

House Bill 2084

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue)

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 **as introduced**.

Directs Department of Revenue to establish and maintain list of persons that sell or accept orders for cigarettes, inhalant delivery systems or tobacco products that are to be transported from a point outside this state to consumer within this state and that either do not require age verification or fail to pay tax.

Prohibits common carriers from transporting cigarettes, inhalant delivery systems or tobacco products from point outside this state to consumer within this state if person making sale is on list.

A BILL FOR AN ACT

1
2 Relating to common carriers.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Cigarettes" has the meaning given that term in ORS 323.010.**

6 (b) **"Common carrier" means:**

7 (A) **A person that transports property by motor vehicle for hire; or**

8 (B) **A person that leases, rents or otherwise provides a motor vehicle for another to use**
9 **for the purpose described in subparagraph (A) of this paragraph, and that in the regular**
10 **course of business provides, procures or arranges a driver or operator for the motor vehicle.**

11 (c) **"Inhalant delivery system" has the meaning given that term in ORS 431A.175.**

12 (d) **"Tobacco products" has the meaning given that term in ORS 323.500.**

13 (2) **The Department of Revenue shall establish and maintain a list of persons that:**

14 (a) **Sell or accept orders for cigarettes, inhalant delivery systems or tobacco products**
15 **that are to be transported from a point outside this state to a consumer within this state;**
16 **and**

17 (b)(A) **Do not require a consumer within this state to verify the consumer's age before**
18 **selling to the consumer, or accepting an order from the consumer for, cigarettes, inhalant**
19 **delivery systems or tobacco products; or**

20 (B) **Fails to pay a tax imposed on the person for making a sale of cigarettes, inhalant**
21 **delivery systems or tobacco products.**

22 (3) **The department shall make the list established and maintained under subsection (2)**
23 **of this section available to all common carriers transporting property in this state.**

24 (4) **A common carrier may not transport cigarettes, inhalant delivery systems or tobacco**
25 **products from a point outside this state to a consumer within this state if the person making**
26 **the sale of the cigarettes, inhalant delivery systems or tobacco products is on the list es-**
27 **tablished and maintained by the department under subsection (2) of this section.**

28 (5) **A common carrier that violates subsection (4) of this section is jointly responsible**

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 with the person making the sale of the cigarettes, inhalant delivery systems or tobacco
2 products for:

3 (a) Paying any civil penalty imposed by the department on the person making the sale
4 for committing a violation described in subsection (2)(b) of this section; and

5 (b) Paying any tax owed by the person making the sale at the time that the common
6 carrier transported the cigarettes, inhalant delivery systems or tobacco products.

7 (6) The department shall adopt rules to implement this section.
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