

Enrolled House Bill 2263

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Transportation)

CHAPTER

AN ACT

Relating to motor vehicles; amending ORS 184.642, 822.084, 822.700 and 822.705.

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

SECTION 1. ORS 822.084 is amended to read:

822.084. (1) A person who organizes a show, as defined in ORS 822.083, shall apply to the Department of Transportation at least 30 days prior to the commencement of the show for a show license for each recreational vehicle dealer participating in the show. The application must include for each dealer participating in the show the name under which the business is being conducted and the street address, city and county of the dealer's place of business, both as listed in the dealer certificate application described in ORS 822.025.

[(2) The department may establish an appropriate fee schedule for show licenses.]

(2) A person who receives a show license from the department shall pay the fee for a show license established under ORS 822.700.

(3) The department may adopt all rules necessary and proper for the administration and enforcement of ORS 822.082 to 822.084.

SECTION 2. ORS 822.700 is amended to read:

822.700. (1) Fee for issuance of dismantler certificates:

(a) *[\$450]* **\$800**, for an original dismantler certificate covering a single place of business issued under ORS 822.110;

(b) *[\$90]* **\$800**, for a supplemental certificate for each additional place of business to be covered by that certificate and operated under the same name; and

(c) *[\$30]* **\$40**, for each duplicate dismantler certificate issued under ORS 822.110.

(2) Fee for renewal of dismantler certificate under ORS 822.125, *[\$450]*:

(a) \$800, for renewal of a dismantler certificate covering a single place of business; and

(b) \$800, for renewal of each supplemental certificate for each additional place of business to be covered by the certificate and operated under the same name.

(3) If a dismantler fails to pay a fee required under this section on or before the date the fee is due, there shall be added as a late payment charge a fee of \$150.

[(3)] (4) Fee for original issuance of vehicle dealer certificate under ORS 822.020:

(a) *[\$958]* **\$1,100**, for a certificate covering a single place of business;

(b) *[\$230]* **\$350**, for each additional place of business to be covered by the certificate and operated under the same name; and

(c) \$30, for each corrected vehicle dealer certificate issued under ORS 822.040.

[(4)] (5) Fee for renewal of vehicle dealer certificate under ORS 822.040:

(a) [~~\$958~~] **\$1,100**, for renewal of a vehicle dealer certificate covering a single place of business; and

(b) [~~\$230~~] **\$350**, for each additional place of business to be covered by the certificate and operated under the same name.

(6) If a vehicle dealer fails to pay a fee required under this section on or before the date the fee is due, there shall be added as a late payment charge a fee of \$150.

(7) Fee for show license issued under ORS 822.084, \$50.

[(5)] **(8)** Fee for issuance of towing business certificate under ORS 822.205, \$17 for each vehicle used for towing or recovery purposes.

[(6)] **(9)** Fee for renewal of towing business certificate under ORS 822.210, \$17 for each vehicle used for towing or recovery purposes.

[(7)] **(10)** Fee for issuance of vehicle transporter certificate under ORS 822.310, \$150.

[(8)] **(11)** Fee for renewal of vehicle transporter certificate under ORS 822.310, \$150.

[(9)] **(12)** Fee for issuance of driver training instructor certificate under ORS 822.530, \$100.

[(10)] **(13)** Fee for renewal of driver training **instructor** certificate under ORS 822.530, \$100.

[(11)] **(14)** Fee for issuance of commercial driver training school certificate under ORS 822.515, \$200.

[(12)] **(15)** Fee for renewal of commercial driver training school certificate under ORS 822.515, \$200.

[(13)] **(16)** Fee for issuance of vehicle appraiser certificate under ORS 819.480, [~~\$75~~] **\$100**.

[(14)] **(17)** Fee for renewal of vehicle appraiser certificate under ORS 819.480, [~~\$75~~] **\$100**.

SECTION 3. ORS 822.705 is amended to read:

822.705. Each person holding or applying for a current vehicle dealer certificate shall pay a fee of [~~\$42~~] **\$75** to the Department of Transportation upon application for issuance or renewal of a certificate. Moneys from the fee are continuously appropriated to the department for the purpose of carrying out the provisions of ORS 822.007, 822.009 and 822.080. The fee imposed under this section is in addition to fees under ORS 822.700 for issuance and renewal of a vehicle dealer certificate.

SECTION 4. ORS 184.642 is amended to read:

184.642. (1) The Department of Transportation Operating Fund is established in the State Treasury separate and distinct from the General Fund and separate and distinct from the State Highway Fund. Except as otherwise provided in subsection (3)(e) of this section, moneys in the Department of Transportation Operating Fund are continuously appropriated to the Department of Transportation to pay expenses of the department that are incurred in the performance of functions the department is statutorily required or authorized to perform and that may not constitutionally be paid from revenues described in section 3a, Article IX of the Oregon Constitution.

(2) The operating fund shall consist of the following:

(a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor vehicle for which a person is entitled to a refund under a provision described in this paragraph but for which no refund is claimed, in amounts determined under ORS 184.643. This paragraph applies to refund entitlements described in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

(b) Fees collected under ORS 822.700 for issuance or renewal of:

(A) Dismantler certificates;

(B) Vehicle dealer certificates;

(C) Show licenses;

(D) Vehicle transporter certificates;

[(C)] **(E)** Driver training **instructor** certificates;

[(D)] **(F)** Commercial driver training school certificates; and

[(E)] **(G) Vehicle** appraiser certificates.

(c) Late fees collected under ORS 822.700.

[(c)] **(d)** Fees collected under ORS 822.705.

[(d)] **(e)** Moneys from civil penalties imposed under ORS 822.009.

[(e)] **(f)** Fees collected under ORS 807.410 for identification cards.

[(f)] (g) Fees collected by the department for issuance of permits to engage in activities described in ORS 374.302 to 374.330 that are not directly connected to the construction, reconstruction, improvement, repair, maintenance, operation and use of a public highway, road, street or roadside rest area.

[(g)] (h) Fees collected under ORS 835.017 for services provided to the Oregon Department of Aviation.

[(h)] (i) Interest and other earnings on moneys in the operating fund.

(3) Moneys in the Department of Transportation Operating Fund established by subsections (1) and (2) of this section may be spent only as follows:

(a) Taxes described in subsection (2)(a) of this section may be used only for payment of expenses of the Department of Transportation that:

(A) May not constitutionally be paid from revenues described in section 3a, Article IX of the Oregon Constitution;

(B) Are incurred in the performance of functions the department is statutorily required or authorized to perform; and

(C) Are not payable from moneys described in paragraphs (b) to (e) of this subsection.

(b) Fees collected under subsection (2)(b) of this section may be used only to carry out the regulatory functions of the department relating to the businesses that generate the fees.

(c) Fees collected under ORS 822.705 may be used only for the purposes described in ORS 822.705.

(d) Moneys collected from civil penalties imposed under ORS 822.009 may be used only for regulation of vehicle dealers.

(e) Moneys collected under ORS 807.410 from fees for identification cards shall be used first to pay the expenses of the department for performing the functions of the department relating to identification cards. After paying the expenses related to identification cards, the department shall transfer the remaining moneys collected under ORS 807.410 to the Elderly and Disabled Special Transportation Fund established in ORS 391.800.

(f) Moneys from the permits described in subsection [(2)(f)] (2)(g) of this section may be used for costs of issuing the permits and monitoring the activities that generate the fees.

(g) Moneys from interest and other earnings on moneys in the operating fund may be used for any purpose for which other moneys in the fund may be used.

Passed by House May 28, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 6, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State