

HB 2328-A10
(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 13 through 22 and delete pages 2 through 12 and insert:

5 **"SECTION 1. Definitions. As used in sections 1 to 12 of this 2011**
6 **Act:**

7 **"(1) 'Electric motor vehicle' means a motor vehicle that uses elec-**
8 **tricity as its only source of motive power.**

9 **"(2) 'Highway' means every public way, road, street, thoroughfare**
10 **and place, including bridges, viaducts and other structures within the**
11 **boundaries of this state, open, used or intended for use of the general**
12 **public for vehicles or vehicular traffic as a matter of right.**

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

16 **"(4) 'Plug-in hybrid electric motor vehicle' means a motor vehicle**
17 **that uses electricity and another source of motive power and is de-**
18 **signed for electric plug-in charging.**

19 **"(5) 'Registered owner' means a person who is the registered owner**
20 **of a motor vehicle that is registered in Oregon and who is subject to**
21 **the vehicle road usage charge under section 2 of this 2011 Act.**

22 **"SECTION 2. Vehicle road usage charge; transitional rate.**

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

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

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

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

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

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

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

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

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

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

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

28 “(2) The Department of Transportation shall establish the methods
29 for identifying the motor vehicles that are subject to the vehicle road
30 usage charge imposed under section 2 of this 2011 Act and establish the

1 methods for collecting and reporting the number of miles the motor
2 vehicles traveled on the highways.

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

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

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

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

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

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

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

12 **“(g) Ease and cost of compliance by registered owners and lessees;**
13 **and**

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

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

18 **“(5) The department shall require that a vehicle subject to the ve-**
19 **hicle road usage charge imposed under section 2 of this 2011 Act be**
20 **capable of electronically reporting the odometer reading or be**
21 **equipped with technology approved by the department that is capable**
22 **of electronically reporting the odometer reading.**

23 **“(6) The department shall establish standards under an open system**
24 **for technology used in methods for identifying motor vehicles that are**
25 **subject to the vehicle road usage charge imposed under section 2 of**
26 **this 2011 Act and for technology used in methods for collecting and**
27 **reporting the number of miles the motor vehicles traveled on the**
28 **highways. In developing the standards and systems, the department**
29 **shall collaborate with state agencies to integrate information systems**
30 **currently in use or planned for future use.**

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

4 **SECTION 7. Refund of vehicle road usage charge in operation of**
5 **vehicle on certain roads or property.** (1) A registered owner or lessee
6 who pays the vehicle road usage charge imposed under section 2 of this
7 2011 Act may apply to the Department of Transportation for a refund
8 of those miles traveled upon any road, thoroughfare or property in
9 private ownership.

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

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

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

20 **SECTION 8. Investigation of refund applications.** The Department
21 of Transportation may investigate refund applications submitted under
22 section 7 of this 2011 Act and gather and compile information in regard
23 to the applications as the department considers necessary to safeguard
24 the state and prevent fraudulent practices in connection with tax re-
25 funds and tax evasion. The department may, in order to establish the
26 validity of any application, examine the books and records of the ap-
27 plicant for such purposes. If an applicant does not permit the depart-
28 ment to examine the applicant’s books and records, the applicant
29 waives all rights to a refund of the transaction questioned.

30 **SECTION 9. Allocation of moneys.** The moneys that the Depart-

1 ment of Transportation collects from the vehicle road usage charge
2 imposed under section 2 of this 2011 Act shall be allocated as follows:

3 “(1) 50 percent to the Department of Transportation.

4 “(2) 30 percent to counties for distribution as provided in ORS
5 366.762.

6 “(3) 20 percent to cities for distribution as provided in ORS 366.800.

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

13 “(2) On the date determined by the department under subsection (3)
14 of this section, the registered owner or lessee shall report the number
15 of miles the vehicle has traveled and pay to the department the
16 amount due under section 2 of this 2011 Act for the reporting period.
17 The number of miles reported shall be rounded up to the next whole
18 mile.

19 “(3) The department shall, by rule, establish the reporting period
20 for each motor vehicle subject to the vehicle road usage charge under
21 section 2 of this 2011 Act. The department may vary the length of the
22 reporting period based on the circumstances of each registered owner
23 or lessee. In determining the length of a reporting period, the depart-
24 ment shall consider the following:

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

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

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

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

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

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

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

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

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

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

19 “SECTION 12. Privacy of personally identifiable information. (1)
20 As used in this section, ‘personally identifiable information’ means
21 any information that identifies or describes a person, including, but
22 not limited to, the person’s travel pattern data, vehicle road usage
23 charge account number, address, telephone number, electronic mail
24 address, driver license or identification card number, registration plate
25 number, photograph, recorded images, bank account information and
26 credit card number.

27 “(2) Except as provided in subsections (3) and (4) of this section,
28 personally identifiable information used for reporting miles traveled
29 or for business services related to the collection of the vehicle road
30 usage charge described in section 2 of this 2011 Act is exempt from

1 disclosure under public records law, ORS 192.410 to 192.505.

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

8 “(a) The registered owner or lessee of the vehicle;

9 “(b) A financial institution, for the purpose of collecting vehicle
10 road usage charges owed;

11 “(c) Employees of the department;

12 “(d) An entity that has entered into an agreement with the de-
13 partment under ORS 367.806 for reporting miles traveled or for busi-
14 ness services related to the collection of vehicle road usage charges
15 and authorized employees of the entity;

16 “(e) A law enforcement officer who is acting in the officer’s official
17 capacity in connection with enforcement of vehicle road usage
18 charges; or

19 “(f) A contractor for an entity that has entered into an agreement
20 with the department under ORS 367.806 for reporting miles traveled
21 or for business services related to the collection of vehicle road usage
22 charges and authorized employees of the contractor, but only to the
23 extent the contractor provides services directly related to the entity’s
24 agreement with the department.

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

1 “(5) The department, in any agreement with an entity under ORS
2 367.806 for reporting miles traveled or for business services related to
3 the collection of vehicle road usage charges, shall provide for penalties
4 if the entity violates this section or any rule adopted under this sec-
5 tion.

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

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

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

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

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

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

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

27 “SECTION 15. ORS 319.280 is amended to read:

28 “319.280. (1) Any person who has paid any tax on motor vehicle fuel levied
29 or directed to be paid by ORS 319.010 to 319.430 either directly by the col-
30 lection of the tax by the vendor from the consumer, or indirectly by adding

1 the amount of the tax to the price of the fuel and paid by the consumer, shall
2 be reimbursed and repaid the amount of such tax paid, except as provided in
3 ORS 319.290 to 319.330, if such person has:

4 “(a) Purchased and used such fuel for the purpose of operating or pro-
5 pelling a stationary gas engine, a tractor or a motor boat, if the motor boat
6 is used for commercial purposes at any time during the period for which the
7 refund is claimed;

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

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

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

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

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

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

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

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

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

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

17 “(3) When a person purchases and uses motor vehicle fuel in a vehicle
18 equipped with a power take-off unit, a refund may be claimed for fuel used
19 to operate the power take-off unit provided the vehicle is equipped with a
20 metering device approved by the department and designed to operate only
21 while the vehicle is stationary and the parking brake is engaged; the quan-
22 tity of fuel measured by the metering device shall be presumed to be the
23 quantity of fuel consumed by the operation of the power take-off unit.

24 “(4) Before any such refund may be granted, the person claiming such
25 refund must present to the department a statement, accompanied by the ori-
26 ginal invoices, or reasonable facsimiles approved by the department, showing
27 such purchases; provided that in lieu of original invoices or facsimiles, re-
28 funds submitted under subsection (1)(d) of this section shall be accompanied
29 by information showing source of the fuel used and evidence of payment of
30 tax to the state in which the fuel was used. The statement shall be made over

1 the signature of the claimant, and shall state the total amount of such fuel
2 for which the claimant is entitled to be reimbursed under subsection (1) of
3 this section. The department upon the presentation of the statement and
4 invoices or facsimiles, or other required documents, shall cause to be repaid
5 to the claimant from the taxes collected on motor vehicle fuel such taxes so
6 paid by the claimant.

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

10 **“(b) The department may provide for refund thresholds that may**
11 **be met by aggregating refund amounts or by estimating gas tax re-**
12 **funds by vehicle type. If the person claiming the refund opts for an**
13 **estimated refund amount based on vehicle type, the department may**
14 **not require original invoices or reasonable facsimiles showing motor**
15 **vehicle fuel purchases.**

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

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

20 **“319.550. A person may not use fuel in a motor vehicle in this state unless**
21 **the person holds a valid user’s license, except that:**

22 **“(1) A nonresident may use fuel in a motor vehicle not registered in**
23 **Oregon for a period not exceeding 30 days without obtaining a user’s license**
24 **or the emblem provided in ORS 319.600, if, for all fuel used in a motor ve-**
25 **hicle in this state, the nonresident pays to a seller, at the time of the sale,**
26 **the tax provided in ORS 319.530.**

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

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

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

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

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

9 “(4) A user’s license is not required for a person who uses fuel in
10 a plug-in hybrid electric motor vehicle, as defined in section 1 of this
11 2011 Act, that also uses fuels subject to ORS 319.510 to 319.880.

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

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

18 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the
19 tax provided by ORS 319.530 at the time the fuel is sold, unless one of the
20 following situations applies:

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

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

29 “(c) A cardlock card is used for purchase of the fuel at an attended por-
30 tion of a retail facility equipped with a cardlock card reader, in which case

1 the cardlock card issuer licensed in this state is responsible for collecting
2 and remitting the tax unless the person making the purchase certifies to the
3 seller that the use of the fuel is exempt from the tax imposed under ORS
4 319.530.

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

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

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

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

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

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

20 “319.831. (1) If a user obtains fuel for use in a motor vehicle in this state
21 and pays the use fuel tax on the fuel obtained, the user may apply for a re-
22 fund of that part of the use fuel tax paid which is applicable to use of the
23 fuel to propel a motor vehicle:

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

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

27 “(c) Upon any road, thoroughfare or property, other than a state highway,
28 county road or city street, for the removal of forest products, as defined in
29 ORS 321.005, or the products of such forest products converted to a form
30 other than logs at or near the harvesting site, or for the construction or

1 maintenance of the road, thoroughfare or property, pursuant to a written
2 agreement or permit authorizing the use, construction or maintenance of the
3 road, thoroughfare or property, with or by:

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

5 “(B) The State Board of Forestry;

6 “(C) The State Forester; or

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

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

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

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

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

18 “(A) Such use upon the county road is pursuant to a written agreement
19 entered into with, or to a permit issued by, the State Board of Forestry, the
20 State Forester or an agency of the United States, authorizing such user to
21 use such road and requiring such user to pay for or to perform the con-
22 struction or maintenance of the county road;

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

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

29 “(h) By a school district or education service district of this state or the
30 contractors of a school district or education service district, for those vehi-

1 cles being used to transport students;

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

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

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

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

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

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

20 “(4) The department may require any person who applies for a refund
21 provided by subsection (1) of this section to furnish a statement, under oath,
22 giving the person’s occupation, description of the machines or equipment in
23 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
26 under subsection (1)(L) of this section as a credit against future vehi-
27 cle road usage charges under section 2 of this 2011 Act.**

28 **“SECTION 20.** ORS 367.802 is amended to read:

29 “367.802. As used in ORS 367.800 to 367.824:

30 “(1) ‘Agreement’ means a written agreement, including but not limited to

1 a contract, for a transportation project that is entered into under ORS
2 367.806.

3 “(2) ‘Private entity’ means any entity that is not a unit of government,
4 including but not limited to a corporation, partnership, company, nonprofit
5 organization or other legal entity or a natural person.

6 “(3) ‘Transportation project’ or ‘project’ means any proposed or existing
7 undertaking that facilitates any mode of transportation in this state **or that**
8 **facilitates the collection of the vehicle road usage charge imposed**
9 **under section 2 of this 2011 Act.**

10 “(4) ‘Unit of government’ means any department or agency of the federal
11 government, any state or any agency, office or department of a state, any
12 city, county, district, commission, authority, entity, port or other public
13 corporation organized and existing under statutory law or under a voter-
14 approved charter and any intergovernmental entity created under ORS
15 190.003 to 190.130, 190.410 to 190.440 or 190.480 to 190.490.

16 **“SECTION 21. Rules. In accordance with ORS chapter 183, the De-**
17 **partment of Transportation shall adopt rules for the implementation,**
18 **administration and enforcement of sections 1 to 12, 14 and 17 of this**
19 **2011 Act.**

20 **“SECTION 22. Operative date. (1) Sections 1, 2, 5 to 14, 17 and 21**
21 **of this 2011 Act and the amendments to ORS 319.280, 319.550, 319.665,**
22 **319.831 and 367.802 by sections 15, 16 and 18 to 20 of this 2011 Act be-**
23 **come operative on July 1, 2015.**

24 **“(2) The Department of Transportation may take any action before**
25 **the operative date specified in subsection (1) of this section that is**
26 **necessary to enable the department to exercise, on and after the op-**
27 **erative date specified in subsection (1) of this section, all the duties,**
28 **functions and powers conferred on the department by sections 1, 2, 5**
29 **to 14, 17 and 21 of this 2011 Act and the amendments to ORS 319.280,**
30 **319.550, 319.665, 319.831 and 367.802 by sections 15, 16 and 18 to 20 of this**

1 2011 Act.

2 **“SECTION 23. Applicability.** (1) Sections 1, 2, 5 to 14, 17 and 21 of
3 this 2011 Act and the amendments to ORS 319.280, 319.550, 319.665,
4 319.831 and 367.802 by sections 15, 16 and 18 to 20 of this 2011 Act first
5 apply to 2016 model year electric motor vehicles and plug-in hybrid
6 electric motor vehicles.

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

10 **“SECTION 24. Report by Department of Transportation.** No later
11 than October 1, 2012, the Department of Transportation shall report
12 to the interim legislative committees related to transportation and
13 revenue on the likelihood that the department could implement the
14 vehicle road usage charge imposed under section 2 of this 2011 Act
15 prior to July 1, 2015.

16 **“SECTION 25.** ORS 184.843 is amended to read:

17 “184.843. (1) There is created the Road User Fee Task Force.

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

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

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

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

27 “(c) Four members shall be appointed by the Governor, the Speaker and
28 the President acting jointly. In making appointments under this paragraph,
29 the appointing authorities shall consider individuals who are representative
30 of the telecommunications industry, of highway user groups, of the Oregon

1 transportation research community and of national research and policy-
2 making bodies such as the Transportation Research Board and the American
3 Association of State Highway and Transportation Officials.

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

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

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

10 “(4)(a) The term of a legislator appointed to the task force is four years
11 except that the legislator ceases to be a member of the task force when the
12 legislator ceases to be a legislator. A legislator may be reappointed to the
13 task force.

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

16 “(c) The term of a member of the task force appointed under subsection
17 (3)(d) or (e) of this section is four years except that the member ceases to
18 be a member of the task force when the member ceases to be a city or county
19 elected official. A city or county elected official may be reappointed to the
20 task force.

21 “(d) The term of a member of the Oregon Transportation Commission ap-
22 pointed to the task force is four years except that the member ceases to be
23 a member of the task force when the member ceases to be a member of the
24 commission. A member of the commission may be reappointed to the task
25 force.

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

30 “(6) The Department of Transportation shall provide staff to the task

1 force.

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

3 “(a) Study alternatives to the current system of taxing highway use
4 through motor vehicle fuel taxes. The task force shall gather public comment
5 on alternative approaches and shall make recommendations to the Depart-
6 ment of Transportation and the Oregon Transportation Commission on the
7 design of pilot programs to be used to test alternative approaches. The task
8 force may also make recommendations to the department and the commission
9 on criteria to be used to evaluate pilot programs. The task force may evalu-
10 ate any pilot program implemented by the department and report the results
11 of the evaluation to the Legislative Assembly, the department and the com-
12 mission.

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

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

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

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

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

24 “(B) **Adding out-of-state motorists to the vehicle road usage charge**
25 **system; and**

26 “(C) **Improving compliance with the requirement to pay the vehicle**
27 **road usage charge.**

28 “[8) *In addition to the requirements of subsection (9) of this section, the*
29 *task force shall propose to the Seventy-second Legislative Assembly options for*
30 *the design of a revenue collection system for Oregon’s roads and highways that*

1 *would replace the current system for revenue collection.]*

2 “[~~(9)~~] (8) The task force shall report to each regular session of the Leg-
3 islative Assembly on the work of the task force, the department and the
4 commission in designing, implementing and evaluating pilot programs.

5 “[~~(10)~~] (9) Official action by the task force requires the approval of a
6 majority of the members of the task force.

7 “[~~(11)~~] (10) Notwithstanding ORS 171.130 and 171.133, the task force by
8 official action may recommend legislation. Legislation recommended by the
9 task force must indicate that it is introduced at the request of the task force.
10 Legislative measures proposed by the task force shall be prepared in time for
11 presession filing with the Legislative Counsel by December 15 of the year
12 preceding a regular session of the Legislative Assembly.

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

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