

**PROPOSED AMENDMENTS TO
HOUSE BILL 3227**

1 On page 1 of the printed bill, line 2, delete “319.665,”.

2 Delete lines 5 through 31 and delete pages 2 through 5 and insert:

3 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part**
4 **of ORS 319.510 to 319.880.**

5 **“SECTION 2. (1) In lieu of paying the per-gallon tax on the use of**
6 **fuel in a motor vehicle imposed under ORS 319.530, a person may pay**
7 **to the Department of Transportation annually, for each motor vehicle**
8 **that consumes natural gas or propane, a special use fuel license fee**
9 **computed under subsection (2) of this section based on the following**
10 **schedule:**

11 “

13 COMBINED WEIGHT	BASE
14 (Pounds)	
16 0 - 10,000	\$60
17 10,001 - 26,000	\$300
18 26,001 and above	\$400

19 “

20
21 **“(2) The special use fuel license fee equals the applicable base**
22 **amount from the schedule in subsection (1) of this section multiplied**

1 by the use fuel tax rate imposed under ORS 319.530 in effect at the
2 time of payment, divided by 12 cents.

3 “(3)(a) A person wishing to pay the special use fuel license fee shall
4 apply to the department on a form prescribed by the department and
5 shall include such information as the department requires.

6 “(b) Upon receipt of a complete and valid application under this
7 subsection, the department shall issue to the applicant without charge
8 an emblem for display on the motor vehicle to which the application
9 relates.

10 “(c) An emblem issued under this section that is displayed in a
11 conspicuous place on the motor vehicle for which the emblem is issued
12 shall be accepted by a seller of fuel as proof of exemption from the
13 per-gallon tax imposed under ORS 319.530.

14 “**SECTION 3.** ORS 319.550 is amended to read:

15 “319.550. A person may not use fuel in a motor vehicle in this state unless
16 the person holds a valid user’s license, except that:

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

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

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

30 “(4) Subsection (3) of this section applies to the following vehicles:

1 “(a) Motor homes as defined in ORS 801.350.

2 “(b) Recreational vehicles as defined in ORS 446.003.

3 **“(5) A user’s license is not required for a person who uses fuel in**
4 **a motor vehicle on which an emblem issued for the motor vehicle**
5 **pursuant to section 2 of this 2013 Act is displayed.**

6 **“SECTION 4.** ORS 319.675 is amended to read:

7 “319.675. Except as provided in ORS 319.692, the seller of fuel for use in
8 a motor vehicle shall report to the Department of Transportation on or be-
9 fore the 20th day of each month, the amount of fuel sold, during the pre-
10 ceding calendar month, subject to the tax [*provided by*] **imposed under ORS**
11 **319.530 or exempt from the tax imposed under ORS 319.530 pursuant to**
12 **section 2 of this 2013 Act** and such other information pertaining to fuel
13 handled as the department may require. The department may prescribe the
14 form of the report. The seller shall deliver the report to the department in
15 the manner provided by the department by rule.

16 **“SECTION 5.** ORS 319.671 is amended to read:

17 “319.671. (1) The seller of fuel for any purpose shall make a duplicate in-
18 voice for every sale of fuel for any purpose and shall retain one copy and
19 give the other copy to the user. The Department of Transportation may pre-
20 scribe the form of the invoice. The invoice shall show:

21 “(a) The seller’s name and address;

22 “(b) The date;

23 “(c) The amount of the sale in gallons; and

24 “(d) The name and address of the user.

25 “(2) In addition to the invoice entries listed in subsection (1) of this sec-
26 tion, the seller of fuel for use in a motor vehicle shall indicate on the invoice
27 the amount of the tax collected, if any, and:

28 “(a) The identification plate number, if the vehicle bears an identification
29 plate issued by the department;

30 “(b) The emblem number, if the vehicle bears a user’s emblem;

1 “(c) The temporary pass number or the receipt number, if the vehicle
2 bears no valid user’s emblem or identification plate issued by the department;
3 or

4 “(d) The license plate number if the vehicle bears no valid user’s emblem
5 or permit issued by the department.

6 “(3) Notwithstanding subsection (1) of this section, this section does not
7 require any invoice to be prepared for any sale where fuel is delivered into
8 the fuel tank of a vehicle described in this subsection unless the operator
9 of the vehicle requests an invoice. If an invoice is prepared under this sub-
10 section, the name and address of a user is not required to be shown on the
11 invoice for sales where the fuel is delivered into the fuel tanks of vehicles
12 described in this subsection. This subsection applies to vehicles:

13 “(a) That have a combined weight of 26,000 pounds or less; and

14 “(b)(A) For which the tax under ORS 319.530 must be paid at the time
15 of sale under ORS 319.665; **or**

16 “(B) **For which an emblem has been issued under section 2 of this**
17 **2013 Act.**

18 “**SECTION 6.** ORS 366.739 is amended to read:

19 “366.739. Except as otherwise provided in ORS 366.744, the taxes collected
20 under ORS 319.020, 319.530, 803.090, 803.420, 818.225, 825.476 and 825.480 **and**
21 **the special use fuel license fees collected under section 2 of this 2013**
22 **Act**, minus \$71.2 million per biennium, shall be allocated 24.38 percent to
23 counties under ORS 366.762 and 15.57 percent to cities under ORS 366.800.

24 “**SECTION 7.** ORS 367.173 is amended to read:

25 “367.173. The principal, interest, premium, if any, and the purchase or
26 tender price of the grant anticipation revenue bonds issued under ORS
27 367.161 to 367.181 are payable solely from the following moneys:

28 “(1) Federal transportation funds.

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

1 “(a) Moneys deposited in the State Highway Fund established under ORS
2 366.505.

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

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

8 “(B) Moneys from the tax on motor vehicle fuel imposed under ORS
9 319.020.

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

12 **“(D) Moneys from the special use fuel license fee under section 2
13 of this 2013 Act.**

14 “[(D)] (E) Moneys described under ORS 803.090 from the titling of vehi-
15 cles.

16 “[(E)] (F) Moneys described under ORS 803.420 from the registration of
17 vehicles.

18 “[(F)] (G) Moneys described under ORS 807.370 relating to the issuance
19 of driver licenses and driver permits.

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

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

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

28 “(B) Moneys provided for appropriations to cities under ORS 366.785 to
29 366.820.

30 “(C) Moneys in the account established under ORS 366.512 for parks and

1 recreation.

2 **“SECTION 8.** ORS 367.605 is amended to read:

3 “367.605. (1) Moneys deposited in the State Highway Fund established
4 under ORS 366.505 are pledged to payment of Highway User Tax Bonds is-
5 sued under ORS 367.615.

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

9 “(a) Moneys from the taxes and fees on motor carriers imposed under ORS
10 825.474 and 825.480.

11 “(b) Moneys from the tax on motor vehicle fuel imposed under ORS
12 319.020.

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

15 **“(d) Moneys from the special use fuel license fee under section 2 of
16 this 2013 Act.**

17 “[*(d)*] (e) Moneys described under ORS 803.090 from the titling of vehicles.

18 “[*(e)*] (f) Moneys described under ORS 803.420 from the registration of
19 vehicles.

20 “[*(f)*] (g) Moneys described under ORS 807.370 relating to the issuance of
21 driver licenses and driver permits.

22 “[*(g)*] (h) Moneys received by the Department of Transportation from
23 taxes, fees or charges imposed after January 1, 2001, or other revenues re-
24 ceived by the department from sources not listed in paragraphs (a) to [*(f)*]
25 (g) of this subsection that are available for the use or pledge described by
26 this section.

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

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

30 “(b) Moneys provided for appropriations to cities under ORS 366.785 to

1 366.820.

2 “(c) Moneys in the account established under ORS 366.512 for parks and
3 recreation.

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

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

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

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

14 **“SECTION 9.** ORS 802.125 is amended to read:

15 “802.125. (1) The Department of Transportation shall transfer to the State
16 Parks and Recreation Department [*that portion of the amount paid to the*
17 *Department of Transportation as motor vehicle fuel tax under ORS 319.020 and*
18 *319.530 that is*] **amounts described in subsection (2) of this section that**
19 **are paid to the Department of Transportation and** determined by the
20 department to be [*tax on*] **paid with respect to** fuel used by Class I, Class
21 II, Class III and Class IV all-terrain vehicles in off-highway operation [*and*
22 *that is not refunded*].

23 **“(2) The amounts referred to in subsection (1) of this section are:**

24 **“(a) Amounts paid as motor vehicle fuel tax under ORS 319.020 and**
25 **319.530 that are not refunded; and**

26 **“(b) Special use fuel license fees paid under section 2 of this 2013**
27 **Act.**

28 **“(3) The Department of Transportation shall determine the amount of**
29 **moneys to be transferred under this section at quarterly intervals.**

30 **“SECTION 10. This 2013 Act takes effect on the later of:**

1 **“(1) The 91st day after the date on which the 2013 regular session**
2 **of the Seventy-seventh Legislative Assembly adjourns sine die; or**
3 **“(2) January 1, 2014.”.**

4
