

HB 2328-A11  
(LC 1440)  
4/21/11 (HE/ps)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2328**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “184.843,” and delete the last comma and insert “and”.

3 In line 3, delete “and 807.250”.

4 Delete lines 5 through 11 and insert:

5 “Whereas the citizens of the State of Oregon rely heavily on an extensive  
6 multimodal transportation system for all aspects of living in a civil society,  
7 including economic opportunities, community engagement, educational op-  
8 portunities, maintenance of public health, enjoyment of life and disaster  
9 management; and

10 “Whereas Oregon’s multimodal transportation system has 19,128 lane  
11 miles of state highways, 26,737 miles of county roads and 10,799 miles of city  
12 streets; and

13 “Whereas Oregon depends on fuel taxes for the bulk of the revenue re-  
14 quired to preserve, maintain and modernize the state’s highway system; and

15 “Whereas as an alternative to the fuel tax, Oregon has developed systems  
16 with the capability for participating vehicle operators to pay a vehicle road  
17 usage charge based on miles traveled; and

18 “Whereas highly fuel efficient vehicles are now common in the market-  
19 place, the operators of which pay much lower fuel taxes than the preceding  
20 vehicle fleet, and new technologies will continue to improve fuel efficiencies  
21 in these vehicles; and

22 “Whereas among the emerging fleet of highly fuel efficient vehicles are

1 electric motor vehicles and plug-in hybrid motor vehicles that pay no fuel  
2 tax or a small amount; and

3 “Whereas the federal government requires auto manufacturers to intro-  
4 duce a fleet of new vehicles that will meet a corporate average fuel economy  
5 standard of 35.5 miles per gallon in 2016; and

6 “Whereas the Legislative Assembly recognizes the potential for applying  
7 a new vehicle road usage charge based on miles traveled for the operation  
8 of vehicles that pay less than the median amount of fuel taxes; and

9 “Whereas the state should develop and deploy a vehicle road usage charge  
10 for a small group of vehicles to ensure operational availability of the charge  
11 when the Legislative Assembly finds it is necessary to expand the number  
12 of vehicles paying the charge; and

13 “Whereas the state’s constitutional requirement for cost responsibility  
14 requires that a road usage charge be applied in a manner that ensures the  
15 share of revenues paid for the use of motor vehicles is fair and proportionate  
16 to the costs incurred for the highway system for each class of vehicle; and

17 “Whereas as a strategy to reduce emissions and protect the environment,  
18 Oregon wants to encourage market penetration of electric vehicles and other  
19 highly fuel efficient vehicles by providing a transitional rate for a vehicle  
20 road usage charge during the early years of introduction into the market-  
21 place; now, therefore,”.

22 Delete lines 13 through 22 and delete pages 2 through 12 and insert:

23 **“SECTION 1. Definitions. As used in sections 1 to 12 of this 2011**  
24 **Act:**

25 **“(1) ‘Electric motor vehicle’ means a motor vehicle that uses elec-**  
26 **tricity as its only source of motive power.**

27 **“(2) ‘Highway’ means every public way, road, street, thoroughfare**  
28 **and place, including bridges, viaducts and other structures within the**  
29 **boundaries of this state, open, used or intended for use of the general**  
30 **public for vehicles or vehicular traffic as a matter of right.**

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

4       “(4) ‘Plug-in hybrid electric motor vehicle’ means a motor vehicle  
5 that uses electricity and another source of motive power and is de-  
6 signed for electric plug-in charging.

7       “(5) ‘Registered owner’ means a person who is the registered owner  
8 of a motor vehicle that is registered in Oregon and who is subject to  
9 the vehicle road usage charge under section 2 of this 2011 Act.

10       **“SECTION 2. Vehicle road usage charge; transitional rate.**

11       “(1) Except as provided in subsection (2) of this section, the regis-  
12 tered owner of an electric motor vehicle or plug-in hybrid electric  
13 motor vehicle shall pay a vehicle road usage charge.

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

16       “(3) A person subject to the vehicle road usage charge shall pay 0.85  
17 cents per mile for metered use of the highways in Oregon.

18       “(4) This section does not apply to a vehicle dealer that holds a  
19 certificate issued under ORS 822.020.

20       **“SECTION 3. Section 2 of this 2011 Act is amended to read:**

21       **“Sec. 2. Vehicle road usage charge; normalized rate.** (1) Except as  
22 provided in subsection (2) of this section, the registered owner of an electric  
23 motor vehicle or plug-in hybrid electric motor vehicle shall pay a vehicle  
24 road usage charge.

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

27       “(3) A person subject to the vehicle road usage charge shall pay [0.85] **1.56**  
28 cents per mile for metered use of the highways in Oregon.

29       “(4) This section does not apply to a vehicle dealer that holds a certificate  
30 issued under ORS 822.020.

1       **“SECTION 4. The amendments to section 2 of this 2011 Act by sec-**  
2 **tion 3 of this 2011 Act become operative on July 1, 2018.**

3       **“SECTION 5. Methods of reporting vehicle miles traveled. (1) As**  
4 **used in this section, ‘open system’ means an integrated system based**  
5 **on common standards and an operating system accessible to the mar-**  
6 **ketplace whereby components performing the same function can be**  
7 **readily substituted or provided by multiple providers.**

8       **“(2) The Department of Transportation shall establish the methods**  
9 **for identifying the motor vehicles that are subject to the vehicle road**  
10 **usage charge imposed under section 2 of this 2011 Act and establish the**  
11 **methods for collecting and reporting the number of miles the motor**  
12 **vehicles traveled on the highways.**

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

15       **“(a) The accuracy of the data collected;**

16       **“(b) Privacy options for persons paying the vehicle road usage**  
17 **charge;**

18       **“(c) The adaptability of the technology used;**

19       **“(d) The installation of the technology;**

20       **“(e) The safety of the installation;**

21       **“(f) Resistance of the technology to tampering;**

22       **“(g) Ease and cost of compliance by registered owners and lessees;**  
23 **and**

24       **“(h) Cost efficiency of administration.**

25       **“(4) The department shall establish at least one method of collect-**  
26 **ing and reporting the number of miles traveled by the motor vehicle**  
27 **that does not use vehicle location technology.**

28       **“(5) The department shall require that a vehicle subject to the ve-**  
29 **hicle road usage charge imposed under section 2 of this 2011 Act be**  
30 **capable of electronically reporting the odometer reading or be**

1 equipped with technology approved by the department that is capable  
2 of electronically reporting the odometer reading.

3 “(6) The department shall establish standards under an open system  
4 for technology used in methods for identifying motor vehicles that are  
5 subject to the vehicle road usage charge imposed under section 2 of  
6 this 2011 Act and for technology used in methods for collecting and  
7 reporting the number of miles the motor vehicles traveled on the  
8 highways. In developing the standards and systems, the department  
9 shall collaborate with state agencies to integrate information systems  
10 currently in use or planned for future use.

11 “SECTION 6. Collection by Department of Transportation. The De-  
12 partment of Transportation shall provide by rule for the collection of  
13 the vehicle road usage charge imposed under section 2 of this 2011 Act.

14 “SECTION 7. Refund of vehicle road usage charge in operation of  
15 vehicle on certain roads or property. (1) A registered owner or lessee  
16 who pays the vehicle road usage charge imposed under section 2 of this  
17 2011 Act may apply to the Department of Transportation for a refund  
18 of those miles traveled upon any road, thoroughfare or property in  
19 private ownership.

20 “(2) A person shall submit an application for a refund under sub-  
21 section (1) of this section to the department within 15 months after the  
22 date the vehicle road usage charge, for which a refund is claimed, is  
23 paid.

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

27 “(4) The department may require any person who applies for a re-  
28 fund under subsection (1) of this section to furnish any other infor-  
29 mation the department considers necessary.

30 “SECTION 8. Investigation of refund applications. The Department

1 of Transportation may investigate refund applications submitted under  
2 section 7 of this 2011 Act and gather and compile information in regard  
3 to the applications as the department considers necessary to safeguard  
4 the state and prevent fraudulent practices in connection with tax re-  
5 funds and tax evasion. The department may, in order to establish the  
6 validity of any application, examine the books and records of the ap-  
7 plicant for such purposes. If an applicant does not permit the depart-  
8 ment to examine the applicant's books and records, the applicant  
9 waives all rights to a refund of the transaction questioned.

10 **SECTION 9. Allocation of moneys.** The moneys that the Depart-  
11 ment of Transportation collects from the vehicle road usage charge  
12 imposed under section 2 of this 2011 Act shall be allocated as follows:

13 **“(1) 50 percent to the Department of Transportation.**

14 **“(2) 30 percent to counties for distribution as provided in ORS**  
15 **366.762.**

16 **“(3) 20 percent to cities for distribution as provided in ORS 366.800.**

17 **SECTION 10. Reporting vehicle miles traveled.** (1) A registered  
18 owner or lessee subject to the vehicle road usage charge imposed un-  
19 der section 2 of this 2011 Act shall equip the electric motor vehicle or  
20 plug-in hybrid electric motor vehicle with technology, approved by the  
21 Department of Transportation, that provides for electronic reporting  
22 of miles traveled.

23 **“(2) On the date determined by the department under subsection (3)**  
24 **of this section, the registered owner or lessee shall report the number**  
25 **of miles the vehicle has traveled and pay to the department the**  
26 **amount due under section 2 of this 2011 Act for the reporting period.**  
27 **The number of miles reported shall be rounded up to the next whole**  
28 **mile.**

29 **“(3) The department shall, by rule, establish the reporting period**  
30 **for each motor vehicle subject to the vehicle road usage charge under**

1 section 2 of this 2011 Act. The department may vary the length of the  
2 reporting period based on the circumstances of each registered owner  
3 or lessee. In determining the length of a reporting period, the depart-  
4 ment shall consider the following:

5 “(a) The effort required by the registered owner or lessee to pay the  
6 vehicle road usage charge;

7 “(b) The amount of the vehicle road usage charge owed;

8 “(c) The cost to the registered owner or lessee of paying the vehicle  
9 road usage charge; and

10 “(d) The administrative cost to the department.

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

15 “(5) The department shall provide a refund to a registered owner  
16 or lessee who has overpaid the vehicle road usage charge. The de-  
17 partment may provide the refund, by rule, as a credit against future  
18 vehicle road usage charges under section 2 of this 2011 Act.

19 “SECTION 11. Prohibitions. (1) A person may not intentionally  
20 make a false statement in a report, application or other information  
21 required or permitted by section 7, 8 or 10 of this 2011 Act.

22 “(2) A person may not intentionally collect, or attempt to collect  
23 or receive, a refund under section 7 or 10 of this 2011 Act to which the  
24 person is not entitled.

25 “(3) A person may not intentionally aid or assist another person to  
26 violate any provision of section 7, 8 or 10 of this 2011 Act.

27 “(4) A person who violates any prohibition specified in subsections  
28 (1) to (3) of this section commits a Class A violation.

29 “SECTION 12. Privacy of personally identifiable information. (1)  
30 As used in this section, ‘personally identifiable information’ means

1 any information that identifies or describes a person, including, but  
2 not limited to, the person's travel pattern data, vehicle road usage  
3 charge account number, address, telephone number, electronic mail  
4 address, driver license or identification card number, registration plate  
5 number, photograph, recorded images, bank account information and  
6 credit card number.

7 "(2) Except as provided in subsections (3) and (4) of this section,  
8 personally identifiable information used for reporting miles traveled  
9 or for business services related to the collection of the vehicle road  
10 usage charge described in section 2 of this 2011 Act is exempt from  
11 disclosure under public records law, ORS 192.410 to 192.505.

12 "(3) The Department of Transportation, any entity that has entered  
13 into an agreement with the department under ORS 367.806 for report-  
14 ing miles traveled or for business services related to the collection of  
15 the vehicle road usage charge and any contractor for an entity may  
16 not disclose personally identifiable information used or developed in  
17 the conduct of these services to any person except:

18 "(a) The registered owner or lessee of the vehicle;

19 "(b) A financial institution, for the purpose of collecting vehicle  
20 road usage charges owed;

21 "(c) Employees of the department;

22 "(d) An entity that has entered into an agreement with the de-  
23 partment under ORS 367.806 for reporting miles traveled or for busi-  
24 ness services related to the collection of vehicle road usage charges  
25 and authorized employees of the entity;

26 "(e) A law enforcement officer who is acting in the officer's official  
27 capacity in connection with enforcement of vehicle road usage  
28 charges; or

29 "(f) A contractor for an entity that has entered into an agreement  
30 with the department under ORS 367.806 for reporting miles traveled



1 or for business services related to the collection of vehicle road usage  
2 charges and authorized employees of the contractor, but only to the  
3 extent the contractor provides services directly related to the entity's  
4 agreement with the department.

5 “(4) For purposes of traffic management and research, the depart-  
6 ment and an entity that has entered into an agreement with the de-  
7 partment under ORS 367.806 for reporting miles traveled or for  
8 business services related to the collection of vehicle road usage  
9 charges may aggregate and use information in records after removing  
10 personally identifiable information.

11 “(5) The department, in any agreement with an entity under ORS  
12 367.806 for reporting miles traveled or for business services related to  
13 the collection of vehicle road usage charges, shall provide for penalties  
14 if the entity violates this section or any rule adopted under this sec-  
15 tion.

16 “SECTION 13. Section 14 of this 2011 Act is added to and made a  
17 part of the Oregon Vehicle Code.

18 “SECTION 14. Tampering with vehicle metering system; penalty. (1)  
19 A person commits the offense of tampering with a vehicle metering  
20 system if the person does any of the following:

21 “(a) With the intent to defraud, operates a motor vehicle that is  
22 subject to a vehicle road usage charge under section 2 of this 2011 Act  
23 on a highway knowing that the vehicle metering system is discon-  
24 nected or nonfunctional.

25 “(b) Replaces, disconnects or resets the vehicle metering system of  
26 a motor vehicle that is subject to a vehicle road usage charge under  
27 section 2 of this 2011 Act with the intent to reduce the number of miles  
28 the vehicle metering system records.

29 “(2) This section does not apply to a person who is servicing, re-  
30 pairing or replacing a vehicle metering system.

1       **“(3) As used in this section, ‘vehicle metering system’ means a**  
2 **system used to record the number of miles traveled for the purpose**  
3 **of complying with the reporting requirements established under sec-**  
4 **tion 10 of this 2011 Act.**

5       **“(4) The offense described in this section, tampering with a vehicle**  
6 **metering system, is a Class A traffic violation.**

7       **“SECTION 15.** ORS 319.280 is amended to read:

8       **“319.280. (1) Any person who has paid any tax on motor vehicle fuel levied**  
9 **or directed to be paid by ORS 319.010 to 319.430 either directly by the col-**  
10 **lection of the tax by the vendor from the consumer, or indirectly by adding**  
11 **the amount of the tax to the price of the fuel and paid by the consumer, shall**  
12 **be reimbursed and repaid the amount of such tax paid, except as provided in**  
13 **ORS 319.290 to 319.330, if such person has:**

14       **“(a) Purchased and used such fuel for the purpose of operating or pro-**  
15 **PELLING a stationary gas engine, a tractor or a motor boat, if the motor boat**  
16 **is used for commercial purposes at any time during the period for which the**  
17 **refund is claimed;**

18       **“(b) Purchased and used such fuel for cleaning or dyeing or other com-**  
19 **mercial use, except when used in motor vehicles operated upon any highway;**

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

22       **“(A) Exports the motor vehicle fuel from this state to another state, ter-**  
23 **ritory or country, not including a federally recognized Indian reservation**  
24 **located wholly or partially within the borders of this state, where the motor**  
25 **vehicle fuel is unloaded; and**

26       **“(B) Has a valid motor vehicle fuel dealer’s license or its equivalent is-**  
27 **sued by the state, territory or country to which the fuel is exported and**  
28 **where it is unloaded;**

29       **“(d) Purchased and exported such fuel in the fuel supply tank of a motor**  
30 **vehicle and has used such fuel to operate the vehicle upon the highways of**

1 another state, if the user has paid to the other state a similar motor vehicle  
2 fuel tax on the same fuel, or has paid any other highway use tax the rate for  
3 which is increased because such fuel was not purchased in, and the tax  
4 thereon paid, to such state; [or]

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

8 **“(f) Purchased and used such fuel for a motor vehicle, if the person**  
9 **has paid the vehicle road usage charge as required under section 2 of**  
10 **this 2011 Act.**

11 “(2) When a motor vehicle with auxiliary equipment uses fuel and there  
12 is no auxiliary motor for such equipment or separate tank for such a motor,  
13 a refund may be claimed and allowed as provided by subsection (4) of this  
14 section, except as otherwise provided by this subsection, without the neces-  
15 sity of furnishing proof of the amount of fuel used in the operation of the  
16 auxiliary equipment. The person claiming the refund may present to the De-  
17 partment of Transportation a statement of the claim and be allowed a refund  
18 as follows:

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

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

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

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

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

17 **“(5)(a) The department, by rule, may provide a refund to a person**  
18 **under subsection (1)(f) of this section as a credit against future vehicle**  
19 **road usage charges under section 2 of this 2011 Act.**

20 **“(b) The department may provide for refund thresholds that may**  
21 **be met by aggregating refund amounts or by estimating gas tax re-**  
22 **unds by vehicle type. If the person claiming the refund opts for an**  
23 **estimated refund amount based on vehicle type, the department may**  
24 **not require original invoices or reasonable facsimiles showing motor**  
25 **vehicle fuel purchases.**

26 **“(c) The person claiming the refund shall render the statement of**  
27 **the claim to the department in the manner provided by the depart-**  
28 **ment by rule.**

29 **“SECTION 16. ORS 319.550 is amended to read:**

30 **“319.550. A person may not use fuel in a motor vehicle in this state unless**

1 the person holds a valid user's license, except that:

2 “(1) A nonresident may use fuel in a motor vehicle not registered in  
3 Oregon for a period not exceeding 30 days without obtaining a user's license  
4 or the emblem provided in ORS 319.600, if, for all fuel used in a motor ve-  
5 hicle in this state, the nonresident pays to a seller, at the time of the sale,  
6 the tax provided in ORS 319.530.

7 “(2) A user's license is not required for a person who uses fuel in a motor  
8 vehicle with a combined weight of 26,000 pounds or less if, for all fuel used  
9 in a motor vehicle in this state, the person pays to a seller, at the time of  
10 the sale, the tax provided in ORS 319.530.

11 “(3)(a) A user's license is not required for a person who uses fuel as de-  
12 scribed in ORS 319.520 (7) in the vehicles specified in **this** subsection [(4) of  
13 *this section*] if the person pays to a seller, at the time of the sale, the tax  
14 provided in ORS 319.530.

15 “[4] (b) [*Subsection (3) of this section*] **Paragraph (a) of this subsection**  
16 applies to the following vehicles:

17 “[a] (A) Motor homes as defined in ORS 801.350.

18 “[b] (B) Recreational vehicles as defined in ORS 446.003.

19 “(4) **A user's license is not required for a person who uses fuel in**  
20 **a plug-in hybrid electric motor vehicle, as defined in section 1 of this**  
21 **2011 Act, that also uses fuels subject to ORS 319.510 to 319.880.**

22 “**SECTION 17. Emblem. Upon application by a person, the Depart-**  
23 **ment of Transportation may issue an emblem to a motor vehicle that**  
24 **is subject to the vehicle road usage charge imposed under section 2**  
25 **of this 2011 Act. An emblem issued under this section shall be dis-**  
26 **played only upon the motor vehicle with respect to which it is issued.**

27 “**SECTION 18. ORS 319.665 is amended to read:**

28 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the  
29 tax provided by ORS 319.530 at the time the fuel is sold, unless one of the  
30 following situations applies:

1       “(a) The vehicle into which the seller delivers or places the fuel bears a  
2 valid permit or user’s emblem issued by the Department of Transportation.

3       “(b) The fuel is dispensed at a nonretail facility, in which case the seller  
4 shall collect any tax owed at the same time the seller collects the purchase  
5 price from the person to whom the fuel was dispensed at the nonretail fa-  
6 cility. A seller is not required to collect the tax under this paragraph from  
7 a person who certifies to the seller that the use of the fuel is exempt from  
8 the tax imposed under ORS 319.530.

9       “(c) A cardlock card is used for purchase of the fuel at an attended por-  
10 tion of a retail facility equipped with a cardlock card reader, in which case  
11 the cardlock card issuer licensed in this state is responsible for collecting  
12 and remitting the tax unless the person making the purchase certifies to the  
13 seller that the use of the fuel is exempt from the tax imposed under ORS  
14 319.530.

15       **“(d) The vehicle is subject to the vehicle road usage charge under  
16 section 2 of this 2011 Act.**

17       “(2) If a cardlock card is used for purchase of fuel at an attended portion  
18 of a retail facility equipped with a cardlock card reader, the seller at the  
19 retail facility may deduct fuel purchases made with a cardlock card from the  
20 seller’s retail transactions if the seller provides the department with the  
21 following information:

22       “(a) A monthly statement from a cardlock card issuer that details the  
23 cardlock card purchases at the retail facility; and

24       “(b) A listing of cardlock card issuers and gallons of fuel purchased at  
25 the retail facility by the issuers’ customers.

26       “(3) The department shall supply each seller of fuel for use in a motor  
27 vehicle with a chart which sets forth the tax imposed on given quantities  
28 of fuel.

29       **“SECTION 19.** ORS 319.831 is amended to read:

30       **“319.831. (1) If a user obtains fuel for use in a motor vehicle in this state**

1 and pays the use fuel tax on the fuel obtained, the user may apply for a re-  
2 fund of that part of the use fuel tax paid which is applicable to use of the  
3 fuel to propel a motor vehicle:

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

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

7 “(c) Upon any road, thoroughfare or property, other than a state highway,  
8 county road or city street, for the removal of forest products, as defined in  
9 ORS 321.005, or the products of such forest products converted to a form  
10 other than logs at or near the harvesting site, or for the construction or  
11 maintenance of the road, thoroughfare or property, pursuant to a written  
12 agreement or permit authorizing the use, construction or maintenance of the  
13 road, thoroughfare or property, with or by:

14 “(A) An agency of the United States;

15 “(B) The State Board of Forestry;

16 “(C) The State Forester; or

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

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

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

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

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

28 “(A) Such use upon the county road is pursuant to a written agreement  
29 entered into with, or to a permit issued by, the State Board of Forestry, the  
30 State Forester or an agency of the United States, authorizing such user to

1 use such road and requiring such user to pay for or to perform the con-  
2 struction or maintenance of the county road;

3 “(B) The board, officer or agency that entered into the agreement or  
4 granted the permit, by contract with the county court or board of county  
5 commissioners, has assumed the responsibility for the construction or main-  
6 tenance of such county road; and

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

9 “(h) By a school district or education service district of this state or the  
10 contractors of a school district or education service district, for those vehi-  
11 cles being used to transport students;

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

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

16 “(k) By any state agency, as defined in ORS 240.855[.]; or

17 **“(L) By a person subject to the vehicle road usage charge under**  
18 **section 2 of this 2011 Act if the person has paid the charge.**

19 “(2) An application for a refund under subsection (1) of this section shall  
20 be filed with the department within 15 months after the date the use fuel tax,  
21 for which a refund is claimed, is paid.

22 “(3) The application for a refund provided by subsection (1) of this section  
23 shall include a signed statement by the applicant indicating the amount of  
24 fuel for which a refund is claimed, and the way in which the fuel was used  
25 which qualifies the applicant for a refund. If the fuel upon which the refund  
26 is claimed was obtained from a seller to whom the use fuel tax was paid, the  
27 application shall be supported by the invoices which cover the purchase of  
28 the fuel. If the applicant paid the use fuel tax directly to the department, the  
29 applicant shall indicate the source of the fuel and the date it was obtained.

30 “(4) The department may require any person who applies for a refund



1 provided by subsection (1) of this section to furnish a statement, under oath,  
2 giving the person's occupation, description of the machines or equipment in  
3 which the fuel was used, the place where used and such other information  
4 as the department may require.

5 **"(5) The department, by rule, may provide a refund to a person**  
6 **under subsection (1)(L) of this section as a credit against future vehi-**  
7 **cle road usage charges under section 2 of this 2011 Act.**

8 **"SECTION 20.** ORS 367.802 is amended to read:

9 "367.802. As used in ORS 367.800 to 367.824:

10 "(1) 'Agreement' means a written agreement, including but not limited to  
11 a contract, for a transportation project that is entered into under ORS  
12 367.806.

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

16 "(3) 'Transportation project' or 'project' means any proposed or existing  
17 undertaking that facilitates any mode of transportation in this state **or that**  
18 **facilitates the collection of the vehicle road usage charge imposed**  
19 **under section 2 of this 2011 Act.**

20 "(4) 'Unit of government' means any department or agency of the federal  
21 government, any state or any agency, office or department of a state, any  
22 city, county, district, commission, authority, entity, port or other public  
23 corporation organized and existing under statutory law or under a voter-  
24 approved charter and any intergovernmental entity created under ORS  
25 190.003 to 190.130, 190.410 to 190.440 or 190.480 to 190.490.

26 **"SECTION 21. Rules. In accordance with ORS chapter 183, the De-**  
27 **partment of Transportation shall adopt rules for the implementation,**  
28 **administration and enforcement of sections 1 to 12, 14 and 17 of this**  
29 **2011 Act.**

30 **"SECTION 22. Operative date. (1) Sections 1, 2, 5 to 14, 17 and 21**

1 of this 2011 Act and the amendments to ORS 319.280, 319.550, 319.665,  
2 319.831 and 367.802 by sections 15, 16 and 18 to 20 of this 2011 Act be-  
3 come operative on July 1, 2015.

4 “(2) The Department of Transportation may take any action before  
5 the operative date specified in subsection (1) of this section that is  
6 necessary to enable the department to exercise, on and after the op-  
7 erative date specified in subsection (1) of this section, all the duties,  
8 functions and powers conferred on the department by sections 1, 2, 5  
9 to 14, 17 and 21 of this 2011 Act and the amendments to ORS 319.280,  
10 319.550, 319.665, 319.831 and 367.802 by sections 15, 16 and 18 to 20 of this  
11 2011 Act.

12 “SECTION 23. Applicability. (1) Sections 1, 2, 5 to 14, 17 and 21 of  
13 this 2011 Act and the amendments to ORS 319.280, 319.550, 319.665,  
14 319.831 and 367.802 by sections 15, 16 and 18 to 20 of this 2011 Act first  
15 apply to 2016 model year electric motor vehicles and plug-in hybrid  
16 electric motor vehicles.

17 “(2) The amendments to section 2 of this 2011 Act by section 3 of  
18 this 2011 Act apply to all electric motor vehicles and plug-in hybrid  
19 motor vehicles, regardless of the model year of the motor vehicle.

20 “SECTION 24. Report by Department of Transportation. No later  
21 than October 1, 2012, the Department of Transportation shall report  
22 to the interim legislative committees related to transportation and  
23 revenue on the likelihood that the department could implement the  
24 vehicle road usage charge imposed under section 2 of this 2011 Act  
25 prior to July 1, 2015.

26 “SECTION 25. ORS 184.843 is amended to read:

27 “184.843. (1) There is created the Road User Fee Task Force.

28 “(2) The purpose of the task force is to develop a design for revenue col-  
29 lection for Oregon’s roads and highways that will replace the current system  
30 for revenue collection. The task force shall consider all potential revenue

1 sources.

2 “(3) The task force shall consist of 12 members, as follows:

3 “(a) Two members shall be members of the House of Representatives, ap-  
4 pointed by the Speaker of the House of Representatives.

5 “(b) Two members shall be members of the Senate, appointed by the  
6 President of the Senate.

7 “(c) Four members shall be appointed by the Governor, the Speaker and  
8 the President acting jointly. In making appointments under this paragraph,  
9 the appointing authorities shall consider individuals who are representative  
10 of the telecommunications industry, of highway user groups, of the Oregon  
11 transportation research community and of national research and policy-  
12 making bodies such as the Transportation Research Board and the American  
13 Association of State Highway and Transportation Officials.

14 “(d) One member shall be an elected city official, appointed by the Gov-  
15 ernor, the Speaker and the President acting jointly.

16 “(e) One member shall be an elected county official, appointed by the  
17 Governor, the Speaker and the President acting jointly.

18 “(f) Two members shall be members of the Oregon Transportation Com-  
19 mission, appointed by the chairperson of the commission.

20 “(4)(a) The term of a legislator appointed to the task force is four years  
21 except that the legislator ceases to be a member of the task force when the  
22 legislator ceases to be a legislator. A legislator may be reappointed to the  
23 task force.

24 “(b) The term of a member of the task force appointed under subsection  
25 (3)(c) of this section is four years and the member may be reappointed.

26 “(c) The term of a member of the task force appointed under subsection  
27 (3)(d) or (e) of this section is four years except that the member ceases to  
28 be a member of the task force when the member ceases to be a city or county  
29 elected official. A city or county elected official may be reappointed to the  
30 task force.

1       “(d) The term of a member of the Oregon Transportation Commission ap-  
2 pointed to the task force is four years except that the member ceases to be  
3 a member of the task force when the member ceases to be a member of the  
4 commission. A member of the commission may be reappointed to the task  
5 force.

6       “(5) A legislator appointed to the task force is entitled to per diem and  
7 other expense payments as authorized by ORS 171.072 from funds appropri-  
8 ated to the Legislative Assembly. Other members of the task force are enti-  
9 tled to compensation and expenses as provided in ORS 292.495.

10       “(6) The Department of Transportation shall provide staff to the task  
11 force.

12       “(7) The task force shall **do all of the following:**

13       “(a) Study alternatives to the current system of taxing highway use  
14 through motor vehicle fuel taxes. The task force shall gather public comment  
15 on alternative approaches and shall make recommendations to the Depart-  
16 ment of Transportation and the Oregon Transportation Commission on the  
17 design of pilot programs to be used to test alternative approaches. The task  
18 force may also make recommendations to the department and the commission  
19 on criteria to be used to evaluate pilot programs. The task force may evalu-  
20 ate any pilot program implemented by the department and report the results  
21 of the evaluation to the Legislative Assembly, the department and the com-  
22 mission.

23       “(b) **Examine the progress of implementing the vehicle road usage**  
24 **charge described in section 2 of this 2011 Act.**

25       “(c) **Examine the effect of the vehicle road usage charge on market**  
26 **penetration of electric motor vehicles and plug-in hybrid electric mo-**  
27 **tor vehicles, both as defined in section 1 of this 2011 Act.**

28       “(d) **Examine the potential for application of the vehicle road usage**  
29 **charge system to hybrid electric vehicles and other vehicle types with**  
30 **emerging technologies.**

1       “(e) Make recommendations to the Legislative Assembly regarding:

2       “(A) Adding options for motorists to voluntarily pay the vehicle  
3 road usage charge in lieu of the motor vehicle fuel tax;

4       “(B) Adding out-of-state motorists to the vehicle road usage charge  
5 system; and

6       “(C) Improving compliance with the requirement to pay the vehicle  
7 road usage charge.

8       “[(8) In addition to the requirements of subsection (9) of this section, the  
9 task force shall propose to the Seventy-second Legislative Assembly options for  
10 the design of a revenue collection system for Oregon’s roads and highways that  
11 would replace the current system for revenue collection.]

12       “[(9)] (8) The task force shall report to each regular session of the Leg-  
13 islative Assembly on the work of the task force, the department and the  
14 commission in designing, implementing and evaluating pilot programs.

15       “[(10)] (9) Official action by the task force requires the approval of a  
16 majority of the members of the task force.

17       “[(11)] (10) Notwithstanding ORS 171.130 and 171.133, the task force by  
18 official action may recommend legislation. Legislation recommended by the  
19 task force must indicate that it is introduced at the request of the task force.  
20 Legislative measures proposed by the task force shall be prepared in time for  
21 pre-session filing with the Legislative Counsel by December 15 of the year  
22 preceding a regular session of the Legislative Assembly.

23       “**SECTION 26. Captions.** The section captions used in this 2011 Act  
24 are provided only for the convenience of the reader and do not become  
25 part of the statutory law of this state or express any legislative intent  
26 in the enactment of this 2011 Act.”.

27

