

# House Bill 2502

Sponsored by Representative OLSON; Representatives FREEMAN, SPRENGER, THOMPSON (Pre-session filed.)

## 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 moneys received from sale of customized registration plates to State Police Account.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to vehicle registration plates; creating new provisions; amending ORS 802.100, 802.110 and  
3 805.205; 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) The Passenger Rail Transportation Account. The account established under this subsection  
25 is a separate account in the State Treasury [*that shall be used to deposit moneys received from the*  
26 *sale of customized registration plates under ORS 805.240*]. Moneys in the account shall be used for  
27 passenger rail programs. [*Moneys shall be deposited in the account after payment of administrative*  
28 *expenses as provided under ORS 802.110.*]

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

**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.

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

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

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

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

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

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

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

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

(B) The remaining moneys, for reimbursing school districts and commercial driver training schools as provided under ORS 336.805.

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

(e) After deduction of expenses for the administration of the issuance of customized registration plates under ORS 805.240, the department shall place moneys received from the sale of customized registration plates **and moneys not otherwise designated and received from the sale of vehicle registration plates issued under ORS 805.205 (5) and (6) in the [Passenger Rail Transportation] State Police Account established under ORS 181.175. [The moneys placed in the account are continuously appropriated to the department and shall be used for the payment of expenses incurred in administering passenger rail programs.]**

(f) After deduction of expenses of collection, transfer and administration, the department shall pay moneys from any registration fees established by the governing bodies of counties or a district, as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts. The department shall make the payments on at least a monthly basis unless another basis is estab-

1 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-  
 2 partment and the governing bodies of a county or a district.

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

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

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

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

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

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

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

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

43 (a) If the Director of Transportation certifies the amount of principal or interest of highway  
 44 bonds due on any particular date, the department may make available for the payment of such in-  
 45 terest or principal any sums that may be necessary to the extent of moneys on hand available for

1 the State Highway Fund regardless of the dates otherwise specified under this section.

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

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

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

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

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

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

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

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

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

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

30 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 may be used for  
 31 development and maintenance of multiuse trails within urban growth boundaries described in ORS  
 32 367.017 or for the development and maintenance of snowmobile facilities, including the acquisition  
 33 of land therefor by any means other than the exercise of eminent domain. Moneys received under  
 34 ORS 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140,  
 35 821.150, 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 shall provide for issuance of registration plates  
 5 described in subsections (3) and (7) of this section for nonprofit groups meeting the qualifications for  
 6 tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of higher  
 7 education. Plates issued under this section may be issued to owners of motor vehicles registered  
 8 under the provisions of ORS 803.420 (1). Plates issued under this section may not contain expressions  
 9 of political opinion or religious belief. Rules adopted under this section shall include, but need not  
 10 be limited to, rules that:

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

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

15 (c) Require each group for which plates are issued to file an annual statement on a form de-  
 16 signed by the department showing that the group is a nonprofit group or is an institution of higher  
 17 education and that the group or institution otherwise meets the qualifications imposed for eligibility  
 18 for plates issued under this section. The statement shall include names and addresses of current  
 19 directors or officers of the group or institution or of other persons authorized to speak for the group  
 20 or institution on matters affecting plates issued under this section.

21 (2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to  
 22 any other fee authorized by law, upon issuance of a plate under this section and upon renewal of  
 23 registration for a vehicle that has plates issued under this section, the department shall collect a  
 24 surcharge for each year of the registration period. The surcharge shall be determined by the de-  
 25 partment by rule and may not be less than \$2.50 per plate and not more than \$16 per plate. In set-  
 26 ting the amount of the surcharge, the department shall consult with the nonprofit group for which  
 27 the plates are issued.

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

32 (c) In addition to any other fee authorized by law, upon issuance of a Share the Road registra-  
 33 tion plate, as described in subsection (7) of this section, the department shall collect a surcharge  
 34 of \$5 per year of registration.

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

36 (a) If the group requesting the plates is an institution of higher education, the plates shall, upon  
 37 request, contain words that indicate the plates are issued to recognize the institution or shall con-  
 38 tain the institution's logo or an image of the institution's mascot; or

39 (b) If the group requesting the plates is a group that recognizes fallen public safety officers, the  
 40 plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen  
 41 public safety officers.

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. If the department does not sell or issue  
 45 renewal for 500 sets of plates for a particular group in any one year, the department shall cease

1 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 [*Passenger Rail Transportation Account established under ORS 802.100 to be*  
 11 *used as other moneys in the account are used*] **State Police Account established under ORS**  
 12 **181.175**. Deposits 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 Share the Road registration  
 17 plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and  
 18 Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits  
 19 under this paragraph shall be made at least quarterly. At any time that the department determines  
 20 that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to  
 21 exist, the department [*may*] **shall** deposit the proceeds into the [*Passenger Rail Transportation Ac-*  
 22 *count established under ORS 802.100*] **State Police Account established under ORS 181.175**.

23 (7) Notwithstanding subsection (3) of this section, the department shall design a Share the Road  
 24 registration plate in consultation with the Bicycle Transportation Alliance and Cycle Oregon.

25 **SECTION 4. Moneys remaining in the Passenger Rail Transportation Account before the**  
 26 **effective date of this 2011 Act shall be used for the purposes specified in ORS 802.100 as**  
 27 **amended by section 1 of this 2011 Act.**

28 **SECTION 5. The amendments to ORS 802.100, 802.110 and 805.205 by sections 1 to 3 of this**  
 29 **2011 Act apply to registration plates issued or renewed on or after the effective date of this**  
 30 **2011 Act.**

31 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**  
 32 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 33 **on its passage.**