

B-Engrossed
House Bill 2730

Ordered by the House June 30
Including House Amendments dated May 28 and June 30

Sponsored by Representatives READ, BARTON, DAVIS, MCLAIN, KENNEMER, RAYFIELD; Representatives BOONE, DOHERTY, FAGAN, GILLIAM, HACK, HUFFMAN, MCKEOWN, PILUSO (Presession filed.)

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.

Directs Department of Transportation to establish Portland Trail Blazers license plate program for issuance of special registration plate. Imposes surcharge per year of registration. Directs that moneys from surcharge on registration plate be transferred to Trail Blazers Foundation established by Portland Trail Blazers.

Directs department to establish breast cancer awareness registration plate program for issuance of special registration plate. Imposes surcharge per year of registration and directs department to transfer net proceeds from surcharge to Oregon Health Authority Fund.

Establishes special registration plate program within department.

Repeals limitation on number of special registration plates department may issue at one time.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 803.530 and 805.205 and section
3 2, chapter 823, Oregon Laws 2009; repealing ORS 805.202 and 805.206; and declaring an emer-
4 gency.

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

6
7 **PORTLAND TRAIL BLAZERS**
8 **REGISTRATION PLATE PROGRAM**
9

10 **SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of the Oregon**
11 **Vehicle Code.**

12 **SECTION 2. (1) The Department of Transportation shall establish a Portland Trail**
13 **Blazers registration plate program to issue special registration plates to support charitable**
14 **initiatives through the Trail Blazers Foundation established by the Portland Trail Blazers.**
15 **The special registration plates shall be issued upon request to owners of motor vehicles**
16 **registered under ORS 803.420 (1). In addition, the department may adopt rules for issuance**
17 **of Portland Trail Blazers registration plates for vehicles not registered under ORS 803.420 (1).**

18 **(2) In addition to any other fee authorized by law, for each set of Portland Trail Blazers**
19 **registration plates issued under subsection (1) of this section, the department shall collect**
20 **a surcharge of \$40 payable when the plates are issued and upon each subsequent renewal of**
21 **registration of a vehicle bearing the plates. The department shall distribute the moneys from**
22 **the surcharge as provided in section 3 of this 2015 Act.**

23 **(3) Notwithstanding ORS 803.530, Portland Trail Blazers registration plates may be**

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 transferred from vehicle to vehicle if the department stops issuing the plates, as long as the
2 plates are not too old, damaged, mutilated or otherwise rendered illegible to be useful for
3 purposes of identification.

4 (4) The Portland Trail Blazers registration plate must include the name or logo of the
5 Portland Trail Blazers basketball team. The department shall design the plate in consultation
6 with the Portland Trail Blazers. The final design of the plate is subject to approval by the
7 Portland Trail Blazers. The department may enter into agreements necessary for the use of
8 the logo, name, marks or slogans associated with the Portland Trail Blazers or the National
9 Basketball Association.

10 (5) Except as otherwise required by the design approved by the department, Portland
11 Trail Blazers registration plates must comply with the requirements of ORS 803.535.

12
13 **FUNDS TO THE TRAIL BLAZERS FOUNDATION**
14

15 **SECTION 3.** (1) Moneys from the surcharge imposed by section 2 of this 2015 Act must
16 be transferred to the Trail Blazers Foundation established by the Portland Trail Blazers after
17 deduction of the cost of administration of the Portland Trail Blazers registration plate pro-
18 gram, including but not limited to the costs of collecting the Portland Trail Blazers regis-
19 tration plate surcharge and transferring Portland Trail Blazers registration plates that are
20 above the normal costs of issuing, renewing and transferring registration plates in the
21 normal course of business of the Department of Transportation. Any royalties due to the
22 National Basketball Association are the responsibility of the Portland Trail Blazers.

23 (2) The Trail Blazers Foundation shall use the surcharge proceeds received under this
24 section to issue grants for youth-related programs and initiatives.

25 (3) Each year, the Trail Blazers Foundation shall report to a committee or interim com-
26 mittee of the Legislative Assembly related to transportation. The report must provide in-
27 formation about the grants awarded with the funds from the surcharge.

28 **SECTION 4.** (1) The Department of Transportation may not begin creating or issuing the
29 Portland Trail Blazers registration plate until the department receives the amount necessary
30 to cover the department's anticipated costs of initiating the Portland Trail Blazers registra-
31 tion plate program established under section 2 of this 2015 Act. The anticipated costs under
32 this section shall include, but are not limited to, the Portland Trail Blazers registration plate
33 design, computer programming and production setup. Any portion of amounts received and
34 not used for initiating the Portland Trail Blazers registration plate program must be trans-
35 ferred to the Trail Blazers Foundation established by the Portland Trail Blazers.

36 (2) If the initial costs are not provided by the Portland Trail Blazers, the department
37 may accept donations, gifts, grants or contributions from any public or private source for
38 the purpose of carrying out this section.

39
40 **BREAST CANCER AWARENESS**
41 **REGISTRATION PLATE PROGRAM**
42

43 **SECTION 5.** Sections 6 and 7 of this 2015 Act are added to and made a part of the Oregon
44 Vehicle Code.

45 **SECTION 6.** (1) The Department of Transportation shall establish a breast cancer

1 awareness registration plate program to issue special registration plates called “breast can-
2 cer awareness registration plates” upon request to owners of motor vehicles registered un-
3 der ORS 803.420 (1). In addition, the department may adopt rules for issuance of breast
4 cancer awareness registration plates for vehicles not registered under ORS 803.420 (1).

5 (2) In addition to any other fee authorized by law, for each set of breast cancer aware-
6 ness registration plates issued under subsection (1) of this section, the department shall
7 collect a surcharge of \$40 payable when the plates are issued and upon each subsequent re-
8 newal of registration of a vehicle bearing the plates. The department shall distribute the
9 surcharge as provided in section 7 of this 2015 Act.

10 (3) Notwithstanding ORS 803.530, breast cancer awareness registration plates may be
11 transferred from vehicle to vehicle if the department stops issuing the plates, as long as the
12 plates are not too old, damaged, mutilated or otherwise rendered illegible to be useful for
13 purposes of identification.

14
15 **FUNDS TO OREGON BREAST AND CERVICAL CANCER PROGRAM**

16
17 **SECTION 7.** (1) Moneys from the surcharge imposed by section 6 of this 2015 Act must
18 be transferred to the Oregon Health Authority Fund established by ORS 413.101 after de-
19 duction of the cost of administration of the breast cancer awareness registration plate pro-
20 gram, including but not limited to the costs of collecting the breast cancer awareness
21 registration plate surcharge and transferring breast cancer awareness registration plates
22 that are above the normal costs of issuing, renewing and transferring registration plates in
23 the normal course of business of the Department of Transportation.

24 (2) Moneys deposited under subsection (1) of this section are continuously appropriated
25 to the Oregon Health Authority for activities under ORS 414.534 related to early detection
26 of breast and cervical cancers as part of the Oregon Breast and Cervical Cancer Program.

27 **SECTION 8.** (1) The Department of Transportation may not begin creating or issuing the
28 breast cancer awareness registration plate until the department receives the amount neces-
29 sary to cover the department’s anticipated costs of initiating the breast cancer awareness
30 registration plate program established under section 6 of this 2015 Act. The anticipated costs
31 under this section shall include, but are not limited to, the breast cancer awareness regis-
32 tration plate design, computer programming and production setup. Any portion of amounts
33 received and not used for initiating the breast cancer awareness registration plate program
34 must be transferred to the Oregon Health Authority Fund as provided in section 7 of this
35 2015 Act.

36 (2) The department may accept donations, gifts, grants or contributions from any public
37 or private source for the purpose of carrying out this section.

38
39 **DESIGN**

40
41 **SECTION 9.** (1) The Department of Transportation shall design the breast cancer
42 awareness registration plates issued under section 6 of this 2015 Act and shall ensure that
43 the design includes a symbol or artwork representing breast cancer awareness.

44 (2) Except as otherwise required by subsection (1) of this section, breast cancer aware-
45 ness registration plates must comply with the requirements of ORS 803.535.

REPEAL LIMITATION ON NUMBER OF SPECIALTY PLATES

SECTION 10. ORS 805.202 is repealed.

SPECIAL REGISTRATION PLATE PROGRAM

SECTION 11. Sections 12 and 13 of this 2015 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 12. (1) The Department of Transportation shall establish a special registration program and provide for issuance of special registration plates for nonprofit groups meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code, for institutions of higher education and for public bodies, as defined in ORS 174.109.

(2) Plates issued under this section may be issued to owners of motor vehicles registered under the provisions of ORS 803.420 (1). In addition, the department may adopt rules for issuance of special registration plates issued pursuant to this section for vehicles not registered under ORS 803.420 (1).

(3) Plates issued under this section may not contain expressions of political opinion or religious belief.

(4) Rules adopted under this section shall include, but need not be limited to, rules that:

(a) Describe general qualifications to be met by any nonprofit group, institution of higher education or public body in order to be eligible for plates issued under this section.

(b) Specify circumstances under which the department may cease to issue plates under this section.

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

(d) Specify the manner in which a nonprofit group, institution of higher education or public body may apply for a special registration plate.

(5) In addition to any other fee authorized by law, for each set of special registration plates issued pursuant to this section, the department shall collect a surcharge of \$40 payable when the plates are issued and upon each subsequent renewal of registration of a vehicle bearing the plates. The department shall distribute the moneys from the surcharge as provided in subsection (8) of this section.

(6) The department, in consultation with the nonprofit group, institution of higher education or public body requesting the special registration plate, shall develop a unique design for each plate issued under this section. Any design must comply with requirements described under ORS 803.535.

(7) The department shall determine how many sets of plates shall be manufactured for each plate approved under this section. If the department does not issue 2,000 sets of plates

1 for a particular nonprofit group, institution of higher education or public body in any one
2 year, the department shall cease production of those plates.

3 (8) Each nonprofit group, institution of higher education or public body that is found by
4 the department to be eligible for plates issued under this section may designate an account
5 into which the net proceeds of the surcharge collected by the department under subsection
6 (5) of this section are to be deposited. The department shall keep accurate records of the
7 number of plates issued for each nonprofit group, institution of higher education or public
8 body that qualifies. After payment of administrative expenses of the department, moneys
9 collected under this section for a nonprofit group, institution of higher education or public
10 body shall be deposited by the department into an account specified by that nonprofit group,
11 institution of higher education or public body. If any nonprofit group, institution of higher
12 education or public body does not specify an account for the moneys collected from the sale
13 of plates issued under this section, the department shall deposit moneys collected for those
14 plates into the Passenger Rail Transportation Account established under ORS 802.100 to be
15 used as other moneys in the account are used. Deposits under this subsection shall be made
16 at least quarterly.

17 **SECTION 13.** (1) A nonprofit group, institution of higher education or public body, as
18 defined in ORS 174.109, that requests issuance of a special registration plate under section
19 12 of this 2015 Act shall:

20 (a) Submit an application, in the manner prescribed by the Department of Transportation
21 by rule.

22 (b) Pay to the department the anticipated costs of adding the plate to the special regis-
23 tration plate program, as determined by the department. The department shall refund any
24 amount of the payment that is not needed to pay the costs of adding the plate to the pro-
25 gram.

26 (c) Collect and hold prepaid vouchers for new special registration plates, until it has re-
27 ceived at least 3,000 vouchers along with required fees. Once a participating nonprofit group,
28 institution of higher education or public body has received at least 3,000 vouchers, it shall
29 submit the vouchers, along with the required fees, to the department.

30 (2) The department shall begin designing, producing and issuing the plates after the
31 nonprofit group, institution of higher education or public body submits the following:

32 (a) The application;

33 (b) Payment for the anticipated costs of adding the plate as determined under subsection
34 (1) of this section; and

35 (c) Three thousand prepaid vouchers along with required fees.

36 (3) For purposes of this section, costs of adding a new special registration plate include,
37 but are not limited to, computer programming costs and vendor set-up fees.

38 (4) The department shall adopt rules for the administration and implementation of the
39 special registration plate program.

40
41 **ELIMINATION OF NEW GROUP PLATES**

42
43 **SECTION 14.** ORS 805.206 is repealed.

44 **SECTION 15.** ORS 805.205 is amended to read:

45 805.205. (1) Except as provided in subsection (7) of this section, the Department of Trans-

1 portation shall provide for issuance of registration plates described in [subsections (3), (7) and (8)
 2 of] this section for nonprofit groups meeting the qualifications for tax exempt status under section
 3 501(c)(3) of the Internal Revenue Code and for institutions of higher education. Plates issued under
 4 this section may be issued to owners of motor vehicles registered under the provisions of ORS
 5 803.420 (1). Plates issued under this section may not contain expressions of political opinion or re-
 6 ligious belief. Rules adopted under this section shall include, but need not be limited to, rules that:

7 [(a) Describe general qualifications to be met by any group in order to be eligible for plates issued
 8 under this section.]

9 [(b)] (a) Specify circumstances under which the department may cease to issue plates for any
 10 particular group.

11 [(c)] (b) Require each group for which plates are issued to file an annual statement on a form
 12 designed by the department showing that the group is a nonprofit group or is an institution of higher
 13 education and that the group or institution otherwise meets the qualifications imposed for eligibility
 14 for plates issued under this section. The statement shall include names and addresses of current
 15 directors or officers of the group or institution or of other persons authorized to speak for the group
 16 or institution on matters affecting plates issued under this section.

17 (2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, in addition to
 18 any other fee authorized by law, upon issuance of a plate under this section and upon renewal of
 19 registration for a vehicle that has plates issued under this section, the department shall collect a
 20 surcharge for each year of the registration period. The surcharge shall be determined by the de-
 21 partment by rule and may not be less than \$2.50 per plate or more than \$16 per plate. In setting the
 22 amount of the surcharge, the department shall consult with the nonprofit group for which the plates
 23 are issued.

24 (b) In addition to any other fee authorized by law, upon issuance of a plate under this section
 25 that recognizes an institution of higher education in this state, and upon renewal of registration for
 26 a vehicle that has such plates, the department shall collect a surcharge of \$8 per plate for each year
 27 of the registration period.

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

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

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

35 (b) If the group requesting the plates is a group that recognizes fallen public safety officers, the
 36 plates shall, upon request, contain a decal that indicates the plates are issued to recognize fallen
 37 public safety officers.

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

43 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by
 44 the department to be eligible for plates issued under this section may designate an account into
 45 which the net proceeds of the surcharge collected by the department under subsection (2) of this

1 section are to be deposited. The department shall keep accurate records of the number of plates is-
2 sued for each group that qualifies. After payment of administrative expenses of the department,
3 moneys collected under this section for each group shall be deposited by the department into an
4 account specified by that group. If any group does not specify an account for the moneys collected
5 from the sale of plates issued under this section, the department shall deposit moneys collected for
6 those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be
7 used as other moneys in the account are used. Deposits under this subsection shall be made at least
8 quarterly.

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

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

19 (c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration
20 plates shall be deposited into an account designated by the Children's Trust Fund of Oregon Found-
21 ation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made
22 under this paragraph shall be made at least quarterly. At any time that the department determines
23 that the account designated by the Children's Trust Fund of Oregon Foundation ceases to exist, the
24 department shall deposit the proceeds into the Keep Kids Safe Registration Plate Account estab-
25 lished in ORS 805.207. At the beginning of each biennium, the Early Learning Council shall evenly
26 distribute the moneys in the Keep Kids Safe Registration Plate Account to the counties in this state,
27 until each county receives \$1,000. After each county has received \$1,000, the council shall distribute
28 any remaining moneys to each county in an amount equal to the percentage of Keep Kids Safe
29 registration plates sold in that county. Each county shall use the moneys received under this para-
30 graph solely for the purpose of funding strategies and approaches shown to prevent or reduce child
31 abuse.

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

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

37 **(7) The department may not accept applications to create new group registration plates**
38 **on or after the effective date of this 2015 Act.**

39
40 **APPLICABILITY OF GROUP PLATE PROGRAM REPEAL**

41
42 **SECTION 16. The repeal of ORS 805.206 by section 14 of this 2015 Act applies only to ap-**
43 **plications to create new group registration plates received by the Department of Transpor-**
44 **tation on or after the effective date of this 2015 Act. Processing of an application to create**
45 **a new group registration plate received by the department before the effective date of this**

1 **2015 Act in accordance with the law then in effect may be completed after the effective date**
2 **of this 2015 Act as if this 2015 Act had not been enacted. Group registration plates available**
3 **for issuance immediately before the effective date of this 2015 Act shall continue to be gov-**
4 **erned by the law applicable to group registration plates in effect immediately before the ef-**
5 **fective date of this 2015 Act.**

6
7 **CONFORMING AMENDMENTS**
8

9 **SECTION 17.** ORS 803.530 is amended to read:

10 803.530. Registration plates assigned to a vehicle by the Department of Transportation shall
11 remain with the vehicle to which the plates are assigned and are valid only during the registration
12 period for which the plates are issued except as provided in the following:

13 (1) The department may allow registration plates to be transferred to another vehicle upon re-
14 ceipt of an application and payment of a plate transfer fee under ORS 803.575 in addition to any
15 required registration fee. The department shall transfer registration plates under this subsection
16 unless the department determines that the plates are:

17 (a) So old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes
18 of identification; or

19 (b) Not any of the following:

20 (A) From a current issue of registration plates;

21 (B) Customized registration plates described under ORS 805.240;

22 (C) Oregon Trail commemorative registration plates issued under section 113, chapter 741,
23 Oregon Laws 1993; [or]

24 (D) Special registration plates issued under ORS 805.255, 805.260, [or] 805.263 **or 805.266 or**
25 **section 2 or 6 of this 2015 Act[.];**

26 **(E) Group plates issued under ORS 805.205; or**

27 **(F) Veterans plates issued under ORS 805.105.**

28 (2) The owner of a registered vehicle to which a plate is assigned may replace a registration
29 plate that is illegally altered or that is lost, destroyed or mutilated in a manner that renders illeg-
30 ible any identification on the plate. The following apply to this subsection:

31 (a) To replace a plate under this subsection, the owner must apply to the department for re-
32 placement of the damaged or lost plate in a form prescribed by the department and pay the re-
33 placement plate fee established under ORS 803.575.

34 (b) The application must state the facts of the damage, destruction or loss of the plate.

35 (c) The department, in lieu of replacement, may issue duplicate plates for the same fee as
36 charged for replacements.

37 (d) The plates issued under this subsection are valid only for the period of the plates replaced.

38 (3) This section does not apply to special interest registration plates approved under ORS
39 805.210.

40 **SECTION 18.** Section 2, chapter 823, Oregon Laws 2009, as amended by section 8, chapter 709,
41 Oregon Laws 2011, is amended to read:

42 **Sec. 2.** (1) The Department of Transportation shall establish a Pacific Wonderland registration
43 plate program to issue special registration plates called "Pacific Wonderland registration plates"
44 upon request to owners of motor vehicles registered under the provisions of ORS 803.420 (1). In ad-
45 dition, the department may adopt rules for issuance of Pacific Wonderland registration plates for

1 vehicles not registered under the provisions of ORS 803.420 (1).

2 (2) In addition to any other fee authorized by law, for each set of Pacific Wonderland registra-
3 tion plates issued under subsection (1) of this section, the department shall collect a surcharge of
4 \$100 payable when the plates are issued. The department shall transfer the moneys from the sur-
5 charge as provided in section 3, chapter 823, Oregon Laws 2009.

6 (3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates may be transferred
7 from vehicle to vehicle if the department stops issuing the plates, as long as the plates are not so
8 old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identifi-
9 cation.

10 (4) The department shall limit the total number of Pacific Wonderland registration plates to
11 40,000 sets of plates.

12 *[(5) Notwithstanding ORS 805.202, until the department has issued 40,000 sets of plates under this*
13 *section, the department may issue five kinds of special registration plates at any one time.]*

14
15 **OPERATIVE DATE**

16
17 **SECTION 19. Sections 11 to 13 of this 2015 Act become operative on July 1, 2016.**

18
19 **EXPENDITURE LIMITATION**

20
21 **SECTION 20. Notwithstanding any other law limiting expenditures, the limitation on**
22 **expenditures established by section 5 (9), chapter __, Oregon Laws 2015 (Enrolled House Bill**
23 **5040), for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses**
24 **from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds**
25 **received as reimbursement from the United States Department of Transportation, but ex-**
26 **cluding lottery funds and federal funds not described in section 5, chapter __, Oregon Laws**
27 **2015 (Enrolled House Bill 5040), collected or received by the Department of Transportation,**
28 **is increased by \$248,095 for services and supplies to establish two new registration plate**
29 **programs.**

30
31 **CAPTIONS**

32
33 **SECTION 21. The unit captions used in this 2015 Act are provided only for the conven-**
34 **ience of the reader and do not become part of the statutory law of this state or express any**
35 **legislative intent in the enactment of this 2015 Act.**

36
37 **EMERGENCY CLAUSE**

38
39 **SECTION 22. This 2015 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
41 **on its passage.**