

House Bill 2328

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Transportation for Road User Fee Task Force)

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 persons operating electric motor vehicles and plug-in hybrid electric motor vehicles to pay vehicle road usage charge. Becomes operative January 1, 2014.

Permits person paying vehicle road usage charge to apply for refund of motor vehicle fuel tax.

Directs Department of Transportation to develop technology for reporting vehicle miles traveled.

Provides penalty for violation of laws related to payment and reporting of vehicle road usage charge. Punishes by maximum fine of \$720.

Creates offense of tampering with vehicle metering system. Punishes by maximum fine of \$720.

Permits person to seek refund for miles driven on private property.

Modifies definition of "transportation project" to allow department to enter into agreements under Oregon Innovative Partnerships Program for collection of vehicle road usage charge.

A BILL FOR AN ACT

1
2 Relating to motor vehicles; creating new provisions; amending ORS 319.280, 319.831 and 367.802; and
3 providing for revenue raising that requires approval by a three-fifths majority.

4 Whereas a significant number of highly fuel-efficient vehicles are entering the marketplace; and

5 Whereas the fuel tax has become a less viable revenue source for funding Oregon's road system
6 over the long-term; and

7 Whereas it is vital that we transition to an alternative revenue source, augmenting the fuel tax
8 to provide the means to support the state's system of roads and highways; and

9 Whereas the solution is to charge users of certain fuel-efficient vehicles based on measured road
10 use to augment the fuels tax as a revenue source for funding the road system; now, therefore,

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

SECTION 1. Definitions. As used in sections 1 to 22 of this 2011 Act:

12 (1) "Electric motor vehicle" means a motor vehicle that uses electricity as its only
13 source of motive power.
14

15 (2) "Highway" means every public way, road, street, thoroughfare and place, including
16 bridges, viaducts and other structures within the boundaries of this state, open, used or in-
17 tended for use of the general public for vehicles or vehicular traffic as a matter of right.

18 (3) "Lessee" means a person who leases a motor vehicle that is registered in Oregon and
19 who is subject to the vehicle road usage charge under section 2 of this 2011 Act.

20 (4) "Plug-in hybrid electric motor vehicle" means a motor vehicle that uses electricity
21 and another source of motive power and is designed for electric plug-in charging.

22 (5) "Registered owner" means a person who is the registered owner of a motor vehicle
23 that is registered in Oregon and who is subject to the vehicle road usage charge under sec-
24 tion 2 of this 2011 Act.

SECTION 2. Vehicle road usage charge. (1) Except as provided in subsection (2) of this

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 section, the registered owner of an electric motor vehicle or plug-in hybrid electric motor
 2 vehicle shall pay a vehicle road usage charge.

3 (2) A lessee of an electric motor vehicle or plug-in hybrid electric motor vehicle shall pay
 4 a vehicle road usage charge.

5 (3) A person subject to the vehicle road usage charge shall pay 0.6 cents per mile for
 6 metered use of the highways in Oregon.

7 (4) This section does not apply to a vehicle dealer that holds a certificate issued under
 8 ORS 822.005.

9 **SECTION 3. Methods of reporting vehicle miles traveled.** (1) The Department of Trans-
 10 portation shall establish methods for identifying the motor vehicles that are subject to the
 11 vehicle road usage charge established in section 2 of this 2011 Act and establish the methods
 12 for reporting the number of miles the motor vehicles traveled on the highway system.

13 (2) The department shall take into account at least the following when taking action
 14 under subsection (1) of this section:

- 15 (a) The accuracy of the data collected;
- 16 (b) Privacy options for persons paying the vehicle road usage charge;
- 17 (c) The adaptability of the technology used;
- 18 (d) The installation of the technology;
- 19 (e) The safety of the installation; and
- 20 (f) Tamper-resistant technology.

21 (3) The department shall establish at least one method of collecting and reporting the
 22 number of miles traveled by the motor vehicle that does not use vehicle location technology.

23 (4) The department may require that a vehicle subject to the vehicle road usage charge
 24 be capable of electronically reporting the odometer reading or be equipped with technology
 25 approved by the department that is capable of electronically reporting the odometer reading.

26 (5) The department shall establish standards for vehicle location technology that is ca-
 27 pable of reporting the motor vehicle's geographic location for the purpose of differentiating
 28 between miles traveled within this state and miles traveled outside of this state.

29 **SECTION 4. Collection by Department of Transportation.** The Department of Transpor-
 30 tation shall provide by rule for the collection of the vehicle road usage charge established in
 31 section 2 of this 2011 Act.

32 **SECTION 5. Refund of vehicle road usage charge in operation of vehicle on certain roads**
 33 **or property.** (1) A registered owner or lessee who pays the vehicle road usage charge under
 34 section 2 of this 2011 Act may apply to the Department of Transportation for a refund of
 35 those miles traveled upon any road, thoroughfare or property in private ownership.

36 (2) A person shall submit an application for a refund under subsection (1) of this section
 37 to the department within 15 months after the date the vehicle road usage charge, for which
 38 a refund is claimed, is paid.

39 (3) The application for a refund provided by subsection (1) of this section shall include a
 40 signed statement by the applicant indicating the amount of miles for which a refund is
 41 claimed.

42 (4) The department may require any person who applies for a refund under subsection
 43 (1) of this section to furnish any other information as the department considers necessary.

44 **SECTION 6. Investigation of refund applications.** The Department of Transportation may
 45 investigate refund applications submitted under section 5 of this 2011 Act and gather and

1 compile information in regard to the applications as the department considers necessary to
 2 safeguard the state and prevent fraudulent practices in connection with tax refunds and tax
 3 evasion. The department may, in order to establish the validity of any application, examine
 4 the books and records of the applicant for such purposes. If an applicant does not permit the
 5 department to examine the applicant's books and records, the applicant waives all rights to
 6 a refund of the transaction questioned.

7 **SECTION 7. Allocation of moneys.** The moneys that the Department of Transportation
 8 collects from the vehicle road usage charge described in section 2 of this 2011 Act shall be
 9 allocated as follows:

10 (1) 50 percent to the Department of Transportation.

11 (2) 30 percent to counties for distribution as provided in ORS 366.762.

12 (3) 20 percent to cities for distribution as provided in ORS 366.800.

13 **SECTION 8. Reporting vehicle miles traveled.** (1) A registered owner or lessee subject to
 14 the vehicle road usage charge under section 2 of this 2011 Act shall equip the electric motor
 15 vehicle or plug-in hybrid electric motor vehicle with technology, approved by the Department
 16 of Transportation, that provides for electronic reporting of miles traveled.

17 (2) On or before the fifth business day of each month, the registered owner or lessee shall
 18 report the number of miles the vehicle has traveled and pay to the department the amount
 19 due under section 2 of this 2011 Act for the preceding calendar month. The number of miles
 20 reported shall be rounded up to the next whole mile.

21 (3) The department may, by rule, permit registered owners and lessees to report and pay
 22 the vehicle road usage charge on a periodic basis other than the calendar-month basis pre-
 23 scribed in subsection (2) of this section. The department shall describe the process by which
 24 a registered owner or lessee may request and receive an alternative reporting and payment
 25 schedule.

26 (4) Unless a registered owner or lessee presents evidence, in a manner approved by the
 27 department by rule, that the vehicle has been driven outside of Oregon, the department may
 28 assume that all miles reported are miles driven within Oregon.

29 (5) The department shall provide a refund to a registered owner or lessee who has over-
 30 paid the vehicle road usage charge. The department may provide the refund, by rule, by a
 31 credit against future charges under section 2 of this 2011 Act.

32 **SECTION 9. Penalty for delinquency in remitting vehicle road usage charge.** (1) Except
 33 as provided in subsection (2) of this section, if a registered owner or lessee is delinquent in
 34 remitting the vehicle road usage charge under section 2 of this 2011 Act on the date specified
 35 in section 8 of this 2011 Act, a penalty of 10 percent of the amount of the charge due shall
 36 be added to the amount due and the total shall immediately be due and payable.

37 (2) If the Department of Transportation determines that the delinquency was due to
 38 reasonable cause and without any intent to avoid payment, the penalty provided by sub-
 39 section (1) of this section may be waived.

40 (3)(a) If the charge imposed by section 2 of this 2011 Act is not paid as required by section
 41 8 of this 2011 Act, interest shall be charged at the rate of 0.0329 percent per day until the
 42 charge and interest have been paid in full.

43 (b) If the charge imposed by section 2 of this 2011 Act is overpaid, the department may
 44 credit interest to the account of the registered owner or lessee in the amount of 0.0329 per-
 45 cent per day, up to a maximum amount that equals any interest assessed against the regis-

1 **tered owner or lessee under paragraph (a) of this subsection in any given audit period.**

2 **(4) The department shall give to the person charged with a penalty under this section**
 3 **notice by electronic mail or other written means.**

4 **SECTION 10. Charge as lien. The charges and penalties imposed by sections 1 to 22 of this**
 5 **2011 Act shall constitute a lien upon, and shall have the effect of an execution duly levied**
 6 **against, any motor vehicle described in section 2 of this 2011 Act in connection with which**
 7 **the taxable use is made, attaching at the time of such use. The lien may not be removed until**
 8 **the vehicle road usage charge or penalty has been paid or the motor vehicle subject to the**
 9 **lien has been sold in payment of the charges and penalties. The lien is paramount to all pri-**
 10 **vate liens or encumbrances of whatever character upon the motor vehicle and to the rights**
 11 **of any conditional vendor or any other holder of the legal title in or to the motor vehicle.**

12 **SECTION 11. Collection of delinquent payment by seizure and sale of motor vehicle. (1)**
 13 **If a registered owner or lessee is delinquent in the payment of any obligation imposed under**
 14 **sections 1 to 22 of this 2011 Act, the Department of Transportation may proceed to collect**
 15 **the amount due from the person in the manner prescribed in this section.**

16 **(2) The department shall seize any motor vehicle described in section 2 of this 2011 Act**
 17 **that is subject to the lien provided for by section 10 of this 2011 Act and shall sell the motor**
 18 **vehicle at public auction to pay such obligation and any and all costs that may have been**
 19 **incurred on account of the seizure and sale.**

20 **(3) The department shall provide notice of the intended sale and the time and place of the**
 21 **intended sale to the delinquent registered owner or lessee and to all persons appearing of**
 22 **record to have an interest in the motor vehicle. The notice shall be given in writing at least**
 23 **10 days before the date set for the sale by enclosing the notice in an envelope addressed to**
 24 **the registered owner or lessee at the address as it appears in the records of the department**
 25 **and, in the case of any person appearing of record to have an interest in the motor vehicle,**
 26 **addressed to the person at the last-known residence or place of business, and depositing the**
 27 **envelope in the United States mail, postage prepaid. In addition, the notice shall be published**
 28 **at least three times, the first of which may not be less than 10 days before the date set for**
 29 **the sale, in a newspaper of general circulation published in the county in which the motor**
 30 **vehicle seized is to be sold. If there is no newspaper of general circulation in the county, the**
 31 **department shall post the notice in three public places in the county for such period of 10**
 32 **days.**

33 **(4) The notice shall contain a description of the motor vehicle to be sold, together with**
 34 **a statement of the amount due under sections 1 to 22 of this 2011 Act, the name of the reg-**
 35 **istered owner or lessee and the further statement that unless such amount is paid before the**
 36 **time fixed in the notice the motor vehicle will be sold in accordance with law and such no-**
 37 **tice.**

38 **(5) The department shall then proceed to sell the motor vehicle in accordance with the**
 39 **law and the notice, and shall deliver to the purchaser a bill of sale that shall vest title in the**
 40 **purchaser. If upon any such sale the moneys received exceed the amount due to the state**
 41 **under sections 1 to 22 of this 2011 Act from the delinquent registered owner or lessee, the**
 42 **excess shall be returned to the registered owner or lessee and the receipt obtained for the**
 43 **sale. If any person having an interest in or lien upon the motor vehicle has filed with the**
 44 **department prior to the sale notice of such interest or lien, the department shall withhold**
 45 **payment of any such excess to the registered owner or lessee pending a determination of the**

1 rights of the respective parties thereto by a court of competent jurisdiction. If for any rea-
 2 son the receipt of the registered owner or lessee is not available, the department shall de-
 3 posit the excess with the State Treasurer as trustee for the registered owner or lessee or
 4 for the heirs, successors or assigns of the registered owner or lessee.

5 **SECTION 12. Collection of delinquent obligation generally; warrant; judgment lien.** (1) If
 6 a registered owner or lessee fails to pay in full any obligation due under sections 1 to 22 of
 7 this 2011 Act, the Department of Transportation may issue a warrant under the
 8 department's official seal directed to the sheriff of any county of the state commanding the
 9 sheriff to levy upon and sell the real and personal property of the person found within that
 10 county, for payment of the amount of the obligation and the cost of executing the warrant,
 11 and to return the warrant to the department and pay to the department the money collected
 12 from the sale by the time specified in the warrant, not less than 60 days from the date of
 13 the warrant.

14 (2) The sheriff shall, within five days after the receipt of the warrant, record with the
 15 clerk of the county a copy of the warrant. The clerk shall enter in the County Clerk Lien
 16 Record the name of the person mentioned in the warrant, the amount of the obligation for
 17 which the warrant is issued and the date when the copy is recorded. The amount of the
 18 warrant shall become a lien upon the title to and interest in property of the person against
 19 whom it is issued in the same manner as a judgment that creates a judgment lien under ORS
 20 chapter 18.

21 (3) The sheriff shall proceed upon the warrant in all respects, with like effect and in the
 22 same manner prescribed by law in respect to executions issued against property upon judg-
 23 ment of a court of record, and shall be entitled to the same fees for services in executing
 24 the warrant, to be added to and collected as a part of the warrant liability.

25 (4) In the discretion of the Department of Transportation, a warrant of like terms, force
 26 and effect to levy upon funds of the person in possession of the Department of Revenue may
 27 be issued and directed to any agent authorized by the Department of Transportation to col-
 28 lect charges and penalties payable under sections 1 to 22 of this 2011 Act, and in the exe-
 29 cution thereof the agent shall have all of the powers conferred by law upon sheriffs but is
 30 entitled to no fee or compensation in excess of actual expenses paid in the performance of
 31 such duty.

32 **SECTION 13. Use of collection agency.** (1) The Department of Transportation may engage
 33 the services of a collection agency to collect any obligation due to the state under sections
 34 1 to 22 of this 2011 Act. The department may engage the services by entering into agree-
 35 ments to pay reasonable charges on a contingent fee or other basis.

36 (2) The department may assign to the collection agency, for collection purposes only, any
 37 of the obligations due the state under sections 1 to 22 of this 2011 Act.

38 (3) The collection agency may bring such actions or take such proceedings, including at-
 39 tachment and garnishment proceedings, as may be necessary.

40 **SECTION 14. Uncollectible obligation.** (1) Any obligation due the state assigned to a col-
 41 lection agency pursuant to section 13 of this 2011 Act that remains uncollected for two years
 42 after the date of such assignment meets the criteria for uncollectibility formulated pursuant
 43 to ORS 293.240, and may be assigned to the Secretary of State.

44 (2) ORS 293.245 applies to any obligation due the state assigned to the Secretary of State
 45 pursuant to subsection (1) of this section.

1 **SECTION 15. Audit; assessment of deficiency.** (1) The Department of Transportation may
 2 audit a report submitted under section 8 of this 2011 Act at any time.

3 (2) If the department is not satisfied that a report filed or the amount of the vehicle road
 4 usage charge or penalty paid to the state by any registered owner or lessee is correct, the
 5 department may assess the charge and penalty due based upon any information available to
 6 the department.

7 (3) The department shall give to the registered owner or lessee written notice of the as-
 8 sessment. The notice may be served personally or by electronic mail or other written means.
 9 If given by mail, service shall be made by depositing the notice in the United States mail,
 10 postage prepaid, addressed to the registered owner or lessee at the address as it appears in
 11 the records of the department.

12 **SECTION 16. Assessing charge and penalty upon failure to make report.** (1) If a regis-
 13 tered owner or lessee fails to make a report required under section 8 of this 2011 Act, the
 14 Department of Transportation shall make an estimate of the amount due, based upon any
 15 information available to the department, for the month or months with respect to which the
 16 registered owner or lessee failed to make a report, and assess the charge and penalties due
 17 from the registered owner or lessee under sections 1 to 22 of this 2011 Act.

18 (2) The department shall give to the registered owner or lessee written notice of the as-
 19 sessment in the manner prescribed by section 15 of this 2011 Act.

20 **SECTION 17. Petition for reassessment.** (1) Any registered owner or lessee against whom
 21 an assessment is made under sections 15 and 16 of this 2011 Act may petition for a reas-
 22 sessment within 30 days after service of notice of the assessment. If a petition is not filed
 23 within the 30-day period, the amount of the assessment becomes conclusive.

24 (2) If a petition for reassessment is filed within the 30-day period, the Department of
 25 Transportation shall reconsider the assessment and, if requested in the petition, shall grant
 26 the registered owner or lessee an oral hearing and give the registered owner or lessee 10
 27 days' notice of the time and place of the hearing. The department may continue the hearing
 28 from time to time. The department shall serve on the petitioner notice of the department's
 29 finding upon reassessment. If the finding is that a charge or penalty is delinquent, the
 30 petitioner shall pay to the department, within 30 days after notice is served, all the charges
 31 or penalties found to be delinquent.

32 (3) Notice required by this section shall be served in the manner prescribed by section
 33 15 of this 2011 Act.

34 **SECTION 18. Appeal to circuit court.** A person aggrieved by a finding, order or determi-
 35 nation by the Department of Transportation under section 17 of this 2011 Act may appeal to
 36 the circuit court of the county in which the person resides. The appeal shall be taken within
 37 60 days from the date of the entry or making of such order, finding or determination and in
 38 the manner provided by law for appeals in actions at law.

39 **SECTION 19. Time limitation on service of notice of additional assessment.** Except in the
 40 case of an alleged fraudulent report, or neglect or refusal to make a report, the Department
 41 of Transportation may not serve a notice of assessment on the registered owner or lessee
 42 after three years have expired since the alleged erroneous report was filed or a report should
 43 have been filed.

44 **SECTION 20. Results of investigations to be private.** The Department of Transportation,
 45 or any person having an administrative duty under sections 1 to 22 of this 2011 Act, may not

1 divulge information obtained by an investigation of a registered owner, lessee or other person
 2 visited or examined in the discharge of official duty, or the amounts set forth or disclosed
 3 in any report, and may not permit any report or copy thereof or any book containing any
 4 abstract or particulars thereof to be seen or examined by any person except as provided by
 5 law. However, the department may authorize examination of such reports by, and the giving
 6 of information in the reports to, other state officers.

7 **SECTION 21. Prohibitions.** (1) A person may not intentionally make a false statement in
 8 a report, petition or application required or permitted by sections 1 to 22 of this 2011 Act.

9 (2) A person may not intentionally collect, or attempt to collect or receive, a refund of
 10 a charge or penalty paid to the Department of Transportation under sections 1 to 22 of this
 11 2011 Act to which the person is not entitled.

12 (3) A person may not intentionally aid or assist another person to violate any provision
 13 of sections 1 to 22 of this 2011 Act.

14 **SECTION 22. Penalties.** A person who violates any provision of sections 1 to 21 of this
 15 2011 Act commits a Class A violation.

16 **SECTION 23.** Sections 24 and 25 of this 2011 Act are added to and made a part of the
 17 Oregon Vehicle Code.

18 **SECTION 24. Tampering with vehicle metering system; penalty.** (1) A person commits
 19 the offense of tampering with a vehicle metering system if the person does any of the fol-
 20 lowing:

21 (a) With the intent to defraud, operates a motor vehicle on a highway knowing that the
 22 vehicle metering system is disconnected or nonfunctional.

23 (b) Replaces, disconnects or resets the vehicle metering system of a motor vehicle with
 24 the intent to reduce the number of miles the vehicle metering system records.

25 (2) This section does not apply to a person who is servicing, repairing or replacing a ve-
 26 hicle metering system.

27 (3) As used in this section, “vehicle metering system” means a system used to record the
 28 number of miles traveled for the purpose of complying with the reporting requirements es-
 29 tablished under section 8 of this 2011 Act.

30 (4) The offense described in this section, tampering with a vehicle metering system, is a
 31 Class A traffic violation.

32 **SECTION 25. Proof of payment of vehicle road usage charge prior to registration.** (1) As
 33 used in this section:

34 (a) “Electric motor vehicle” means a motor vehicle that uses electricity as its only
 35 source of motive power.

36 (b) “Plug-in hybrid electric motor vehicle” means a motor vehicle that uses electricity
 37 and another source of motive power and is designed for electric plug-in charging.

38 (2) Except as provided in subsection (3) of this section, the Department of Transportation
 39 may not renew the registration of an electric motor vehicle or plug-in hybrid electric motor
 40 vehicle unless the department receives satisfactory proof, as determined by rule, that the
 41 person who accrued the vehicle road usage charge required under section 2 of this 2011 Act
 42 has paid the charge.

43 (3) Subsection (2) of this section does not apply if, at the time of registration renewal,
 44 the owner of the electric motor vehicle or plug-in hybrid electric motor vehicle is not the
 45 person who accrued the vehicle road usage charge required under section 2 of this 2011 Act.

SECTION 26. ORS 319.280 is amended to read:

319.280. (1) Any person who has paid any tax on motor vehicle fuel levied or directed to be paid by ORS 319.010 to 319.430 either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of the tax to the price of the fuel and paid by the consumer, shall be reimbursed and repaid the amount of such tax paid, except as provided in ORS 319.290 to 319.330, if such person has:

(a) Purchased and used such fuel for the purpose of operating or propelling a stationary gas engine, a tractor or a motor boat, if the motor boat is used for commercial purposes at any time during the period for which the refund is claimed;

(b) Purchased and used such fuel for cleaning or dyeing or other commercial use, except when used in motor vehicles operated upon any highway;

(c) Purchased and exported such fuel from this state, in containers other than fuel supply tanks of motor vehicles, provided that the person:

(A) Exports the motor vehicle fuel from this state to another state, territory or country, not including a federally recognized Indian reservation located wholly or partially within the borders of this state, where the motor vehicle fuel is unloaded; and

(B) Has a valid motor vehicle fuel dealer's license or its equivalent issued by the state, territory or country to which the fuel is exported and where it is unloaded;

(d) Purchased and exported such fuel in the fuel supply tank of a motor vehicle and has used such fuel to operate the vehicle upon the highways of another state, if the user has paid to the other state a similar motor vehicle fuel tax on the same fuel, or has paid any other highway use tax the rate for which is increased because such fuel was not purchased in, and the tax thereon paid, to such state; *[or]*

(e) Purchased and used such fuel for small engines that are not used to propel motor vehicles on highways, including but not limited to those that power lawn mowers, leaf blowers, chain saws and similar implements[.]; **or**

(f) Purchased and used such fuel for a plug-in hybrid electric motor vehicle, as defined in section 1 of this 2011 Act, if the person has paid the vehicle road usage charge as required under section 2 of this 2011 Act.

(2) When a motor vehicle with auxiliary equipment uses fuel and there is no auxiliary motor for such equipment or separate tank for such a motor, a refund may be claimed and allowed as provided by subsection (4) of this section, except as otherwise provided by this subsection, without the necessity of furnishing proof of the amount of fuel used in the operation of the auxiliary equipment. The person claiming the refund may present to the Department of Transportation a statement of the claim and be allowed a refund as follows:

(a) For fuel used in pumping aircraft fuel, motor vehicle fuel, fuel or heating oils or other petroleum products by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each 1,000 gallons of petroleum products delivered.

(b) For fuel used in operating a power take-off unit on a cement mixer truck or on a garbage truck, claimant shall be allowed a refund of 25 percent of the tax paid on all fuel used in such a truck.

(3) When a person purchases and uses motor vehicle fuel in a vehicle equipped with a power take-off unit, a refund may be claimed for fuel used to operate the power take-off unit provided the vehicle is equipped with a metering device approved by the department and designed to operate only

1 while the vehicle is stationary and the parking brake is engaged; the quantity of fuel measured by
 2 the metering device shall be presumed to be the quantity of fuel consumed by the operation of the
 3 power take-off unit.

4 (4) Before any such refund may be granted, the person claiming such refund must present to the
 5 department a statement, accompanied by the original invoices, or reasonable facsimiles approved by
 6 the department, showing such purchases; provided that in lieu of original invoices or facsimiles, re-
 7 funds submitted under subsection (1)(d) of this section shall be accompanied by information showing
 8 source of the fuel used and evidence of payment of tax to the state in which the fuel was used. The
 9 statement shall be made over the signature of the claimant, and shall state the total amount of such
 10 fuel for which the claimant is entitled to be reimbursed under subsection (1) of this section. The
 11 department upon the presentation of the statement and invoices or facsimiles, or other required
 12 documents, shall cause to be repaid to the claimant from the taxes collected on motor vehicle fuel
 13 such taxes so paid by the claimant.

14 **(5) The department, by rule, may provide a refund to a person under subsection (1)(f) of**
 15 **this section as a credit against future charges under section 2 of this 2011 Act.**

16 **SECTION 27.** ORS 319.831 is amended to read:

17 319.831. (1) If a user obtains fuel for use in a motor vehicle in this state and pays the use fuel
 18 tax on the fuel obtained, the user may apply for a refund of that part of the use fuel tax paid which
 19 is applicable to use of the fuel to propel a motor vehicle:

20 (a) In another state, if the user pays to the other state an additional tax on the same fuel;

21 (b) Upon any road, thoroughfare or property in private ownership;

22 (c) Upon any road, thoroughfare or property, other than a state highway, county road or city
 23 street, for the removal of forest products, as defined in ORS 321.005, or the products of such forest
 24 products converted to a form other than logs at or near the harvesting site, or for the construction
 25 or maintenance of the road, thoroughfare or property, pursuant to a written agreement or permit
 26 authorizing the use, construction or maintenance of the road, thoroughfare or property, with or by:

27 (A) An agency of the United States;

28 (B) The State Board of Forestry;

29 (C) The State Forester; or

30 (D) A licensee of an agency named in subparagraph (A), (B) or (C) of this paragraph;

31 (d) By an agency of the United States or of this state or of any county, city or port of this state
 32 on any road, thoroughfare or property, other than a state highway, county road or city street;

33 (e) By any incorporated city or town of this state;

34 (f) By any county of this state or by any road assessment district formed under ORS 371.405 to
 35 371.535;

36 (g) Upon any county road for the removal of forest products as defined in ORS 321.005, or the
 37 products of such forest products converted to a form other than logs at or near the harvesting site,
 38 if:

39 (A) Such use upon the county road is pursuant to a written agreement entered into with, or to
 40 a permit issued by, the State Board of Forestry, the State Forester or an agency of the United
 41 States, authorizing such user to use such road and requiring such user to pay for or to perform the
 42 construction or maintenance of the county road;

43 (B) The board, officer or agency that entered into the agreement or granted the permit, by
 44 contract with the county court or board of county commissioners, has assumed the responsibility for
 45 the construction or maintenance of such county road; and

1 (C) Copies of the agreements or permits required by subparagraphs (A) and (B) of this paragraph
 2 are filed with the Department of Transportation;

3 (h) By a school district or education service district of this state or the contractors of a school
 4 district or education service district, for those vehicles being used to transport students;

5 (i) By a rural fire protection district organized under the provisions of ORS chapter 478;

6 (j) By any district, as defined in ORS chapter 198, that is not otherwise specifically provided for
 7 in this section; [or]

8 (k) By any state agency, as defined in ORS 240.855; or

9 **(L) That is a plug-in hybrid electric motor vehicle, as defined in section 1 of this 2011**
 10 **Act, if the registered owner or lessee has paid the vehicle road usage charge as required**
 11 **under section 2 of this 2011 Act.**

12 (2) An application for a refund under subsection (1) of this section shall be filed with the de-
 13 partment within 15 months after the date the use fuel tax, for which a refund is claimed, is paid.

14 (3) The application for a refund provided by subsection (1) of this section shall include a signed
 15 statement by the applicant indicating the amount of fuel for which a refund is claimed, and the way
 16 in which the fuel was used which qualifies the applicant for a refund. If the fuel upon which the
 17 refund is claimed was obtained from a seller to whom the use fuel tax was paid, the application shall
 18 be supported by the invoices which cover the purchase of the fuel. If the applicant paid the use fuel
 19 tax directly to the department, the applicant shall indicate the source of the fuel and the date it
 20 was obtained.

21 (4) The department may require any person who applies for a refund provided by subsection (1)
 22 of this section to furnish a statement, under oath, giving the person's occupation, description of the
 23 machines or equipment in which the fuel was used, the place where used and such other information
 24 as the department may require.

25 **(5) The department, by rule, may provide a refund to a person under subsection (1)(L)**
 26 **of this section as a credit against future charges under section 2 of this 2011 Act.**

27 **SECTION 28.** ORS 367.802 is amended to read:

28 367.802. As used in ORS 367.800 to 367.824:

29 (1) "Agreement" means a written agreement, including but not limited to a contract, for a
 30 transportation project that is entered into under ORS 367.806.

31 (2) "Private entity" means any entity that is not a unit of government, including but not limited
 32 to a corporation, partnership, company, nonprofit organization or other legal entity or a natural
 33 person.

34 (3) "Transportation project" or "project" means any proposed or existing undertaking that fa-
 35 cilitates any mode of transportation in this state **or that facilitates the collection of the vehicle**
 36 **road usage charge established in section 2 of this 2011 Act.**

37 (4) "Unit of government" means any department or agency of the federal government, any state
 38 or any agency, office or department of a state, any city, county, district, commission, authority, en-
 39 tity, port or other public corporation organized and existing under statutory law or under a voter-
 40 approved charter and any intergovernmental entity created under ORS 190.003 to 190.130, 190.410
 41 to 190.440 or 190.480 to 190.490.

42 **SECTION 29. Rules. In accordance with ORS chapter 183, the Department of Transpor-**
 43 **tation shall adopt rules for the implementation, administration and enforcement of sections**
 44 **1 to 22, 24 and 25 of this 2011 Act.**

45 **SECTION 30.** (1) Sections 1 to 25 and 29 of this 2011 Act and the amendments to ORS

1 319.280, 319.831 and 367.802 by sections 26 to 28 of this 2011 Act become operative January 1,
2 2014.

3 (2) The Department of Transportation may take any action before the operative date
4 specified in subsection (1) of this section that is necessary to enable the department to ex-
5 ercise, on and after the operative date specified in subsection (1) of this section, all the du-
6 ties, functions and powers conferred on the department by sections 1 to 25 and 29 of this 2011
7 Act and the amendments to ORS 319.280, 319.831 and 367.802 by sections 26 to 28 of this 2011
8 Act.

9 SECTION 31. Sections 1 to 25 and 29 of this 2011 Act and the amendments to ORS 319.280,
10 319.831 and 367.802 by sections 26 to 28 of this 2011 Act first apply to 2014 model year motor
11 vehicles.

12 SECTION 32. The section captions used in this 2011 Act are provided only for the con-
13 venience of the reader and do not become part of the statutory law of this state or express
14 any legislative intent in the enactment of this 2011 Act.
15
