2 **by the panel of judges.**

3 **(5) The contest shall be concluded and the winning design chosen by June 1, 2010. The**
 4 **commission shall forward the winning design to the Department of Transportation.**

5 **(6) Except as otherwise required by the design chosen, education registration plates shall**
 6 **comply with the requirements of ORS 803.535.**

7 **SECTION 5. (1) There is appropriated to the Department of Transportation, for the**
 8 **biennium beginning July 1, 2009, out of the General Fund, the amount of \$_____ for the**
 9 **purpose of initiating the education registration plate program established under section 2 of**
 10 **this 2009 Act, including but not limited to the education registration plate design, computer**
 11 **programming and production setup. Any portion of the appropriation not used for initiating**
 12 **the education registration plate program shall be transferred to the account described in**
 13 **subsection (2) of this section.**

14 **(2) Notwithstanding section 3 of this 2009 Act, after deduction of the cost of adminis-**
 15 **tration of the education registration plate program, as defined in section 3 of this 2009 Act,**
 16 **the department shall transfer the moneys from the surcharge imposed by section 2 of this**
 17 **2009 Act to a special account in the General Fund until sufficient funds have accumulated**
 18 **for the purpose described in subsection (3) of this section.**

19 **(3) When the department determines that moneys in sufficient amount are available in**
 20 **the account described in subsection (2) of this section, but no later than June 30, 2011, the**
 21 **department shall reimburse the General Fund, without interest, in an amount equal to the**
 22 **amount appropriated from the General Fund under subsection (1) of this section. The moneys**
 23 **used to reimburse the General Fund under this subsection may not be considered a budget**
 24 **item on which a limitation is otherwise fixed by law, but shall be in addition to any specific**
 25 **biennial appropriation or amount authorized to be expended from continuously appropriated**
 26 **moneys for any biennial period.**

27 **(4) Any moneys remaining in the account described in subsection (2) of this section after**
 28 **the reimbursement required under subsection (3) of this section shall be transferred to**
 29 **school districts and qualified education foundations as provided in section 3 of this 2009 Act.**

30 **SECTION 6. ORS 805.202 is amended to read:**

31 **805.202. (1) As used in this section, "special registration plate" means a registration plate issued**
 32 **by the Department of Transportation:**

33 **(a) For which a surcharge is imposed in order to raise money for an entity other than the de-**
 34 **partment;**

35 **(b) That is not a plate issued under ORS 805.105 or 805.205;**

36 **(c) That is not an elected official plate issued under ORS 805.220; and**

37 **(d) That is not a customized plate issued under ORS 805.240.**

38 **(2) The Legislative Assembly may not require the Department of Transportation to offer more**
 39 **than [three] **four** kinds of special registration plates at any one time. At any time the department**
 40 **is offering [three] **four** kinds of special registration plates, any bill enacted by the Legislative As-**
 41 **sembly that requires the department to issue a new kind of special registration plate shall include**
 42 **a provision requiring the department to eliminate at least one kind of special registration plate.**

43 **(3) When the department eliminates a kind of special registration plate in accordance with the**
 44 **provisions of a law described in subsection (2) of this section, the department shall continue to issue**
 45 **the plate until the new plate is available. When the new plate is available, the department shall**

1 destroy the remaining stock of the eliminated plate.

2 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
4 **July 1, 2009.**

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