

**PROPOSED AMENDMENTS TO
HOUSE BILL 2281**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 319.665, 319.890, 319.920 and 319.945; and prescribing an effective date”.

3 Delete lines 4 through 11 and insert:

4 **“SECTION 1.** ORS 319.945 is amended to read:

5 “319.945. (1) [*Upon application on a form prescribed by*] The Department
6 of Transportation[, *the department shall*] **may** issue an emblem to the regis-
7 tered owner of a subject vehicle to show that the use of fuel in the subject
8 vehicle is exempt from taxation under ORS 319.510 to 319.880.

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

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

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

12 **“SECTION 2.** ORS 319.890 is amended to read:

13 “319.890. (1) A person wishing to pay the per-mile road usage charge im-
14 posed under ORS 319.885 must apply to the Department of Transportation
15 on a form prescribed by the department.

16 “(2) The department shall approve a valid and complete application sub-
17 mitted under this section if:

18 “(a) The applicant is the registered owner or lessee of a motor vehicle;

19 “(b) The motor vehicle is equipped with a method selected pursuant to
20 ORS 319.900 for collecting and reporting the metered use by the motor vehi-
21 cle of the highways in Oregon;

22 “(c) The motor vehicle has a gross vehicle weight rating of 10,000 pounds

1 or less; and

2 “(d) Approval does not cause the number of subject vehicles active in the
3 road usage charge program on the date of approval to exceed 5,000, of which
4 no more than 1,500 may have a rating of less than 17 miles per gallon and
5 no more than 1,500 may have a rating of at least 17 miles per gallon and less
6 than 22 miles per gallon, such ratings to be determined pursuant to a method
7 established by the department.

8 “(3) Approval of an application under this section subjects the applicant
9 to the requirements of ORS 319.920 until the person ends the person’s vol-
10 untary participation in the road usage charge program in the manner re-
11 quired under subsection (4) of this section.

12 “(4) A person may end the person’s voluntary participation in the road
13 usage charge program at any time by notifying the department, returning
14 [the] **any** emblem issued under ORS 319.945 to the department and paying
15 any outstanding amount of road usage charge for metered use by the person’s
16 subject vehicle.

17 **“SECTION 3.** ORS 319.665, as amended by section 17, chapter 781, Oregon
18 Laws 2013, is amended to read:

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

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

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

30 “(c) A cardlock card is used for purchase of the fuel at an attended por-

1 tion of a retail facility equipped with a cardlock card reader, in which case
2 the cardlock card issuer licensed in this state is responsible for collecting
3 and remitting the tax unless the person making the purchase certifies to the
4 seller that the use of the fuel is exempt from the tax imposed under ORS
5 319.530.

6 “[*d*) Metered use by the vehicle is subject to the per-mile road usage charge
7 imposed under ORS 319.885.]

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

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

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

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

20 **“SECTION 4.** ORS 319.920 is amended to read:

21 “319.920. (1) On a date determined by the Department of Transportation
22 under ORS 319.910, the registered owner or lessee of a subject vehicle shall
23 report the metered use by the subject vehicle[, *rounded up to the next whole*
24 *mile,*] and pay to the department the per-mile road usage charge due under
25 ORS 319.885 for the reporting period.

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

30 **“SECTION 5.** This 2015 Act takes effect on the 91st day after the

1 **date on which the 2015 regular session of the Seventy-eighth Legisla-**
2 **tive Assembly adjourns sine die.”.**

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