

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2465

By COMMITTEE ON RULES

June 29

1 On page 1 of the printed A-engrossed bill, line 2, delete “and” and after “ORS” insert “319.665,  
2 319.890, 319.920, 319.945,”.

3 In line 3, delete “and 807.400” and insert “, 807.400 and 825.017; and prescribing an effective  
4 date”.

5 On page 9, delete lines 41 through 45 and insert:  
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### “OPERATIVE DATE OF SECTIONS 1 TO 8 OF THIS 2015 ACT

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9 “**SECTION 9.** The amendments to ORS 339.257, 807.031, 807.050, 807.066, 807.072, 807.150  
10 and 807.400 by sections 1 to 8 of this 2015 Act become operative on January 1, 2016.  
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### “TAXES AND PER-MILE ROAD USAGE CHARGE

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14 “**SECTION 10.** ORS 319.945 is amended to read:

15 “319.945. (1) [*Upon application on a form prescribed by*] The Department of Transportation[, *the*  
16 *department shall*] **may** issue an emblem to the registered owner of a subject vehicle to show that the  
17 use of fuel in the subject vehicle is exempt from taxation under ORS 319.510 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 11.** ORS 319.890 is amended to read:

22 “319.890. (1) A person wishing to pay the per-mile road usage charge imposed under ORS 319.885  
23 must apply to the Department of Transportation on a form prescribed by the department.

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

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

27 “(b) The motor vehicle is equipped with a method selected pursuant to ORS 319.900 for collect-  
28 ing and reporting the metered use by the motor vehicle of the highways in Oregon;

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

30 “(d) Approval does not cause the number of subject vehicles active in the road usage charge  
31 program on the date of approval to exceed 5,000, of which no more than 1,500 may have a rating  
32 of less than 17 miles per gallon and no more than 1,500 may have a rating of at least 17 miles per  
33 gallon and less than 22 miles per gallon, such ratings to be determined pursuant to a method es-  
34 tablished by the department.

35 “(3) Approval of an application under this section subjects the applicant to the requirements of

1 ORS 319.920 until the person ends the person’s voluntary participation in the road usage charge  
2 program in the manner required under subsection (4) of this section.

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

7 “**SECTION 12.** ORS 319.665, as amended by section 17, chapter 781, Oregon Laws 2013, is  
8 amended to read:

9 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS  
10 319.530 at the time the fuel is sold, unless one of the following situations applies:

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

13 “(b) The fuel is dispensed at a nonretail facility, in which case the seller shall collect any tax  
14 owed at the same time the seller collects the purchase price from the person to whom the fuel was  
15 dispensed at the nonretail facility. A seller is not required to collect the tax under this paragraph  
16 from a person who certifies to the seller that the use of the fuel is exempt from the tax imposed  
17 under ORS 319.530.

18 “(c) A cardlock card is used for purchase of the fuel at an attended portion of a retail facility  
19 equipped with a cardlock card reader, in which case the cardlock card issuer licensed in this state  
20 is responsible for collecting and remitting the tax unless the person making the purchase certifies  
21 to the seller that the use of the fuel is exempt from the tax imposed under ORS 319.530.

22 “[*(d) Metered use by the vehicle is subject to the per-mile road usage charge imposed under ORS*  
23 *319.885.*]

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

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

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

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

34 “**SECTION 13.** ORS 319.920 is amended to read:

35 “319.920. (1) On a date determined by the Department of Transportation under ORS 319.910, the  
36 registered owner or lessee of a subject vehicle shall report the metered use by the subject  
37 vehicle[, *rounded up to the next whole mile,*] and pay to the department the per-mile road usage  
38 charge due under ORS 319.885 for the reporting period.

39 “(2) Unless a registered owner or lessee presents evidence in a manner approved by the de-  
40 partment by rule that the subject vehicle has been driven outside this state, the department shall  
41 assume that all metered use reported represents miles driven by the subject vehicle on the highways  
42 in Oregon.

43 “**SECTION 14.** Section 15 of this 2015 Act is added to and made a part of ORS chapter 825.

44 “**SECTION 15.** Notwithstanding ORS 319.020, 319.530 and 825.474, a person operating a  
45 motor vehicle with a combined weight of 26,000 pounds or more is not required to pay the

1 weight-mile tax imposed under ORS 825.474 or fuel taxes imposed under ORS 319.020 and  
2 319.530, if:

3 “(1) The person is not operating as a for-hire carrier; and

4 “(2) The person is operating the motor vehicle for the purpose of emissions research and  
5 development and the United States Environmental Protection Agency has provided a testing  
6 exemption from complying with federal emission requirements.

7 “SECTION 15a. Section 15 of this 2015 Act applies to taxes imposed on or after January  
8 1, 2015.

9 “SECTION 16. ORS 825.017 is amended to read:

10 “825.017. Except as provided in ORS 825.026 and 825.030, this chapter does not apply to the  
11 persons or vehicles described in this section. The exemption under this section applies to the fol-  
12 lowing persons and vehicles:

13 “(1) Vehicles being used by, or under contract with, any school board, district or person re-  
14 sponsible for the administration of elementary or secondary school activities, and engaged exclu-  
15 sively in transporting students or combinations of students and other persons to or from school, to  
16 or from authorized school activities or other activities sponsored by the State Board of Higher Ed-  
17 ucation, or for purposes provided under ORS 332.427. This exemption shall not be affected by the  
18 charging of a fee to cover the costs of the transportation.

19 “(2) Vehicles being used in a taxicab operation if the vehicle:

20 “(a) Is a passenger vehicle with a passenger seating capacity that does not exceed five;

21 “(b) Carries passengers for hire where the destination and route traveled may be controlled by  
22 a passenger and the fare is calculated on the basis of any combination of an initial fee, distance  
23 traveled or waiting time; and

24 “(c) Is transporting persons or property, or both, between points in Oregon.

25 “(3) Vehicles being used for the transportation of property by private carrier by means of a  
26 single vehicle or combination of vehicles with a combined weight that does not exceed 8,000 pounds.

27 “(4) Vehicles being used in operating implements of husbandry.

28 “(5) Vehicles being used as a hearse or ambulance.

29 “(6) Vehicles being used over any private road or thoroughfare.

30 “(7) Vehicles being used on any road, thoroughfare or property, other than a state highway,  
31 county road or city street, for the removal of forest products as defined in ORS 321.005, or the  
32 product of forest products converted to a form other than logs at or near the harvesting site, or  
33 when used for the construction or maintenance of the road, thoroughfare or property, pursuant to  
34 a written agreement or permit authorizing the use, construction or maintenance of the road,  
35 thoroughfare or property, with:

36 “(a) An agency of the United States;

37 “(b) The State Board of Forestry;

38 “(c) The State Forester; or

39 “(d) A licensee of an agency named in this subsection.

40 “(8) Vehicles being used on any county road for the removal of forest products as defined in  
41 ORS 321.005, or the products of forest products converted to a form other than logs at or near the  
42 harvesting site, if:

43 “(a) The use is pursuant to a written agreement entered into with the State Board of Forestry,  
44 the State Forester or an agency of the United States, authorizing the owner of the motor vehicle  
45 to use the road and requiring the owner to pay for or to perform the construction or maintenance

1 of the county road, including any operator of a motor vehicle retained to transport logs, poles and  
2 piling for the owners who are exempt under this section;

3 “(b) The board, officer or agency that entered into the agreement or granted the permit, by  
4 contract with the county court or board of county commissioners, has assumed the responsibility for  
5 the construction or maintenance of the county road; and

6 “(c) Copies of the agreements or permits required by this subsection are filed with the Director  
7 of Transportation.

8 “(9) Vehicles being used in the transportation of persons for hire if the operation:

9 “(a) Is performed by a nonprofit entity;

10 “(b) Is not in competition with a regular route full-service scheduled carrier of persons that is  
11 subject to the provisions of this chapter or a service provided by a mass transit district formed un-  
12 der ORS chapter 267;

13 “(c) Is performed by use of vehicles operating in compliance with ORS 820.020 to 820.070; and

14 “(d) Is approved by the Department of Transportation as complying with paragraphs (a) to (c)  
15 of this subsection.

16 “(10) Vehicles being used in transporting persons with disabilities, with or without their super-  
17 visors or assistants, to or from rehabilitation facilities or child care services if the motor vehicle is  
18 a passenger motor vehicle with a seating capacity of not more than 12 passengers. The exemption  
19 provided by this subsection applies only when the motor vehicle is operated by or under contract  
20 with any person responsible for the administration of rehabilitation facilities as defined in ORS  
21 344.710 to 344.730 or child care services provided by a facility licensed under ORS 329A.030 and  
22 329A.250 to 329A.450.

23 “(11) Vehicles owned or operated by the United States or by any governmental jurisdiction  
24 within the United States except when owned or operated as a carrier of property for hire.

25 “(12) Vehicles owned or operated by a mass transit district created under ORS chapter 267.

26 “(13) Vehicles owned or operated by, or under contract with, a person responsible for the con-  
27 struction or reconstruction of a highway under contract with the Department of Transportation or  
28 with an agency of the United States when operated within the immediate construction project as  
29 described in the governmental agency contract during the construction period.

30 “(14) Vehicles owned or operated by, or under contract with, a charitable organization when  
31 exclusively engaged in performing transportation, either one way or round trip, necessary to the  
32 operation of the charitable organization. As used in this subsection, ‘charitable organization’ means  
33 an organization that has no capital stock and no provision for making dividends or profits, but de-  
34 rives its funds principally from public and private charity and holds them in trust for the promotion  
35 of the welfare of others and not for profit. Any organization claiming an exemption under this sub-  
36 section shall file an affidavit with the department stating that it is organized and operated in ac-  
37 cordance with the requirements of this subsection.

38 “[15] *Vehicles with a maximum speed that does not exceed 35 miles per hour that are designed for*  
39 *off-road use and that are operated on the public highways in any one calendar year a number of miles*  
40 *that does not exceed 15 percent of the total number of miles the vehicle is operated for that calendar*  
41 *year.*]

42 “[16] **(15)** Passenger vehicles with a passenger seating capacity that does not exceed five when  
43 used in the transportation of new telephone books.

44 “[17] **(16)** A vehicle that is used in a limousine service operation in which the destination and  
45 route traveled may be controlled by the passenger and the fare is calculated on the basis of any

1 combination of initial fee, distance traveled and waiting time if the vehicle:

2 “(a) Is a passenger vehicle with a passenger seating capacity that does not exceed eight;

3 “(b) Carries passengers for hire between points in Oregon; and

4 “(c) Operates on an irregular route basis.

5 “[18] (17) Fire trucks and rescue vehicles that are designated as emergency vehicles by the  
6 Department of Transportation under ORS 801.260, while involved in emergency and related oper-  
7 ations.

8 “[19] (18) A person who provides services related to the packing or loading of household goods  
9 if the person does not:

10 “(a) Provide or operate a motor vehicle for the movement of the household goods; and

11 “(b) Act as an agent for any person who does provide or operate a motor vehicle for the move-  
12 ment of the household goods.

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14 **“CAPTIONS**

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16 **“SECTION 17. The unit captions used in this 2015 Act are provided only for the conven-  
17 ience of the reader and do not become part of the statutory law of this state or express any  
18 legislative intent in the enactment of this 2015 Act.**

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20 **“EFFECTIVE DATE**

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22 **“SECTION 18. This 2015 Act takes effect on the 91st day after the date on which the 2015  
23 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.”.**