

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2465**

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

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

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

9 **“SECTION 9. The amendments to ORS 339.257, 807.031, 807.050,
10 807.066, 807.072, 807.150 and 807.400 by sections 1 to 8 of this 2015 Act
11 become operative on January 1, 2016.**

12
13 **“TAXES AND PER-MILE ROAD USAGE CHARGE**
14

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

16 “319.945. (1) [*Upon application on a form prescribed by*] The Department
17 of Transportation[, *the department shall*] **may** issue an emblem to the regis-
18 tered owner of a subject vehicle to show that the use of fuel in the subject
19 vehicle is exempt from taxation under ORS 319.510 to 319.880.

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

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

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

1 **SECTION 11.** ORS 319.890 is amended to read:

2 “319.890. (1) A person wishing to pay the per-mile road usage charge im-
3 posed under ORS 319.885 must apply to the Department of Transportation
4 on a form prescribed by the department.

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

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

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

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

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

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

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

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

30 “319.665. (1) The seller of fuel for use in a motor vehicle shall collect the

1 tax provided by ORS 319.530 at the time the fuel is sold, unless one of the
2 following situations applies:

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

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

11 “(c) A cardlock card is used for purchase of the fuel at an attended por-
12 tion of a retail facility equipped with a cardlock card reader, in which case
13 the cardlock card issuer licensed in this state is responsible for collecting
14 and remitting the tax unless the person making the purchase certifies to the
15 seller that the use of the fuel is exempt from the tax imposed under ORS
16 319.530.

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

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

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

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

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

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

2 “319.920. (1) On a date determined by the Department of Transportation
3 under ORS 319.910, the registered owner or lessee of a subject vehicle shall
4 report the metered use by the subject vehicle[, *rounded up to the next whole*
5 *mile,*] and pay to the department the per-mile road usage charge due under
6 ORS 319.885 for the reporting period.

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

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

13 **“SECTION 15. Notwithstanding ORS 319.020, 319.530 and 825.474, a**
14 **person operating a motor vehicle with a combined weight of 26,000**
15 **pounds or more is not required to pay the weight-mile tax imposed**
16 **under ORS 825.474 or fuel taxes imposed under ORS 319.020 and 319.530,**
17 **if:**

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

19 **“(2) The person is operating the motor vehicle for the purpose of**
20 **emissions research and development and the United States Environ-**
21 **mental Protection Agency has provided a testing exemption from**
22 **complying with federal emission requirements.**

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

25 **“SECTION 16.** ORS 825.017 is amended to read:

26 “825.017. Except as provided in ORS 825.026 and 825.030, this chapter does
27 not apply to the persons or vehicles described in this section. The exemption
28 under this section applies to the following persons and vehicles:

29 “(1) Vehicles being used by, or under contract with, any school board,
30 district or person responsible for the administration of elementary or sec-

1 onduary school activities, and engaged exclusively in transporting students
2 or combinations of students and other persons to or from school, to or from
3 authorized school activities or other activities sponsored by the State Board
4 of Higher Education, or for purposes provided under ORS 332.427. This ex-
5 emption shall not be affected by the charging of a fee to cover the costs of
6 the transportation.

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

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

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

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

15 “(3) Vehicles being used for the transportation of property by private
16 carrier by means of a single vehicle or combination of vehicles with a com-
17 bined weight that does not exceed 8,000 pounds.

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

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

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

21 “(7) Vehicles being used on any road, thoroughfare or property, other
22 than a state highway, county road or city street, for the removal of forest
23 products as defined in ORS 321.005, or the product of forest products con-
24 verted to a form other than logs at or near the harvesting site, or when used
25 for the construction or maintenance of the road, thoroughfare or property,
26 pursuant to a written agreement or permit authorizing the use, construction
27 or maintenance of the road, thoroughfare or property, with:

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

29 “(b) The State Board of Forestry;

30 “(c) The State Forester; or

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

2 “(8) Vehicles being used on any county road for the removal of forest
3 products as defined in ORS 321.005, or the products of forest products con-
4 verted to a form other than logs at or near the harvesting site, if:

5 “(a) The use is pursuant to a written agreement entered into with the
6 State Board of Forestry, the State Forester or an agency of the United
7 States, authorizing the owner of the motor vehicle to use the road and re-
8 quiring the owner to pay for or to perform the construction or maintenance
9 of the county road, including any operator of a motor vehicle retained to
10 transport logs, poles and piling for the owners who are exempt under this
11 section;

12 “(b) The board, officer or agency that entered into the agreement or
13 granted the permit, by contract with the county court or board of county
14 commissioners, has assumed the responsibility for the construction or main-
15 tenance of the county road; and

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

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

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

21 “(b) Is not in competition with a regular route full-service scheduled
22 carrier of persons that is subject to the provisions of this chapter or a ser-
23 vice provided by a mass transit district formed under ORS chapter 267;

24 “(c) Is performed by use of vehicles operating in compliance with ORS
25 820.020 to 820.070; and

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

28 “(10) Vehicles being used in transporting persons with disabilities, with
29 or without their supervisors or assistants, to or from rehabilitation facilities
30 or child care services if the motor vehicle is a passenger motor vehicle with

1 a seating capacity of not more than 12 passengers. The exemption provided
2 by this subsection applies only when the motor vehicle is operated by or
3 under contract with any person responsible for the administration of reha-
4 bilitation facilities as defined in ORS 344.710 to 344.730 or child care services
5 provided by a facility licensed under ORS 329A.030 and 329A.250 to 329A.450.

6 “(11) Vehicles owned or operated by the United States or by any govern-
7 mental jurisdiction within the United States except when owned or operated
8 as a carrier of property for hire.

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

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

16 “(14) Vehicles owned or operated by, or under contract with, a charitable
17 organization when exclusively engaged in performing transportation, either
18 one way or round trip, necessary to the operation of the charitable organ-
19 ization. As used in this subsection, ‘charitable organization’ means an or-
20 ganization that has no capital stock and no provision for making dividends
21 or profits, but derives its funds principally from public and private charity
22 and holds them in trust for the promotion of the welfare of others and not
23 for profit. Any organization claiming an exemption under this subsection
24 shall file an affidavit with the department stating that it is organized and
25 operated in accordance with the requirements of this subsection.

26 “[15] *Vehicles with a maximum speed that does not exceed 35 miles per*
27 *hour that are designed for off-road use and that are operated on the public*
28 *highways in any one calendar year a number of miles that does not exceed 15*
29 *percent of the total number of miles the vehicle is operated for that calendar*
30 *year.]*

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

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