

# Senate Bill 588

Sponsored by Senators ROBLAN, KRUSE, Representative KRIEGER; Senators BAERTSCHIGER JR, BATES, BOQUIST, CLOSE, DEVLIN, EDWARDS, FERRIOLI, GEORGE, GIROD, HANSELL, JOHNSON, KNOPP, MONNES ANDERSON, MONROE, OLSEN, PROZANSKI, THOMSEN, WHITSETT, WINTERS, Representatives BARKER, BOONE, BUCKLEY, CLEM, CONGER, DOHERTY, ESQUIVEL, FREEMAN, GILLIAM, GORSEK, HUFFMAN, PARRISH, SMITH, THATCHER, THOMPSON, WEIDNER (at the request of Keep Oregon Green Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Department of Transportation to issue group registration plate for group that promotes prevention of wildfires. Directs State Forestry Department to seek approval from United States Forest Service to use image of Smokey Bear on group plates.

Becomes operative on January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to group registration plates; creating new provisions; amending ORS 805.205; and declaring  
3 an emergency.

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

5 **SECTION 1.** ORS 805.205, as amended by section 68, chapter 37, Oregon Laws 2012, is amended  
6 to read:

7 805.205. (1) The Department of Transportation shall provide for issuance of registration plates  
8 described in subsections (3), (7) and (8) of this section for nonprofit groups meeting the qualifications  
9 for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of  
10 higher education. Plates issued under this section may be issued to owners of motor vehicles regis-  
11 tered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain ex-  
12 pressions of political opinion or religious belief. Rules adopted under this section shall include, but  
13 need not be limited to, rules that:

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

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

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

24 (2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to  
25 any other fee authorized by law, upon issuance of a plate under this section and upon renewal of  
26 registration for a vehicle that has plates issued under this section, the department shall collect a  
27 surcharge for each year of the registration period. The surcharge shall be determined by the de-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 partment by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the  
2 amount of the surcharge, the department shall consult with the nonprofit group for which the plates  
3 are issued.

4 (b) In addition to any other fee authorized by law, upon issuance of a plate under this section  
5 ~~[that]~~ **for a group that promotes the prevention of wildfires or that** recognizes an institution  
6 of higher education in this state, and upon renewal of registration for a vehicle that has such plates,  
7 the department shall collect a surcharge of \$8 per plate for each year of the registration period.

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

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

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

15 (b) If the group requesting the plates is a group that recognizes fallen public safety officers, the  
16 plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen  
17 public safety officers[.]; **or**

18 **(c) If the group requesting the plates is a group that promotes the prevention of**  
19 **wildfires, the plates must contain words that promote the prevention of wildfires in Oregon.**  
20 **The plates must also contain the image of Smokey Bear unless the department determines**  
21 **that the image of Smokey Bear is not authorized by the United States Forest Service. If the**  
22 **department determines at any time that use of Smokey Bear's image is not authorized by**  
23 **the United States Forest Service, the department may not issue the plates. All fees required**  
24 **to be paid for use of the image of Smokey Bear must be paid by the group requesting the**  
25 **plates.**

26 (4) Except as otherwise required by the design chosen, the plates shall comply with the re-  
27 quirements of ORS 803.535. The department shall determine how many sets of plates shall be man-  
28 ufactured for each group approved under this section. If the department does not sell or issue  
29 renewal for 500 sets of plates for a particular group in any one year, the department shall cease  
30 production of those plates.

31 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by  
32 the department to be eligible for plates issued under this section may designate an account into  
33 which the net proceeds of the surcharge collected by the department under subsection (2) of this  
34 section are to be deposited. The department shall keep accurate records of the number of plates is-  
35 sued for each group that qualifies. After payment of administrative expenses of the department,  
36 moneys collected under this section for each group shall be deposited by the department into an  
37 account specified by that group. If any group does not specify an account for the moneys collected  
38 from the sale of plates issued under this section, the department shall deposit moneys collected for  
39 those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be  
40 used as other moneys in the account are used. Deposits under this subsection shall be made at least  
41 quarterly.

42 (6)(a) Each institution of higher education that requests a plate under this section shall desig-  
43 nate an account in the general fund of the institution, and the proceeds in the account shall be used  
44 for the purpose of academic enrichment at the institution.

45 (b) Net proceeds of the surcharge collected by the department for Share the Road registration

1 plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and  
 2 Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits  
 3 under this paragraph shall be made at least quarterly. At any time that the department determines  
 4 that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to  
 5 exist, the department may deposit the proceeds into the Passenger Rail Transportation Account es-  
 6 tablished under ORS 802.100.

7 (c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration  
 8 plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Foun-  
 9 dation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made  
 10 under this paragraph shall be made at least quarterly. At any time that the department determines  
 11 that the account designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the  
 12 department may deposit the proceeds into the Passenger Rail Transportation Account established  
 13 under ORS 802.100 to be used as other moneys in the account are used.

14 **(d) Net proceeds of the surcharge collected by the department for group plates that**  
 15 **promote the prevention of wildfires in Oregon shall be deposited in an account designated**  
 16 **by the Keep Oregon Green Association or to its successor entity. Deposits under this para-**  
 17 **graph shall be made at least quarterly. At any time that the department determines that the**  
 18 **Keep Oregon Green Association or the account designated by the association ceases to exist**  
 19 **and the department is not notified of a successor entity or account, the department may not**  
 20 **sell or renew plates containing the image of Smokey Bear.**

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

23 (8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe  
 24 registration plate in consultation with the Children's Trust Fund of Oregon Foundation and the re-  
 25 gional entity that provides services to children and families in Deschutes County.

26 **SECTION 2.** ORS 805.205, as amended by sections 68 and 68a, chapter 37, Oregon Laws 2012,  
 27 is amended to read:

28 805.205. (1) The Department of Transportation shall provide for issuance of registration plates  
 29 described in subsections (3), (7) and (8) of this section for nonprofit groups meeting the qualifications  
 30 for tax exempt status under section 501(c)(3) of the Internal Revenue Code and for institutions of  
 31 higher education. Plates issued under this section may be issued to owners of motor vehicles regis-  
 32 tered under the provisions of ORS 803.420 (1). Plates issued under this section may not contain ex-  
 33 pressions of political opinion or religious belief. Rules adopted under this section shall include, but  
 34 need not be limited to, rules that:

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

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

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

45 (2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to

1 any other fee authorized by law, upon issuance of a plate under this section and upon renewal of  
 2 registration for a vehicle that has plates issued under this section, the department shall collect a  
 3 surcharge for each year of the registration period. The surcharge shall be determined by the de-  
 4 partment by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the  
 5 amount of the surcharge, the department shall consult with the nonprofit group for which the plates  
 6 are issued.

7 (b) In addition to any other fee authorized by law, upon issuance of a plate under this section  
 8 *[that]* **for a group that promotes the prevention of wildfires or that** recognizes an institution  
 9 of higher education in this state, and upon renewal of registration for a vehicle that has such plates,  
 10 the department shall collect a surcharge of \$8 per plate for each year of the registration period.

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

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

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

18 (b) If the group requesting the plates is a group that recognizes fallen public safety officers, the  
 19 plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen  
 20 public safety officers.; **or**

21 **(c) If the group requesting the plates is a group that promotes the prevention of**  
 22 **wildfires, the plates must contain words that promote the prevention of wildfires in Oregon.**  
 23 **The plates must also contain the image of Smokey Bear unless the department determines**  
 24 **that the image of Smokey Bear is not authorized by the United States Forest Service. If the**  
 25 **department determines at any time that use of Smokey Bear's image is not authorized by**  
 26 **the United States Forest Service, the department may not issue the plates. All fees required**  
 27 **to be paid for use of the image of Smokey Bear must be paid by the group requesting the**  
 28 **plates.**

29 (4) Except as otherwise required by the design chosen, the plates shall comply with the re-  
 30 quirements of ORS 803.535. The department shall determine how many sets of plates shall be man-  
 31 ufactured for each group approved under this section. If the department does not sell or issue  
 32 renewal for 500 sets of plates for a particular group in any one year, the department shall cease  
 33 production of those plates.

34 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by  
 35 the department to be eligible for plates issued under this section may designate an account into  
 36 which the net proceeds of the surcharge collected by the department under subsection (2) of this  
 37 section are to be deposited. The department shall keep accurate records of the number of plates is-  
 38 sued for each group that qualifies. After payment of administrative expenses of the department,  
 39 moneys collected under this section for each group shall be deposited by the department into an  
 40 account specified by that group. If any group does not specify an account for the moneys collected  
 41 from the sale of plates issued under this section, the department shall deposit moneys collected for  
 42 those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be  
 43 used as other moneys in the account are used. Deposits under this subsection shall be made at least  
 44 quarterly.

45 (6)(a) Each institution of higher education that requests a plate under this section shall desig-

1 nate an account in the general fund of the institution, and the proceeds in the account shall be used  
2 for the purpose of academic enrichment at the institution.

3 (b) Net proceeds of the surcharge collected by the department for Share the Road registration  
4 plates shall be deposited into two accounts designated by the Bicycle Transportation Alliance and  
5 Cycle Oregon. The department shall evenly distribute the net proceeds to each account. Deposits  
6 under this paragraph shall be made at least quarterly. At any time that the department determines  
7 that the accounts designated by the Bicycle Transportation Alliance and Cycle Oregon cease to  
8 exist, the department may deposit the proceeds into the Passenger Rail Transportation Account es-  
9 tablished under ORS 802.100.

10 (c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration  
11 plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Foun-  
12 dation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made  
13 under this paragraph shall be made at least quarterly. At any time that the department determines  
14 that the account designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the  
15 department shall deposit the proceeds into the Keep Kids Safe Registration Plate Account estab-  
16 lished in section 68b, chapter 37, Oregon Laws 2012. At the beginning of each biennium, the Early  
17 Learning Council shall evenly distribute the moneys in the Keep Kids Safe Registration Plate Ac-  
18 count to the counties in this state, until each county receives \$1,000. After each county has received  
19 \$1,000, the council shall distribute any remaining moneys to each county in an amount equal to the  
20 percentage of Keep Kids Safe registration plates sold in that county. Each county shall use the  
21 moneys received under this paragraph solely for the purpose of funding strategies and approaches  
22 shown to prevent or reduce child abuse.

23 **(d) Net proceeds of the surcharge collected by the department for group plates that**  
24 **promote the prevention of wildfires in Oregon shall be deposited in an account designated**  
25 **by the Keep Oregon Green Association or to its successor entity. Deposits under this para-**  
26 **graph shall be made at least quarterly. At any time that the department determines that the**  
27 **Keep Oregon Green Association or the account designated by the association ceases to exist**  
28 **and the department is not notified of a successor entity or account, the department may not**  
29 **sell or renew plates containing the image of Smokey Bear.**

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

32 (8) Notwithstanding subsection (3) of this section, the department shall design a Keep Kids Safe  
33 registration plate in consultation with the Children's Trust Fund of Oregon Foundation and the re-  
34 gional entity that provides services to children and families in Deschutes County.

35 **SECTION 3. The State Forestry Department shall apply to the United States Forest**  
36 **Service for permission to use the image of Smokey Bear on registration plates for a group**  
37 **that promotes the prevention of wildfires. If the State Forestry Department is granted per-**  
38 **mission from the United States Forest Service to use the image of Smokey Bear on regis-**  
39 **tration plates, the State Forestry Department shall notify the Department of Transportation**  
40 **as soon as practicable.**

41 **SECTION 4. (1) Except as provided in subsection (2) of this section, the amendments to**  
42 **ORS 805.205 by sections 1 and 2 of this 2013 Act become operative January 1, 2014.**

43 **(2) The Department of Transportation may take any action before the operative date**  
44 **specified in subsection (1) of this section that is necessary to enable the department to ex-**  
45 **ercise, on and after the operative date specified in subsection (1) of this section, all the du-**

1 ties, functions and powers conferred on the department by the amendments to ORS 805.205  
2 by sections 1 and 2 of this 2013 Act.

3 SECTION 5. This 2013 Act being necessary for the immediate preservation of the public  
4 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
5 on its passage.  
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