

**PROPOSED AMENDMENTS TO
SENATE BILL 810**

1 In line 2 of the printed bill, after the first semicolon delete the rest of the
2 line and insert “creating new provisions; amending ORS 305.410, 319.280,
3 319.550, 319.665, 319.831, 366.505, 367.802, 367.804 and 367.806; and prescribing
4 an effective date.”.

5 Delete lines 4 through 27 and insert:

6

7

“DEFINITIONS

8

9 **“SECTION 1. Sections 2 to 15 of this 2013 Act are added to and made**
10 **a part of ORS chapter 319.**

11 **“SECTION 2. As used in sections 2 to 15 of this 2013 Act:**

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

13 **“(2) ‘Lessee’ means a person that leases a motor vehicle that is re-**
14 **quired to be registered in Oregon.**

15 **“(3)(a) ‘Motor vehicle’ has the meaning given that term in ORS**
16 **801.360.**

17 **“(b) ‘Motor vehicle’ does not mean a motor vehicle designed to**
18 **travel with fewer than four wheels in contact with the ground.**

19 **“(4) ‘Registered owner’ means a person, other than a vehicle dealer**
20 **that holds a certificate issued under ORS 822.020, that is required to**
21 **register a motor vehicle in Oregon.**

22 **“(5) ‘Subject vehicle’ means a motor vehicle that is the subject of**

1 an application approved pursuant to section 4 of this 2013 Act.

2
3 **“ROAD USAGE CHARGES**

4
5 **“SECTION 3. (1)(a) Except as provided in paragraph (b) of this**
6 **subsection, the registered owner of a subject vehicle shall pay a per-**
7 **mile road usage charge for metered use by the subject vehicle of the**
8 **highways in Oregon.**

9 **“(b) During the term of a lease, the lessee of a subject vehicle shall**
10 **pay the per-mile road usage charge for metered use by the subject**
11 **vehicle of the highways in Oregon.**

12 **“(2) The per-mile road usage charge is 1.5 cents per mile.**

13 **“SECTION 4. (1) A person wishing to pay the per-mile road usage**
14 **charge imposed under section 3 of this 2013 Act must apply to the**
15 **Department of Transportation on a form prescribed by the depart-**
16 **ment.**

17 **“(2) The department shall approve a valid and complete application**
18 **submitted under this section if:**

19 **“(a) The applicant is the registered owner or lessee of a motor ve-**
20 **hicle;**

21 **“(b) The motor vehicle is equipped with a method selected pursuant**
22 **to section 6 of this 2013 Act for collecting and reporting the metered**
23 **use by the motor vehicle of the highways in Oregon;**

24 **“(c) The motor vehicle has a gross vehicle weight rating of 10,000**
25 **pounds or less; and**

26 **“(d) Approval does not cause the number of subject vehicles active**
27 **in the road usage charge program on the date of approval to exceed**
28 **5,000.**

29 **“(3) Approval of an application under this section subjects the ap-**
30 **plicant to the requirements of section 10 of this 2013 Act until the**

1 person ends the person's voluntary participation in the road usage
2 charge program in the manner required under subsection (4) of this
3 section.

4 “(4) A person may end the person's voluntary participation in the
5 road usage charge program at any time by notifying the department,
6 returning the emblem issued under section 15 of this 2013 Act to the
7 department and paying any outstanding amount of road usage charge
8 for metered use by the person's subject vehicle.

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10

“REVENUE

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12 “SECTION 5. Moneys collected from the road usage charges im-
13 posed under section 3 of this 2013 Act shall be deposited in the State
14 Highway Fund and allocated for distribution as follows:

15 “(1) 50 percent to the Department of Transportation.

16 “(2) 30 percent to counties for distribution as provided in ORS
17 366.762.

18 “(3) 20 percent to cities for distribution as provided in ORS 366.800.

19

20

“ADMINISTRATION

21

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

27 “(2)(a) The Department of Transportation, in consultation with the
28 Road User Fee Task Force, shall establish the methods for recording
29 and reporting the number of miles that subject vehicles travel on
30 highways.

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

3 **“(A) The accuracy of the data collected;**

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

6 **“(C) The security of the technology;**

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

8 **“(E) The ability to audit compliance; and**

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

10 **“(c) The department shall establish at least one method of collect-**
11 **ing and reporting the number of miles traveled by a subject vehicle**
12 **that does not use vehicle location technology.**

13 **“(d)(A) The department shall adopt standards for open system**
14 **technology used in methods established under this subsection.**

15 **“(B) In adopting standards pursuant to this paragraph, the depart-**
16 **ment shall collaborate with agencies of the executive department as**
17 **defined in ORS 174.112 to integrate information systems currently in**
18 **use or planned for future use.**

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

23 **“SECTION 7. The Department of Transportation shall provide by**
24 **rule for the collection of the road usage charges imposed under section**
25 **3 of this 2013 Act, including penalties and interest imposed on delin-**
26 **quent charges.**

27 **“SECTION 8. (1) The Department of Transportation shall establish**
28 **by rule reporting periods for the road usage charges imposed under**
29 **section 3 of this 2013 Act.**

30 **“(2) Reporting periods established under this section may vary ac-**

1 cording to the facts and circumstances applicable to classes of regis-
2 tered owners, lessees and subject vehicles.

3 “(3) In establishing reporting periods, the department shall con-
4 sider:

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

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

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

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

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

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

13 “(a) ‘Certified service provider’ means an entity that has entered
14 into an agreement with the Department of Transportation under ORS
15 367.806 for reporting metered use by a subject vehicle or for adminis-
16 trative services related to the collection of per-mile road usage charges
17 and authorized employees of the entity.

18 “(b) ‘Personally identifiable information’ means any information
19 that identifies or describes a person, including, but not limited to, the
20 person’s travel pattern data, per-mile road usage charge account
21 number, address, telephone number, electronic mail address, driver
22 license or identification card number, registration plate number, pho-
23 tograph, recorded images, bank account information and credit card
24 number.

25 “(c) ‘VIN summary report’ means a monthly report by the depart-
26 ment or a certified service provider that includes a summary of all
27 vehicle identification numbers of subject vehicles and associated total
28 metered use during the month. The report may not include location
29 information.

30 “(2) Except as provided in subsections (3) and (4) of this section,

1 personally identifiable information used for reporting metered use or
2 for administrative services related to the collection of the per-mile
3 road usage charge imposed under section 3 of this 2013 Act is confi-
4 dential within the meaning of ORS 192.502 (9)(a) and is a public record
5 exempt from disclosure under ORS 192.410 to 192.505.

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

11 “(A) The registered owner or lessee;

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

14 “(C) Employees of the department;

15 “(D) A certified service provider;

16 “(E) A contractor for a certified service provider, but only to the
17 extent the contractor provides services directly related to the certified
18 service provider’s agreement with the department;

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

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

25 “(b) Disclosure under paragraph (a) of this subsection is limited to
26 personally identifiable information necessary to the respective
27 recipient’s function under sections 2 to 15 of this 2013 Act.

28 “(4)(a) Not later than 30 days after completion of payment process-
29 ing, dispute resolution for a single reporting period or a noncompli-
30 ance investigation, whichever is latest, the department and certified

1 service providers shall destroy records of the location and daily me-
2 tered use of subject vehicles.

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

4 “(A) For purposes of traffic management and research, the depart-
5 ment and certified service providers may retain, aggregate and use
6 information in the records after removing personally identifiable in-
7 formation.

8 “(B) A certified service provider may retain the records if the reg-
9 istered owner or lessee consents to the retention. Consent under this
10 subparagraph does not entitle the department to obtain or use the re-
11 cords or the information contained in the records.

12 “(C) Monthly summaries of metered use by subject vehicles may be
13 retained in VIN summary reports by the department and certified
14 service providers.

15 “(5) The department, in any agreement with a certified service
16 provider, shall provide for penalties if the certified service provider
17 violates this section.

18 “SECTION 10. (1) On a date determined by the Department of
19 Transportation under section 8 of this 2013 Act, the registered owner
20 or lessee of a subject vehicle shall report the metered use by the sub-
21 ject vehicle, rounded up to the next whole mile, and pay to the de-
22 partment the per-mile road usage charge due under section 3 of this
23 2013 Act for the reporting period.

24 “(2) Unless a registered owner or lessee presents evidence in a
25 manner approved by the department by rule that the subject vehicle
26 has been driven outside this state, the department shall assume that
27 all metered use reported represents miles driven by the subject vehicle
28 on the highways in Oregon.

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“REFUNDS AND EXEMPTIONS

1 **“SECTION 11. (1) The Department of Transportation shall provide**
2 **a refund to a registered owner or lessee that has overpaid the per-mile**
3 **road usage charge imposed under section 3 of this 2013 Act.**

4 **“(2) The department may provide by rule that the refund under this**
5 **section be granted as a credit against future per-mile road usage**
6 **charges incurred by the registered owner or lessee.**

7 **“SECTION 12. (1) A registered owner or lessee that has paid the**
8 **per-mile road usage charge imposed under section 3 of this 2013 Act**
9 **may apply to the Department of Transportation for a refund for me-**
10 **tered use of a road, thoroughfare or property in private ownership.**

11 **“(2) An application for a refund under this section must be sub-**
12 **mitted to the department within 15 months after the date on which the**
13 **per-mile road usage charge for which a refund is claimed is paid.**

14 **“(3) The application required under this section shall be in a form**
15 **prescribed by the department by rule and must include a signed**
16 **statement by the applicant indicating the number of miles for which**
17 **the refund is claimed.**

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

21 **“SECTION 13. (1) The Department of Transportation may investi-**
22 **gate a refund application submitted under section 12 of this 2013 Act**
23 **and gather and compile such information related to the application**
24 **as the department considers necessary to safeguard the state and**
25 **prevent fraudulent practices in connection with tax refunds and tax**
26 **evasion.**

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

30 **“(3) If an applicant does not permit the department to examine the**

1 relevant records, the applicant waives all rights to the refund to which
2 the application relates.

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

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

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

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

13 **“SECTION 15. (1) Upon application on a form prescribed by the**
14 **Department of Transportation, the department shall issue an emblem**
15 **to the registered owner of a subject vehicle to show that the use of**
16 **fuel in the subject vehicle is exempt from taxation under ORS 319.510**
17 **to 319.880.**

18 **“(2) An emblem issued under this section shall be displayed:**

19 **“(a) In a conspicuous place on the subject vehicle; and**

20 **“(b) Only upon the subject vehicle with respect to which it is issued.**

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

22 **“319.550. (1) Except as provided in this section, a person may not use**
23 **fuel in a motor vehicle in this state unless the person holds a valid user’s**
24 **license.[, *except that:*]**

25 **“[(1)] (2) A nonresident may use fuel in a motor vehicle not registered in**
26 **Oregon for a period not exceeding 30 days without obtaining a user’s license**
27 **or the emblem [*provided in*] issued under ORS 319.600, if, for all fuel used**
28 **in a motor vehicle in this state, the nonresident pays to a seller, at the time**
29 **of the sale, the tax provided in ORS 319.530.**

30 **“[(2)] (3) A user’s license is not required for a person who uses fuel in a**

1 motor vehicle with a combined weight of 26,000 pounds or less if, for all fuel
2 used in a motor vehicle in this state, the person pays to a seller, at the time
3 of the sale, the tax provided in ORS 319.530.

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

8 “[4] **(b)** [*Subsection (3) of this section*] **Paragraph (a) of this subsection**
9 applies to the following vehicles:

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

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

12 **“(5) A user’s license is not required for a person who uses fuel in**
13 **a motor vehicle:**

14 **“(a) Metered use by which is subject to the per-mile road usage**
15 **charge imposed under section 3 of this 2013 Act; and**

16 **“(b) That also uses fuels subject to ORS 319.510 to 319.880.**

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

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

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

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

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

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

5 **“(d) Metered use by the vehicle is subject to the per-mile road usage
6 charge imposed under section 3 of this 2013 Act.**

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

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

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

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

19 **“SECTION 18.** ORS 319.831 is amended to read:

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

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

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

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

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

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

5 “(B) The State Board of Forestry;

6 “(C) The State Forester; or

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

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

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

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

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

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

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

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

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

1 cles being used to transport students;

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

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

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

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

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

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

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

25 **“(5) The department may provide by rule that a refund under sub-**
26 **section (1)(L) of this section be granted as a credit against future**
27 **per-mile road usage charges incurred by the applicant under section 3**
28 **of this 2013 Act.**

29 **“SECTION 19.** ORS 319.280 is amended to read:

30 “319.280. (1) Any person who has paid any tax on motor vehicle fuel levied

1 or directed to be paid by ORS 319.010 to 319.430 either directly by the col-
2 lection of the tax by the vendor from the consumer, or indirectly by adding
3 the amount of the tax to the price of the fuel and paid by the consumer, shall
4 be reimbursed and repaid the amount of such tax paid, except as provided in
5 ORS 319.290 to 319.330, if such person has:

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

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

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

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

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

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

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

30 **“(f) Purchased and used such fuel for operating a motor vehicle the**

1 **metered use of which is subject to the per-mile road usage charge**
2 **imposed under section 3 of this 2013 Act, if the person has paid the**
3 **charge.**

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

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

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

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

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

1 **“(b)(A) The department may provide by rule for refund thresholds**
2 **that are met by aggregating refund amounts or by estimating motor**
3 **vehicle fuel tax refunds by vehicle type, at the option of the person**
4 **claiming the refund.**

5 **“(B) If the person claiming the refund opts for an estimated refund**
6 **based on vehicle type, the requirement under subsection (5) of this**
7 **section that the person claiming the refund must present original in-**
8 **voices or reasonable facsimiles showing motor vehicle fuel purchases**
9 **does not apply.**

10 **“[(4)] (5) Before any such refund may be granted, the person claiming**
11 **such refund must present to the department a statement, accompanied by the**
12 **original invoices, or reasonable facsimiles approved by the department,**
13 **showing such purchases; provided that in lieu of original invoices or fac-**
14 **similes, refunds submitted under subsection (1)(d) of this section shall be**
15 **accompanied by information showing source of the fuel used and evidence**
16 **of payment of tax to the state in which the fuel was used. The statement**
17 **shall be made over the signature of the claimant, and shall state the total**
18 **amount of such fuel for which the claimant is entitled to be reimbursed un-**
19 **der subsection (1) of this section. The department upon the presentation of**
20 **the statement and invoices or facsimiles, or other required documents, shall**
21 **cause to be repaid to the claimant from the taxes collected on motor vehicle**
22 **fuel such taxes so paid by the claimant.**

23

24

“PENALTIES

25

26 **“SECTION 20. Section 21 of this 2013 Act is added to and made a**
27 **part of the Oregon Vehicle Code.**

28 **“SECTION 21. (1) A person commits the offense of tampering with**
29 **a vehicle metering system if the person:**

30 **“(a) With the intent to defraud, operates a motor vehicle that is**

1 **subject to the per-mile road usage charge imposed under section 3 of**
2 **this 2013 Act on a highway knowing that the vehicle metering system**
3 **is disconnected or nonfunctional.**

4 **“(b) Replaces, disconnects or resets the vehicle metering system of**
5 **a motor vehicle that is subject to the per-mile road usage charge im-**
6 **posed under section 3 of this 2013 Act with the intent of reducing the**
7 **metered use recorded by the vehicle metering system.**

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

10 **“(3) As used in this section, ‘vehicle metering system’ means a**
11 **system used to record the metered use by a motor vehicle for the**
12 **purpose of complying with the reporting requirements under section**
13 **10 of this 2013 Act.**

14 **“(4) Tampering with a vehicle metering system is a Class A traffic**
15 **violation.**

16

17 **“CONFORMING AMENDMENTS**

18

19 **“SECTION 22. ORS 366.505 is amended to read:**

20 **“366.505. (1) The State Highway Fund shall consist of:**

21 **“(a) All moneys and revenues derived under and by virtue of the sale of**
22 **bonds, the sale of which is authorized by law and the proceeds thereof to be**
23 **dedicated to highway purposes.**

24 **“(b) All moneys and revenues accruing from the licensing of motor vehi-**
25 **cles, operators and chauffeurs.**

26 **“(c) Moneys and revenues derived from any tax levied upon gasoline,**
27 **distillate, liberty fuel or other volatile and inflammable liquid fuels, except**
28 **moneys and revenues described in ORS 184.642 (2)(a) that become part of the**
29 **Department of Transportation Operating Fund.**

30 **“(d) Moneys and revenues derived from the road usage charges im-**

1 **posed under section 3 of this 2013 Act.**

2 “[*d*] (e) Moneys and revenues derived from or made available by the
3 federal government for road construction, maintenance or betterment pur-
4 poses.

5 “[*e*] (f) All moneys and revenues received from all other sources which
6 by law are allocated or dedicated for highway purposes.

7 “(2) The **State** Highway Fund shall be deemed and held as a trust fund,
8 separate and distinct from the General Fund, and may be used only for the
9 purposes authorized by law and is continually appropriated for such pur-
10 poses.

11 “(3) Moneys in the State Highway Fund may be invested as provided in
12 ORS 293.701 to 293.820. All interest earnings on any of the funds designated
13 in subsection (1) of this section shall be placed to the credit of the highway
14 fund.

15 **“SECTION 23.** ORS 367.802 is amended to read:

16 “367.802. As used in ORS 367.800 to 367.824:

17 “(1) ‘Agreement’ means a written agreement, including but not limited to
18 a contract, for a transportation project that is entered into under ORS
19 367.806.

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

23 “(3) ‘Transportation project’ or ‘project’ means any proposed or existing
24 undertaking that facilitates:

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

26 “(b) The collection of taxes and fees as an alternative to the motor ve-
27 hicle fuel taxes imposed under ORS 319.020 and 319.530[.]; **or**

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

30 “(4) ‘Unit of government’ means any department or agency of the federal

1 government, any state or any agency, office or department of a state, any
2 city, county, district, commission, authority, entity, port or other public
3 corporation organized and existing under statutory law or under a voter-
4 approved charter and any intergovernmental entity created under ORS
5 190.003 to 190.130, 190.410 to 190.440 or 190.480 to 190.490.

6 **“SECTION 24.** ORS 367.804 is amended to read:

7 “367.804. (1) The Department of Transportation shall establish the Oregon
8 Innovative Partnerships Program for the planning, acquisition, financing,
9 development, design, construction, reconstruction, replacement, improvement,
10 maintenance, management, repair, leasing and operation of transportation
11 projects.

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

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

14 “(b) Maximize innovation; and

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

16 “(3) As part of the program established under this section[,]:

17 “(a) The department may:

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

20 “[b] (B) Accept unsolicited concepts or proposals for transportation
21 projects from private entities and units of government.

22 “[c] (C) Evaluate the concepts or proposals received under this sub-
23 section and select potential projects based on the concepts or proposals. The
24 evaluation under this [paragraph] **subparagraph** shall include consultation
25 with any appropriate local government, metropolitan planning organization
26 or area commission on transportation.

27 “[d] (D) Charge an administrative fee for the evaluation in an amount
28 determined by the department.

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

1 “(4) Following an evaluation by the department of concepts or proposals
2 [*submitted*] **the department receives** under subsection (3)(a) of this section,
3 and the selection of potential transportation projects, the department may
4 negotiate and enter into the agreements described in ORS 367.806 for imple-
5 menting the selected transportation projects.

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

7 “(a) Information related to a transportation project proposed under ORS
8 367.800 to 367.824, including but not limited to the project’s design, manage-
9 ment, financing and other details, is exempt from disclosure under ORS
10 192.410 to 192.505 until:

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

14 “(B) The department completes its evaluation of the proposed project and
15 has selected the proposal for negotiation of an agreement.

16 “(b) After the department has either shared the information described in
17 paragraph (a) of this subsection with a local government, metropolitan
18 planning organization or area commission on transportation, or has com-
19 pleted its evaluation of the proposed project, the information is subject to
20 disclosure under ORS 192.410 to 192.505.

21 “(6) Sensitive business, commercial or financial information that is not
22 customarily provided to business competitors that is submitted to the de-
23 partment in connection with a transportation project under ORS 367.800 to
24 367.824 is exempt from disclosure under ORS 192.410 to 192.505 until the in-
25 formation is submitted to the Oregon Transportation Commission in con-
26 nection with its review and approval of the transportation project under ORS
27 367.806.

28 “(7) The department may, in connection with the evaluation of concepts
29 or proposals for transportation projects, consider any financing mechanisms,
30 including but not limited to the imposition and collection of franchise fees

1 or user fees and the development or use of other revenue sources.

2 “(8) The department and any other unit of government may expend, out
3 of any funds available for the purpose, such moneys as may be necessary for
4 the evaluation of concepts or proposals for transportation projects and for
5 negotiating agreements for transportation projects under ORS 367.806. The
6 department or other unit of government may employ engineers, consultants
7 or other experts the department or other unit of government determines are
8 needed for the purposes of doing the evaluation and negotiation. Expenses
9 incurred by the department or other unit of government under this sub-
10 section prior to the issuance of transportation project revenue bonds or other
11 financing shall be paid by the department or other unit of government, as
12 applicable, and charged to the appropriate transportation project. The de-
13 partment or other unit of government shall keep records and accounts
14 showing each amount so charged. Upon the sale of transportation project
15 revenue bonds or upon obtaining other financing for any transportation
16 project, the funds expended by the department or other unit of government
17 under this subsection in connection with the project shall be repaid to the
18 department or the unit of government from the proceeds of the bonds or
19 other financing, as allowed by applicable law.

20 **“SECTION 25.** ORS 367.806 is amended to read:

21 “367.806. (1) As part of the **Oregon Innovative Partnerships** Program
22 established under ORS 367.804, the Department of Transportation may:

23 “(a) Enter into any agreement or any configuration of agreements relating
24 to transportation projects with any private entity or unit of government or
25 any configuration of private entities and units of government. The subject
26 of agreements entered into under this section may include, but need not be
27 limited to, planning, acquisition, financing, development, design, con-
28 struction, reconstruction, replacement, improvement, maintenance, manage-
29 ment, repair, leasing and operation of transportation projects.

30 “(b) Include in any agreement entered into under this section any fi-

1 nancing mechanisms, including but not limited to the imposition and col-
2 lection of franchise fees or user fees and the development or use of other
3 revenue sources.

4 **“(2) As part of the Oregon Innovative Partnerships Program estab-**
5 **lished under ORS 367.804, the department shall enter into agreements**
6 **to undertake transportation projects the subjects of which include the**
7 **application of technology standards to determine whether to certify**
8 **technology, the collection of metered use data, tax processing and ac-**
9 **count management, as these subjects relate to the operation of a road**
10 **usage charge system pursuant to sections 2 to 15 of this 2013 Act.**

11 “[2] (3) The agreements among the public and private sector partners
12 entered into under this section must specify at least the following:

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

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

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

18 “(d) How the partners will allocate financial responsibility for cost over-
19 runs;

20 “(e) The penalties for nonperformance;

21 “(f) The incentives for performance;

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

24 “(h) Whether the project is consistent with the plan developed by the
25 Oregon Transportation Commission under ORS 184.618 and any applicable
26 regional transportation plans or local transportation system programs and,
27 if not consistent, how and when the project will become consistent with ap-
28 plicable plans and programs.

29 “[3] (4) The department may, either separately or in combination with
30 any other unit of government, enter into working agreements, coordination

1 agreements or similar implementation agreements to carry out the joint im-
2 plementation of any transportation project selected under ORS 367.804.

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

6 “[5] (6) The provisions of ORS 279.835 to 279.855 and ORS chapters 279A,
7 279B and 279C do not apply to concepts or proposals submitted under ORS
8 367.804, or to agreements entered into under this section, except that if
9 public moneys are used to pay any costs of construction of public works that
10 is part of a project, the provisions of ORS 279C.800 to 279C.870 apply to the
11 public works. In addition, if public moneys are used to pay any costs of
12 construction of public works that is part of a project, the construction con-
13 tract for the public works must contain provisions that require the payment
14 of workers under the contract in accordance with ORS 279C.540 and 279C.800
15 to 279C.870.

16 “[6](a) (7)(a) The department may not enter into an agreement under
17 this section until the agreement is reviewed and approved by the Oregon
18 Transportation Commission.

19 “(b) The department may not enter into, and the commission may not
20 approve, an agreement under this section for the construction of a public
21 improvement as part of a transportation project unless the agreement pro-
22 vides for bonding, financial guarantees, deposits or the posting of other se-
23 curity to secure the payment of laborers, subcontractors and suppliers who
24 perform work or provide materials as part of the project.

25 “(c) Before presenting an agreement to the commission for approval under
26 this subsection, the department must consider whether to implement proce-
27 dures to promote competition among subcontractors for any subcontracts to
28 be let in connection with the transportation project. As part of its request
29 for approval of the agreement, the department shall report in writing to the
30 commission its conclusions regarding the appropriateness of implementing

1 such procedures.

2 “[7](a)] **(8)(a)** Except as provided in paragraph (b) of this subsection,
3 documents, communications and information developed, exchanged or com-
4 piled in the course of negotiating an agreement with a private entity under
5 this section are exempt from disclosure under ORS 192.410 to 192.505.

6 “(b) The documents, communications or information described in para-
7 graph (a) of this subsection are subject to disclosure under ORS 192.410 to
8 192.505 when the documents, communications or information are submitted
9 to the commission in connection with its review and approval of a trans-
10 portation project under subsection [(6)] **(7)** of this section.

11 “[8)] **(9)** The terms of a final agreement entered into under this section
12 and the terms of a proposed agreement presented to the commission for re-
13 view and approval under subsection [(6)] **(7)** of this section are subject to
14 disclosure under ORS 192.410 to 192.505.

15 “[9)] **(10)** As used in this section:

16 “(a) ‘Public improvement’ has the meaning given that term in ORS
17 279A.010.

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

19 **“SECTION 26.** ORS 305.410 is amended to read:

20 “305.410. (1) Subject only to the provisions of ORS 305.445 relating to ju-
21 dicial review by the Supreme Court and to subsection (2) of this section, the
22 tax court shall be the sole, exclusive and final judicial authority for the
23 hearing and determination of all questions of law and fact arising under the
24 tax laws of this state. For the purposes of this section, and except to the
25 extent that they preclude the imposition of other taxes, the following are not
26 tax laws of this state:

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

28 “(b) ORS 576.051 to 576.455 relating to commodity commission assess-
29 ments.

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

1 “(d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 744, 746, 748 and
2 750 relating to insurance company fees and taxes.

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

4 “(f) ORS chapter 583 relating to milk marketing, production or distrib-
5 ution fees.

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

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

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

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

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

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

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

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

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

20 “(2) The tax court and the circuit courts shall have concurrent jurisdic-
21 tion to try actions or suits to determine:

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

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

27 “(3) Subject only to the provisions of ORS 305.445 relating to judicial re-
28 view by the Supreme Court, the tax court shall be the sole, exclusive and
29 final judicial authority for the hearing and determination of all questions
30 of law and fact concerning the authorized uses of the proceeds of bonded

1 indebtedness described in section 11 (11)(d), Article XI of the Oregon Con-
2 stitution.

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

7

8

“TECHNICAL PROVISIONS

9

10 **“SECTION 27. (1) Sections 3 to 5, 10 to 15 and 21 of this 2013 Act and**
11 **the amendments to ORS 319.280, 319.550, 319.665, 319.831 and 366.505 by**
12 **sections 16 to 19 and 22 of this 2013 Act become operative on July 1,**
13 **2015.**

14 **“(2) The Department of Transportation may take any action before**
15 **the operative date specified in subsection (1) of this section that is**
16 **necessary to enable the department to exercise, on and after the op-**
17 **erative date specified in subsection (1) of this section, all the duties,**
18 **functions and powers conferred on the department by sections 2 to 15**
19 **and 21 of this 2013 Act and the amendments to ORS 319.280, 319.550,**
20 **319.665, 319.831 and 366.505 by sections 16 to 19 and 22 of this 2013 Act.**

21 **“SECTION 28. The unit captions used in this 2013 Act are provided**
22 **only for the convenience of the reader and do not become part of the**
23 **statutory law of this state or express any legislative intent in the**
24 **enactment of this 2013 Act.**

25

26

“MULTIJURISDICTIONAL AGREEMENTS

27

28 **“SECTION 29. The Department of Transportation may enter into**
29 **agreements with other state departments of transportation, the federal**
30 **government and Canadian provinces for the purposes of:**

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

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

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

7 **“(4) Developing a program for stakeholder outreach and communi-**
8 **cations with respect to road usage charges.**

9 **“SECTION 30. For the biennium beginning July 1, 2013, expendi-**
10 **tures by the Department of Transportation from funds received from**
11 **other states, the federal government, Canadian provinces or the gov-**
12 **ernment of Canada for the purposes described in section 29 of this 2013**
13 **Act are not limited.**

14

15

“EFFECTIVE DATE

16

17 **“SECTION 31. This 2013 Act takes effect on the 91st day after the**
18 **date on which the 2013 regular session of the Seventy-seventh Legis-**
19 **lative Assembly adjourns sine die.”.**

20
