

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2453

By COMMITTEE ON REVENUE

May 20

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” delete the rest of the line and
2 insert “184.846, 305.410, 319.280, 319.550.”

3 In line 3, after “366.505,” insert “367.173, 367.605.”

4 Delete lines 6 through 21 and delete pages 2 through 16 and insert:

“DEFINITIONS

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8 “SECTION 1. Sections 2 to 14 of this 2013 Act are added to and made a part of ORS
9 chapter 319.

10 “SECTION 2. As used in sections 2 to 14 of this 2013 Act:

11 “(1) ‘Highway’ has the meaning given that term in ORS 801.305.

12 “(2) ‘Lessee’ means a person that leases a motor vehicle that is required to be registered
13 in Oregon.

14 “(3) ‘Mandatory vehicle’ means a motor vehicle of a model year of 2015 or later that has
15 a rating, as determined under a method established pursuant to section 6 of this 2013 Act,
16 of 55 miles per gallon of gasoline or above or 55 miles per gallon of gasoline equivalent or
17 above.

18 “(4)(a) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

19 “(b) Notwithstanding paragraph (a) of this subsection, ‘motor vehicle’ does not mean:

20 “(A) A motor vehicle designed to travel with fewer than four wheels in contact with the
21 ground.

22 “(B) A motor vehicle subject to the weight-mile tax imposed under ORS 825.474.

23 “(5) ‘Registered owner’ means a person, other than a vehicle dealer that holds a certifi-
24 cate issued under ORS 822.020, that is required to register a motor vehicle in Oregon.

25 “(6) ‘Subject vehicle’ means a mandatory vehicle or a voluntary vehicle.

26 “(7) ‘Voluntary vehicle’ means a motor vehicle that has a rating, as determined under a
27 method established pursuant to section 6 of this 2013 Act, of less than 55 miles per gallon
28 of gasoline or less than 55 miles per gallon of gasoline equivalent.

“ROAD USAGE CHARGES

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32 “SECTION 3. (1)(a) Except as provided in paragraph (b) of this subsection, the registered
33 owner of a mandatory vehicle shall pay a per-mile road usage charge for metered use by the
34 mandatory vehicle of the highways in Oregon.

35 “(b) During the term of a lease, the lessee of a mandatory vehicle shall pay the per-mile

1 road usage charge for metered use by the mandatory vehicle of the highways in Oregon.

2 “(2) The registered owner or lessee of a voluntary vehicle whose application has been
3 approved pursuant to section 6a of this 2013 Act shall pay the per-mile road usage charge
4 imposed under this section for metered use by the voluntary vehicle of the highways in
5 Oregon.

6 “(3) The per-mile road usage charge is 1.55 cents per mile.

7 “SECTION 4. (1) Notwithstanding section 3 of this 2013 Act, in lieu of paying a per-mile
8 road usage charge, a registered owner or lessee of a mandatory vehicle may pay a flat annual
9 road usage charge for use of the highways in Oregon in an amount equal to the product of
10 1.55 cents multiplied by 35,000 miles.

11 “(2) For-hire carriers as defined in ORS 825.005 may not opt to pay the flat annual road
12 usage charge.

13
14 “REVENUE

15
16 “SECTION 5. Moneys collected from the road usage charges imposed under sections 3 and
17 4 of this 2013 Act shall be deposited in the State Highway Fund and allocated for distribution
18 as follows:

19 “(1) 50 percent to the Department of Transportation.

20 “(2) 30 percent to counties for distribution as provided in ORS 366.762.

21 “(3) 20 percent to cities for distribution as provided in ORS 366.800.

22
23 “ADMINISTRATION

24
25 “SECTION 6. (1) As used in this section, ‘open system’ means an integrated system based
26 on common standards and an operating system that has been made public so that compo-
27 nents performing the same function can be readily substituted or provided by multiple pro-
28 viders.

29 “(2)(a) The Department of Transportation, in consultation with the Road User Fee Task
30 Force, shall establish the methods for:

31 “(A) Identifying the motor vehicles that are mandatory vehicles; and

32 “(B) Recording and reporting the number of miles that subject vehicles travel on high-
33 ways.

34 “(b) When taking action under this subsection, the department shall consider:

35 “(A) The accuracy of the data collected;

36 “(B) Privacy options for persons liable for the per-mile road usage charge;

37 “(C) The security of the technology;

38 “(D) The resistance of the technology to tampering;

39 “(E) The ability to audit compliance; and

40 “(F) Other relevant factors that the department deems important.

41 “(c) The department shall establish at least one method of collecting and reporting the
42 number of miles traveled by a subject vehicle that does not use vehicle location technology.

43 “(d)(A) The department shall adopt standards for open system technology used in meth-
44 ods established under this subsection.

45 “(B) In adopting standards pursuant to this paragraph, the department shall collaborate

1 with agencies of the executive department as defined in ORS 174.112 to integrate information
2 systems currently in use or planned for future use.

3 “(3) The department shall provide the persons liable for the per-mile road usage charge
4 the opportunity to select a method from among multiple options for identifying a mandatory
5 vehicle and for collecting and reporting the metered use by a subject vehicle of the highways
6 in Oregon.

7 “SECTION 6a. (1) A person wishing to pay the per-mile road usage charge imposed under
8 section 3 of this 2013 Act for a voluntary vehicle must apply to the Department of Trans-
9 portation on a form prescribed by the department.

10 “(2) The department shall approve a valid and complete application submitted under this
11 section if:

12 “(a) The applicant is the registered owner or lessee of a voluntary vehicle;

13 “(b) The voluntary vehicle is equipped with a method selected pursuant to section 6 of
14 this 2013 Act for collecting and reporting the metered use by the voluntary vehicle of the
15 highways in Oregon;

16 “(c) The voluntary vehicle has a gross vehicle weight rating of 10,000 pounds or less; and

17 “(d) Approval does not cause the number of voluntary vehicles active in the road usage
18 charge program on the date of approval to exceed 5,000.

19 “(3) Approval of an application under this section subjects the applicant to the require-
20 ments of section 10a of this 2013 Act until the person ends the person’s voluntary partic-
21 ipation in the road usage charge program in the manner required under subsection (4) of this
22 section.

23 “(4) A person may end the person’s voluntary participation in the road usage charge
24 program at any time by notifying the department and paying any outstanding amount of road
25 usage charge for metered use by the person’s voluntary vehicle.

26 “SECTION 7. The Department of Transportation shall provide by rule for the collection
27 of the road usage charges imposed under sections 3 and 4 of this 2013 Act, including penalties
28 and interest imposed on delinquent charges.

29 “SECTION 8. (1) The Department of Transportation shall establish by rule reporting pe-
30 riods for the road usage charges imposed under sections 3 and 4 of this 2013 Act.

31 “(2) Reporting periods established under this section may vary according to the facts and
32 circumstances applicable to classes of registered owners, lessees and subject vehicles.

33 “(3) In establishing reporting periods, the department shall consider:

34 “(a) The effort required by registered owners or lessees to report metered use and to pay
35 the per-mile road usage charge;

36 “(b) The amount of the per-mile road usage charge owed;

37 “(c) The cost to the registered owner or lessee of reporting metered use and of paying
38 the per-mile road usage charge;

39 “(d) The administrative cost to the department; and

40 “(e) Other relevant factors that the department deems important.

41 “SECTION 9. (1) As used in this section:

42 “(a) ‘Certified service provider’ means an entity that has entered into an agreement with
43 the Department of Transportation under ORS 367.806 for reporting metered use by a subject
44 vehicle or for administrative services related to the collection of per-mile road usage charges
45 and authorized employees of the entity.

1 “(b) ‘Personally identifiable information’ means any information that identifies or de-
2 scribes a person, including, but not limited to, the person’s travel pattern data, per-mile road
3 usage charge account number, address, telephone number, electronic mail address, driver
4 license or identification card number, registration plate number, photograph, recorded im-
5 ages, bank account information and credit card number.

6 “(c) ‘VIN summary report’ means a monthly report by the department or a certified
7 service provider that includes a summary of all vehicle identification numbers of subject
8 vehicles and associated total metered use during the month. The report may not include lo-
9 cation information.

10 “(2) Except as provided in subsections (3) and (4) of this section, personally identifiable
11 information used for reporting metered use or for administrative services related to the
12 collection of the per-mile road usage charge imposed under section 3 of this 2013 Act is
13 confidential within the meaning of ORS 192.502 (9)(a) and is a public record exempt from
14 disclosure under ORS 192.410 to 192.505.

15 “(3)(a) The department, a certified service provider or a contractor for a certified service
16 provider may not disclose personally identifiable information used or developed for reporting
17 metered use by a subject vehicle or for administrative services related to the collection of
18 per-mile road usage charges to any person except:

19 “(A) The registered owner or lessee;

20 “(B) A financial institution, for the purpose of collecting per-mile road usage charges
21 owed;

22 “(C) Employees of the department;

23 “(D) A certified service provider;

24 “(E) A contractor for a certified service provider, but only to the extent the contractor
25 provides services directly related to the certified service provider’s agreement with the de-
26 partment;

27 “(F) An entity expressly approved to receive the information by the registered owner or
28 lessee of the subject vehicle; or

29 “(G) A police officer pursuant to a valid court order based on probable cause and issued
30 at the request of a federal, state or local law enforcement agency in an authorized criminal
31 investigation involving a person to whom the requested information pertains.

32 “(b) Disclosure under paragraph (a) of this subsection is limited to personally identifiable
33 information necessary to the respective recipient’s function under sections 2 to 14 of this
34 2013 Act.

35 “(4)(a) Not later than 30 days after completion of payment processing, dispute resolution
36 for a single reporting period or a noncompliance investigation, whichever is latest, the de-
37 partment and certified service providers shall destroy records of the location and daily me-
38 tered use of subject vehicles.

39 “(b) Notwithstanding paragraph (a) of this subsection:

40 “(A) For purposes of traffic management and research, the department and certified
41 service providers may retain, aggregate and use information in the records after removing
42 personally identifiable information.

43 “(B) A certified service provider may retain the records if the registered owner or lessee
44 consents to the retention. Consent under this subparagraph does not entitle the department
45 to obtain or use the records or the information contained in the records.

1 tation for a refund for metered use of a road, thoroughfare or property in private ownership.

2 “(2) An application for a refund under this section must be submitted to the department
3 within 15 months after the date on which the per-mile road usage charge for which a refund
4 is claimed is paid.

5 “(3) The application required under this section shall be in a form prescribed by the de-
6 partment by rule and must include a signed statement by the applicant indicating the num-
7 ber of miles for which the refund is claimed.

8 “(4) The department may require the applicant for a refund under this section to furnish
9 any information the department considers necessary for processing the application.

10 “**SECTION 13.** (1) The Department of Transportation may investigate a refund application
11 submitted under section 12 of this 2013 Act and gather and compile such information related
12 to the application as the department considers necessary to safeguard the state and prevent
13 fraudulent practices in connection with tax refunds and tax evasion.

14 “(2) The department may, in order to establish the validity of an application, examine the
15 relevant records of the applicant for such purposes.

16 “(3) If an applicant does not permit the department to examine the relevant records, the
17 applicant waives all rights to the refund to which the application relates.

18 “**SECTION 14.** (1) A person may not intentionally make a false statement in a report or
19 refund application or when supplying other information required under section 10, 10a or 12
20 of this 2013 Act.

21 “(2) A person may not intentionally apply for, receive or attempt to receive a refund
22 under section 11 or 12 of this 2013 Act to which the person is not entitled.

23 “(3) A person may not intentionally aid or assist another person to violate any provision
24 of section 10, 10a, 11 or 12 of this 2013 Act.

25 “(4) A person who violates any provision of this section commits a Class A violation.

26 “**SECTION 15.** ORS 319.550 is amended to read:

27 “319.550. (1) **Except as provided in this section,** a person may not use fuel in a motor vehicle
28 in this state unless the person holds a valid user’s license.[, *except that:*]

29 “[*1*] (2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period
30 not exceeding 30 days without obtaining a user’s license or the emblem [*provided in*] **issued under**
31 ORS 319.600, if, for all fuel used in a motor vehicle in this state, the nonresident pays to a seller,
32 at the time of the sale, the tax provided in ORS 319.530.

33 “[*2*] (3) A user’s license is not required for a person who uses fuel in a motor vehicle with a
34 combined weight of 26,000 pounds or less if, for all fuel used in a motor vehicle in this state, the
35 person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

36 “[*3*] (4)(a) A user’s license is not required for a person who uses fuel as described in ORS
37 319.520 (7) in the vehicles specified in [*subsection (4) of this section*] **this subsection** if the person
38 pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

39 “[*4*] (b) [*Subsection (3) of this section*] **Paragraph (a) of this subsection** applies to the fol-
40 lowing vehicles:

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

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

43 “(5) A user’s license is not required for a person who uses fuel in a motor vehicle me-
44 tered use by which is subject to the per-mile road usage charge imposed under section 3 of
45 this 2013 Act.

1 “**SECTION 16.** ORS 319.831 is amended to read:

2 “319.831. (1) If a user obtains fuel for use in a motor vehicle in this state and pays the use fuel
3 tax on the fuel obtained, the user may apply for a refund of that part of the use fuel tax paid which
4 is applicable to use of the fuel to propel a motor vehicle:

5 “(a) In another state, if the user pays to the other state an additional tax 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, county road or city
8 street, for the removal of forest products, as defined in ORS 321.005, or the products of such forest
9 products converted to a form other than logs at or near the harvesting site, or for the construction
10 or maintenance of the road, thoroughfare or property, pursuant to a written agreement or permit
11 authorizing the use, construction or maintenance of the road, thoroughfare or property, with or by:

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

13 “(B) The State Board of Forestry;

14 “(C) The State Forester; or

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

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

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

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

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

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

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

31 “(C) Copies of the agreements or permits required by subparagraphs (A) and (B) of this para-
32 graph are filed with the Department of Transportation;

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

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

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

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

39 “(L) **In metered use subject to the per-mile road usage charge imposed under section 3**
40 **of this 2013 Act if the user has paid the charge.**

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

43 “(3) The application for a refund provided by subsection (1) of this section shall include a signed
44 statement by the applicant indicating the amount of fuel for which a refund is claimed, and the way
45 in which the fuel was used which qualifies the applicant for a refund. If the fuel upon which the

1 refund is claimed was obtained from a seller to whom the use fuel tax was paid, the application shall
2 be supported by the invoices which cover the purchase of the fuel. If the applicant paid the use fuel
3 tax directly to the department, the applicant shall indicate the source of the fuel and the date it
4 was obtained.

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

9 “(5)(a) **The department may provide by rule that a refund under subsection (1)(L) of this**
10 **section be granted as a credit against future per-mile road usage charges incurred by the**
11 **user under section 3 of this 2013 Act.**

12 “(b)(A) **The department may provide by rule for refund thresholds that are met by ag-**
13 **gregating refund amounts or by estimating use fuel tax refunds by vehicle type, at the option**
14 **of the user applying for the refund.**

15 “(B) **If the user applying for the refund opts for an estimated refund based on vehicle**
16 **type, the requirement under subsection (3) of this section that a refund application must be**
17 **supported by the invoices covering the purchase of the fuel does not apply.**

18 “**SECTION 17.** ORS 319.280 is amended to read:

19 “319.280. (1) Any person who has paid any tax on motor vehicle fuel levied or directed to be paid
20 by ORS 319.010 to 319.430 either directly by the collection of the tax by the vendor from the con-
21 sumer, or indirectly by adding the amount of the tax to the price of the fuel and paid by the con-
22 sumer, shall be reimbursed and repaid the amount of such tax paid, except as provided in ORS
23 319.290 to 319.330, if such person has:

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

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

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

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

34 “(B) Has a valid motor vehicle fuel dealer’s license or its equivalent issued by the state, terri-
35 tory or country to which the fuel is exported and where it is unloaded;

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

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

44 “(f) **Purchased and used such fuel for operating a motor vehicle the metered use of which**
45 **is subject to the per-mile road usage charge imposed under section 3 of this 2013 Act, if the**

1 **person has paid the charge.**

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

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

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

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

21 “(4)(a) **The department may provide by rule that a refund under subsection (1)(f) of this**
22 **section be granted as a credit against future per-mile road usage charges incurred by the**
23 **person under section 3 of this 2013 Act.**

24 “(b)(A) **The department may provide by rule for refund thresholds that are met by ag-**
25 **gregating refund amounts or by estimating motor vehicle fuel tax refunds by vehicle type,**
26 **at the option of the person claiming the refund.**

27 “(B) **If the person claiming the refund opts for an estimated refund based on vehicle type,**
28 **the requirement under subsection (5) of this section that the person claiming the refund**
29 **must present original invoices or reasonable facsimiles showing motor vehicle fuel purchases**
30 **does not apply.**

31 “[4] (5) Before any such refund may be granted, the person claiming such refund must present
32 to the department a statement, accompanied by the original invoices, or reasonable facsimiles ap-
33 proved by the department, showing such purchases; provided that in lieu of original invoices or
34 facsimiles, refunds submitted under subsection (1)(d) of this section shall be accompanied by infor-
35 mation showing source of the fuel used and evidence of payment of tax to the state in which the fuel
36 was used. The statement shall be made over the signature of the claimant, and shall state the total
37 amount of such fuel for which the claimant is entitled to be reimbursed under subsection (1) of this
38 section. The department upon the presentation of the statement and invoices or facsimiles, or other
39 required documents, shall cause to be repaid to the claimant from the taxes collected on motor ve-
40 hicle fuel such taxes so paid by the claimant.

41
42 **“PENALTIES**

43
44 **“SECTION 18. Section 19 of this 2013 Act is added to and made a part of the Oregon**
45 **Vehicle Code.**

1 “(3) ‘Transportation project’ or ‘project’ means any proposed or existing undertaking that facil-
2 itates:

3 “(a) Any mode of transportation in this state [or that facilitates];

4 “(b) The collection of taxes and fees as an alternative to the motor vehicle fuel taxes imposed
5 under ORS 319.020 and 319.530[.]; or

6 “(c) **The collection of the per-mile road usage charge imposed under section 3 of this 2013**
7 **Act.**

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

13 “**SECTION 22.** ORS 367.804 is amended to read:

14 “367.804. (1) The Department of Transportation shall establish the Oregon Innovative Partner-
15 ships Program for the planning, acquisition, financing, development, design, construction, recon-
16 struction, replacement, improvement, maintenance, management, repair, leasing and operation of
17 transportation projects.

18 “(2) The goals of the **Oregon Innovative Partnerships** Program are to:

19 “(a) Develop an expedited project delivery process;

20 “(b) Maximize innovation; and

21 “(c) Develop partnerships with private entities and units of government.

22 “(3) As part of the program established under this section[.];

23 “(a) The department may:

24 “[a] **(A)** Solicit concepts or proposals for transportation projects from private entities and units
25 of government.

26 “[b] **(B)** Accept unsolicited concepts or proposals for transportation projects from private en-
27 tities and units of government.

28 “[c] **(C)** Evaluate the concepts or proposals received under this subsection and select potential
29 projects based on the concepts or proposals. The evaluation under this [paragraph] **subparagraph**
30 shall include consultation with any appropriate local government, metropolitan planning organiza-
31 tion or area commission on transportation.

32 “[d] **(D)** Charge an administrative fee for the evaluation in an amount determined by the de-
33 partment.

34 “**(b) The department shall enter into agreements to undertake transportation projects**
35 **described in ORS 367.806 (2).**

36 “(4) Following an evaluation by the department of concepts or proposals [submitted] **the de-**
37 **partment receives** under subsection (3)(a) of this section, and the selection of potential transpor-
38 tation projects, the department may negotiate and enter into the agreements described in ORS
39 367.806 for implementing the selected transportation projects.

40 “(5) Except as provided in subsection (6) of this section:

41 “(a) Information related to a transportation project proposed under ORS 367.800 to 367.824, in-
42 cluding but not limited to the project’s design, management, financing and other details, is exempt
43 from disclosure under ORS 192.410 to 192.505 until:

44 “(A) The department shares the information with a local government, metropolitan planning or-
45 ganization or area commission on transportation under subsection [(3)(c)] **(3)(a)(C)** of this section;

1 or

2 “(B) The department completes its evaluation of the proposed project and has selected the pro-
3 posal for negotiation of an agreement.

4 “(b) After the department has either shared the information described in paragraph (a) of this
5 subsection with a local government, metropolitan planning organization or area commission on
6 transportation, or has completed its evaluation of the proposed project, the information is subject
7 to disclosure under ORS 192.410 to 192.505.

8 “(6) Sensitive business, commercial or financial information that is not customarily provided to
9 business competitors that is submitted to the department in connection with a transportation project
10 under ORS 367.800 to 367.824 is exempt from disclosure under ORS 192.410 to 192.505 until the in-
11 formation is submitted to the Oregon Transportation Commission in connection with its review and
12 approval of the transportation project under ORS 367.806.

13 “(7) The department may, in connection with the evaluation of concepts or proposals for trans-
14 portation projects, consider any financing mechanisms, including but not limited to the imposition
15 and collection of franchise fees or user fees and the development or use of other revenue sources.

16 “(8) The department and any other unit of government may expend, out of any funds available
17 for the purpose, such moneys as may be necessary for the evaluation of concepts or proposals for
18 transportation projects and for negotiating agreements for transportation projects under ORS
19 367.806. The department or other unit of government may employ engineers, consultants or other
20 experts the department or other unit of government determines are needed for the purposes of doing
21 the evaluation and negotiation. Expenses incurred by the department or other unit of government
22 under this subsection prior to the issuance of transportation project revenue bonds or other fi-
23 nancing shall be paid by the department or other unit of government, as applicable, and charged to
24 the appropriate transportation project. The department or other unit of government shall keep re-
25 cords and accounts showing each amount so charged. Upon the sale of transportation project re-
26 venue bonds or upon obtaining other financing for any transportation project, the funds expended
27 by the department or other unit of government under this subsection in connection with the project
28 shall be repaid to the department or the unit of government from the proceeds of the bonds or other
29 financing, as allowed by applicable law.

30 “**SECTION 23.** ORS 367.806 is amended to read:

31 “367.806. (1) As part of the **Oregon Innovative Partnerships** Program established under ORS
32 367.804, the Department of Transportation may:

33 “(a) Enter into any agreement or any configuration of agreements relating to transportation
34 projects with any private entity or unit of government or any configuration of private entities and
35 units of government. The subject of agreements entered into under this section may include, but
36 need not be limited to, planning, acquisition, financing, development, design, construction, recon-
37 struction, replacement, improvement, maintenance, management, repair, leasing and operation of
38 transportation projects.

39 “(b) Include in any agreement entered into under this section any financing mechanisms, in-
40 cluding but not limited to the imposition and collection of franchise fees or user fees and the de-
41 velopment or use of other revenue sources.

42 “(2) **As part of the Oregon Innovative Partnerships Program established under ORS**
43 **367.804, the department shall enter into agreements to undertake transportation projects the**
44 **subjects of which include the application of technology standards to determine whether to**
45 **certify technology, the collection of metered use data, tax processing and account manage-**

1 **ment, as these subjects relate to the operation of a road usage charge system pursuant to**
2 **sections 2 to 14 of this 2013 Act.**

3 “[2)] (3) The agreements among the public and private sector partners entered into under this
4 section must specify at least the following:

5 “(a) At what point in the transportation project public and private sector partners will enter the
6 project and which partners will assume responsibility for specific project elements;

7 “(b) How the partners will share management of the risks of the project;

8 “(c) How the partners will share the costs of development of the project;

9 “(d) How the partners will allocate financial responsibility for cost overruns;

10 “(e) The penalties for nonperformance;

11 “(f) The incentives for performance;

12 “(g) The accounting and auditing standards to be used to evaluate work on the project; and

13 “(h) Whether the project is consistent with the plan developed by the Oregon Transportation
14 Commission under ORS 184.618 and any applicable regional transportation plans or local transpor-
15 tation system programs and, if not consistent, how and when the project will become consistent with
16 applicable plans and programs.

17 “[3)] (4) The department may, either separately or in combination with any other unit of gov-
18 ernment, enter into working agreements, coordination agreements or similar implementation agree-
19 ments to carry out the joint implementation of any transportation project selected under ORS
20 367.804.

21 “[4)] (5) Except for ORS 383.015, 383.017 (1), (2), (3) and (5) and 383.019, the provisions of ORS
22 383.003 to 383.075 apply to any tollway project entered into under ORS 367.800 to 367.824.

23 “[5)] (6) The provisions of ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C do
24 not apply to concepts or proposals submitted under ORS 367.804, or to agreements entered into un-
25 der this section, except that if public moneys are used to pay any costs of construction of public
26 works that is part of a project, the provisions of ORS 279C.800 to 279C.870 apply to the public
27 works. In addition, if public moneys are used to pay any costs of construction of public works that
28 is part of a project, the construction contract for the public works must contain provisions that re-
29 quire the payment of workers under the contract in accordance with ORS 279C.540 and 279C.800 to
30 279C.870.

31 “[6)(a)] (7)(a) The department may not enter into an agreement under this section until the
32 agreement is reviewed and approved by the Oregon Transportation Commission.

33 “(b) The department may not enter into, and the commission may not approve, an agreement
34 under this section for the construction of a public improvement as part of a transportation project
35 unless the agreement provides for bonding, financial guarantees, deposits or the posting of other
36 security to secure the payment of laborers, subcontractors and suppliers who perform work or pro-
37 vide materials as part of the project.

38 “(c) Before presenting an agreement to the commission for approval under this subsection, the
39 department must consider whether to implement procedures to promote competition among subcon-
40 tractors for any subcontracts to be let in connection with the transportation project. As part of its
41 request for approval of the agreement, the department shall report in writing to the commission its
42 conclusions regarding the appropriateness of implementing such procedures.

43 “[7)(a)] (8)(a) Except as provided in paragraph (b) of this subsection, documents, communi-
44 cations and information developed, exchanged or compiled in the course of negotiating an agreement
45 with a private entity under this section are exempt from disclosure under ORS 192.410 to 192.505.

1 “(b) The documents, communications or information described in paragraph (a) of this subsection
2 are subject to disclosure under ORS 192.410 to 192.505 when the documents, communications or in-
3 formation are submitted to the commission in connection with its review and approval of a trans-
4 portation project under subsection [(6)] (7) of this section.

5 “[8)] (9) The terms of a final agreement entered into under this section and the terms of a
6 proposed agreement presented to the commission for review and approval under subsection [(6)] (7)
7 of this section are subject to disclosure under ORS 192.410 to 192.505.

8 “[9)] (10) As used in this section:

9 “(a) ‘Public improvement’ has the meaning given that term in ORS 279A.010.

10 “(b) ‘Public works’ has the meaning given that term in ORS 279C.800.

11 “**SECTION 24.** ORS 803.350 is amended to read:

12 “803.350. [*This section establishes the requirements for qualification for registration.*] The Depart-
13 ment of Transportation [*shall*] **may** not issue registration to a vehicle if the requirements under this
14 section are not met. The department, in the absence of just cause for refusing to register a vehicle
15 upon application, shall assign a distinctive number or other distinctive means of identification and
16 shall issue registration for a vehicle if all of the following requirements are met:

17 “(1) The applicant applies for and is granted title in the applicant’s name at the same time the
18 person makes application for registration, or presents satisfactory evidence that title covering the
19 vehicle has been previously issued to the applicant.

20 “(2) The applicant completes an application described under ORS 803.370. If the vehicle is a
21 reconstructed or assembled vehicle or a replica, the person must indicate that fact in the application
22 or be subject to ORS 803.225.

23 “(3) The applicant pays the department the registration fee established under ORS 803.420 and
24 any applicable fees for issuance of registration plates.

25 “(4) For motor vehicles, proof of compliance with pollution control equipment requirements is
26 provided to the department. Proof required to comply with this subsection is described under ORS
27 815.310. This subsection does not apply if the vehicle is exempt from the requirements for proof of
28 compliance under ORS 815.300.

29 “(5) The applicant is domiciled in this state, as described in ORS 803.355, if required by ORS
30 803.360 to be domiciled in the state in order to register a vehicle. If the department has reason to
31 believe that the applicant is not domiciled in this state and is required to be in order to register a
32 vehicle, the department may require the person to submit proof of domicile. The department shall
33 determine by rule what constitutes proof of domicile.

34 “(6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for registration in this
35 state, if the owner is not domiciled in this state and is not required by ORS 803.200, or any other
36 provision of law, to register the vehicle in this state.

37 “(7) The applicant surrenders all evidence of any former registration or title as required by ORS
38 803.380.

39 “(8)(a) Beginning with 2009 model year new motor vehicles, the applicant provides proof of
40 compliance with low emission motor vehicle standards adopted pursuant to ORS 468A.360. The de-
41 partment shall determine by rule what constitutes proof of compliance with low emission motor ve-
42 hicle standards.

43 “(b) The department shall determine by rule which new motor vehicles are exempt from the re-
44 quirements of this subsection. Any rules adopted pursuant to this paragraph shall be consistent with
45 the Environmental Quality Commission standards adopted pursuant to ORS 468A.360.

1 “(c) For purposes of this subsection, ‘new motor vehicle’ means a motor vehicle with 7,500 miles
2 or less on the odometer when the vehicle is initially registered under ORS 803.420 (1), 805.100 or
3 805.120.

4 “(9) If required to do so by the department, the applicant provides the department with satis-
5 factory proof that the vehicle was designed to be operated on highways and meets equipment re-
6 quirements imposed by statute or rule for the lawful operation of a vehicle on highways. The
7 department may adopt rules specifying the kinds of vehicles that are subject to this subsection and
8 what constitutes satisfactory proof under this subsection.

9 “**(10) If applicable, the applicant provides proof that the applicant has notified the de-**
10 **partment, pursuant to section 8 or 10 of this 2013 Act, that metered use by the vehicle is**
11 **subject to the per-mile road usage charge imposed under section 3 of this 2013 Act. The de-**
12 **partment shall determine by rule what constitutes proof of notification.**

13 “**SECTION 25.** ORS 305.410 is amended to read:

14 “305.410. (1) Subject only to the provisions of ORS 305.445 relating to judicial review by the
15 Supreme Court and to subsection (2) of this section, the tax court shall be the sole, exclusive and
16 final judicial authority for the hearing and determination of all questions of law and fact arising
17 under the tax laws of this state. For the purposes of this section, and except to the extent that they
18 preclude the imposition of other taxes, the following are not tax laws of this state:

19 “(a) ORS chapter 577 relating to Oregon Beef Council contributions.

20 “(b) ORS 576.051 to 576.455 relating to commodity commission assessments.

21 “(c) ORS chapter 477 relating to fire protection assessments.

22 “(d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 744, 746, 748 and 750 relating to in-
23 surance company fees and taxes.

24 “(e) ORS chapter 473 relating to liquor taxes.

25 “(f) ORS chapter 583 relating to milk marketing, production or distribution fees.

26 “(g) ORS chapter 825 relating to motor carrier taxes.

27 “(h) ORS chapter 319 relating to motor vehicle and aircraft fuel taxes **and the road usage**
28 **charges imposed under sections 3 and 4 of this 2013 Act.**

29 “(i) ORS title 59 relating to motor vehicle and motor vehicle operators’ license fees and ORS
30 title 39 relating to boat licenses.

31 “(j) ORS chapter 578 relating to Oregon Wheat Commission assessments.

32 “(k) ORS chapter 462 relating to racing taxes.

33 “(L) ORS chapter 657 relating to unemployment insurance taxes.

34 “(m) ORS chapter 656 relating to workers’ compensation contributions, assessments or fees.

35 “(n) ORS 311.420, 311.425, 311.455, 311.650, 311.655 and ORS chapter 312 relating to foreclosure
36 of real and personal property tax liens.

37 “(o) Sections 15 to 22, 24 and 29, chapter 736, Oregon Laws 2003, relating to long term care
38 facility assessments.

39 “(2) The tax court and the circuit courts shall have concurrent jurisdiction to try actions or
40 suits to determine:

41 “(a) The priority of property tax liens in relation to other liens.

42 “(b) The validity of any deed, conveyance, transfer or assignment of real or personal property
43 under ORS 95.060 and 95.070 (1983 Replacement Part) or 95.200 to 95.310 where the Department of
44 Revenue has or claims a lien or other interest in the property.

45 “(3) Subject only to the provisions of ORS 305.445 relating to judicial review by the Supreme

1 Court, the tax court shall be the sole, exclusive and final judicial authority for the hearing and de-
2 termination of all questions of law and fact concerning the authorized uses of the proceeds of bonded
3 indebtedness described in section 11 (11)(d), Article XI of the Oregon Constitution.

4 “(4) Except as permitted under section 2, amended Article VII, Oregon Constitution, this section
5 and ORS 305.445, no person shall contest, in any action, suit or proceeding in the circuit court or
6 any other court, any matter within the jurisdiction of the tax court.

7 “**SECTION 26.** ORS 184.846 is amended to read:

8 “184.846. (1) The Department of Transportation may develop one or more pilot programs to test
9 alternatives to the current system of taxing highway use through motor vehicle fuel taxes. Pilot
10 programs may include, but need not be limited to, programs testing technology and methods for:

11 “(a) Identifying vehicles;

12 “(b) Collecting and reporting the number of miles traveled by a particular vehicle; and

13 “(c) Receiving payments from participants in pilot projects.

14 “(2) Technology and methods tested under subsection (1) of this section shall be tested for:

15 “(a) Reliability;

16 “(b) Ease of use;

17 “(c) Public acceptance;

18 “(d) Cost of implementation and administration; and

19 “(e) Potential for evasion of accurate reporting.

20 “(3) The department may solicit volunteers for participation in pilot programs developed under
21 this section. A participant must:

22 “(a) Report the participant’s use of the highway system in Oregon as required by the program;

23 “(b) Pay the fee established for the program for use of the highway system; and

24 “(c) Display in the participant’s vehicle an emblem issued under subsection (6) of this section.

25 “(4) The department shall establish a fee for each pilot program the department undertakes. The
26 fee shall be a highway use fee and shall be paid by each participant in the program. The program
27 may be designed so that the fee is imposed in lieu of any tax on motor vehicle fuel imposed under
28 ORS 319.020 or any tax on the use of fuel in a vehicle under ORS 319.530 that would otherwise be
29 paid by the participant.

30 “(5) If a person who participates in a pilot program under this section pays the motor vehicle
31 fuel tax under ORS 319.020, the department may refund the taxes paid.

32 “(6) The department shall issue an emblem for each vehicle that will be used by a participant
33 as part of a pilot program under this section. A seller of fuel for use in a motor vehicle may not
34 collect the tax that would otherwise be due under ORS 319.530 from a person operating a vehicle
35 for which an emblem has been issued under this subsection.

36 “(7) If a person participating in a pilot program under this section ends the person’s partic-
37 ipation in the program prior to termination of the program, the person shall pay to the department
38 any amount of the highway use fee established for the program under subsection (4) of this section
39 that the person has not yet paid. The person shall return to the department any emblem issued to
40 the person under subsection (6) of this section.

41 “(8) The department may terminate a pilot program at any time and may terminate participation
42 by any particular person at any time. When a program is terminated or a person’s participation is
43 terminated by the department, the department shall collect any unpaid highway use fees established
44 for the program under subsection (4) of this section.

45 “(9) The department may adopt any rules the department deems necessary for the implementa-

1 tion of this section, including but not limited to rules establishing methods of collecting highway
2 use fees from program participants and rules establishing reporting requirements for participants.

3 “(10) The department may compensate participants in pilot programs established under this
4 section.

5 “(11) In designing, implementing and evaluating pilot programs under this section, the depart-
6 ment shall consider the recommendations of the task force created by ORS 184.843.

7 “(12) **The department may evaluate, and facilitate the development of, pilot programs**
8 **under this section to be designed, implemented and evaluated by local governments.**

9 “**SECTION 27.** ORS 367.173 is amended to read:

10 “367.173. The principal, interest, premium, if any, and the purchase or tender price of the grant
11 anticipation revenue bonds issued under ORS 367.161 to 367.181 are payable solely from the follow-
12 ing moneys:

13 “(1) Federal transportation funds.

14 “(2) To the extent affirmatively pledged at the time issuance of revenue bonds is authorized, the
15 following moneys that are lawfully available:

16 “(a) Moneys deposited in the State Highway Fund established under ORS 366.505.

17 “(b) Except as provided in paragraph (c) of this subsection, moneys, once deposited in the State
18 Highway Fund established under ORS 366.505, from the following sources may be affirmatively
19 pledged:

20 “(A) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

21 “(B) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

22 “(C) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

23 “(D) Moneys described under ORS 803.090 from the titling of vehicles.

24 “(E) Moneys described under ORS 803.420 from the registration of vehicles.

25 “(F) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
26 permits.

27 “(G) **Moneys from the per-mile road usage charge imposed under section 3 of this 2013**
28 **Act and the flat annual road usage charge payable under section 4 of this 2013 Act in lieu**
29 **of the per-mile road usage charge.**

30 “[~~(G)~~] (H) Moneys received by the Department of Transportation from taxes, fees or charges
31 imposed after January 1, 2001, or other revenues or moneys received by the department from sources
32 not listed in subparagraphs (A) to [~~(F)~~] (G) of this paragraph that are lawfully available to be
33 pledged under this section.

34 “(c) Moneys described in paragraph (b) of this subsection do not include:

35 “(A) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

36 “(B) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

37 “(C) Moneys in the account established under ORS 366.512 for parks and recreation.

38 “**SECTION 28.** ORS 367.605 is amended to read:

39 “367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are
40 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

41 “(2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway
42 fund from the following sources are subject to the use or pledge described in subsection (1) of this
43 section:

44 “(a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

45 “(b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

1 “(c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

2 “(d) Moneys described under ORS 803.090 from the titling of vehicles.

3 “(e) Moneys described under ORS 803.420 from the registration of vehicles.

4 “(f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
5 permits.

6 “(g) **Moneys from the per-mile road usage charge imposed under section 3 of this 2013**
7 **Act and the flat annual road usage charge payable under section 4 of this 2013 Act in lieu**
8 **of the per-mile road usage charge.**

9 “[g] (h) Moneys received by the Department of Transportation from taxes, fees or charges
10 imposed after January 1, 2001, or other revenues received by the department from sources not listed
11 in paragraphs (a) to [f] (g) of this subsection that are available for the use or pledge described by
12 this section.

13 “(3) Moneys described under subsection (2) of this section do not include:

14 “(a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

15 “(b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

16 “(c) **Moneys allocated for distribution to counties and cities under section 5 of this 2013**
17 **Act.**

18 “[c] (d) Moneys in the account established under ORS 366.512 for parks and recreation.

19 “(4) To the extent affirmatively pledged, moneys from the following sources are subject to the
20 use or pledge described in subsection (1) of this section:

21 “(a) Moneys received by the Department of Transportation from the United States government.

22 “(b) Any other moneys legally available to the department.

23 “(5) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds
24 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state
25 requiring the department to spend moneys for specified highway purposes.

26
27 **“TECHNICAL PROVISIONS**

28
29 “**SECTION 29.** (1) **Not later than April 1, 2014, the Department of Transportation shall**
30 **prepare plans and specifications necessary to comply with the amendments to ORS 367.802,**
31 **367.804 and 367.806 by sections 21 to 23 of this 2013 Act.**

32 “(2) **Not later than October 1, 2014, the department shall begin implementing the agree-**
33 **ments entered into pursuant to the amendments to ORS 367.802, 367.804 and 367.806 by**
34 **sections 21 to 23 of this 2013 Act.**

35 “**SECTION 30.** (1) **Sections 3 to 5, 6a, 10 to 14 and 19 of this 2013 Act and the amendments**
36 **to ORS 319.280, 319.550, 319.831, 366.505 and 803.350 by sections 15 to 17, 20 and 24 of this 2013**
37 **Act become operative on July 1, 2015.**

38 “(2) **The Department of Transportation may take any action before the operative date**
39 **specified in subsection (1) of this section that is necessary to enable the department to ex-**
40 **ercise, on and after the operative date specified in subsection (1) of this section, all the du-**
41 **ties, functions and powers conferred on the department by sections 2 to 14 and 19 of this 2013**
42 **Act and the amendments to ORS 319.280, 319.550, 319.831, 366.505 and 803.350 by sections 15**
43 **to 17, 20 and 24 of this 2013 Act.**

44 “**SECTION 31.** **The unit captions used in this 2013 Act are provided only for the conven-**
45 **ience of the reader and do not become part of the statutory law of this state or express any**

1 legislative intent in the enactment of this 2013 Act.

2
3 **“MULTIJURISDICTIONAL AGREEMENTS**

4
5 **“SECTION 32. The Department of Transportation may enter into agreements with other**
6 **state departments of transportation, the federal government and Canadian provinces for the**
7 **purposes of:**

8 **“(1) Conducting joint research relating to road usage charges and development programs**
9 **on a multistate basis;**

10 **“(2) Furthering the development and operation of single state or multistate road usage**
11 **charge pilot programs;**

12 **“(3) Sharing costs incurred in conducting the research described in subsection (1) of this**
13 **section; and**

14 **“(4) Developing a program for stakeholder outreach and communications with respect to**
15 **road usage charges.**

16 **“SECTION 33. For the biennium beginning July 1, 2013, expenditures by the Department**
17 **of Transportation from funds received from other states, the federal government, Canadian**
18 **provinces or the government of Canada for the purposes described in section 32 of this 2013**
19 **Act are not limited.**

20
21 **“EFFECTIVE DATE**

22
23 **“SECTION 34. This 2013 Act takes effect on the 91st day after the date on which the 2013**
24 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.”.**