

# House Bill 2913

Sponsored by Representatives GREENLICK, KENY-GUYER

## 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**.

Imposes fee on retail sale of studded tires and on installation of studs in tires. Provides exception.

Becomes operative May 1, 2018.

## A BILL FOR AN ACT

1  
2 Relating to studded tires.

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

4 **SECTION 1. (1) As used in this section, "tire dealer" means a person engaged in a busi-**  
5 **ness, trade, occupation, activity or enterprise that sells, transfers, exchanges or barter**  
6 **tires or tire-related products for consideration.**

7 **(2) Except as provided in subsection (3) of this section, in addition to any other fee im-**  
8 **posed by this state, a fee of \$\_\_\_\_\_ is imposed on the retail sale of each new tire with studs**  
9 **and on the installation of studs in a tire. The fee is imposed on a tire dealer at the time the**  
10 **dealer sells a tire with studs or installs studs in a tire for the ultimate consumer.**

11 **(3) Subsection (2) of this section does not apply to retractable studded tires as described**  
12 **in ORS 815.045.**

13 **(4) On or before the last day of January, April, July and October, a tire dealer shall file**  
14 **a return with the Department of Revenue in the form and manner the department prescribes**  
15 **by rule and shall pay to the department the fee imposed by subsection (2) of this section for**  
16 **the preceding calendar quarter, subject to subsection (7) of this section.**

17 **(5) At the written request of a tire dealer, the department may extend the time for filing**  
18 **a return and paying fees under this section. An extension granted under this subsection shall**  
19 **be for a period not to exceed one month and may be granted at any time if the request is**  
20 **filed with the department before the deadline for filing the return. When an extension is**  
21 **granted, interest at the rate established under ORS 305.220 shall be added and paid for each**  
22 **month, or fraction of a month, that the payment is late.**

23 **(6) The department shall adopt rules prescribing penalties and interest for the late pay-**  
24 **ment of fees for which the department has not granted an extension.**

25 **(7) The amount paid to the department by a tire dealer per quarter, as described in sub-**  
26 **section (4) of this section, shall be reduced by five percent of the total amount owed by the**  
27 **tire dealer to compensate the tire dealer for expenses incurred in collecting and remitting**  
28 **the fee.**

29 **(8) From the time liability is incurred and until paid, the fees, penalties and interest im-**  
30 **posed by this section shall be a personal debt owed by the tire dealer to the State of Oregon.**

31 **SECTION 2. After the payment of expenses of the Department of Revenue for adminis-**

**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 **tration and collection of the studded tire fee imposed under section 1 of this 2017 Act, the**  
2 **department shall transfer the moneys collected under section 1 of this 2017 Act to the State**  
3 **Treasurer in accordance with ORS 366.510 for deposit in the State Highway Fund. The mon-**  
4 **eys shall be used solely for repair of damage caused by tires with studs to state, county and**  
5 **city highways, roads and streets and shall be allocated as follows:**

6 (1) 50 percent to the Department of Transportation.

7 (2) 30 percent to counties for distribution as provided in ORS 366.762.

8 (3) 20 percent to cities for distribution as provided in ORS 366.800.

9 **SECTION 3. Sections 1 and 2 of this 2017 Act become operative on May 1, 2018.**

10 **SECTION 4. The Department of Revenue and the Department of Transportation may take**  
11 **any action before the operative date specified in section 3 of this 2017 Act that is necessary**  
12 **to enable the departments to exercise, on and after the operative date specified in section 3**  
13 **of this 2017 Act, all the duties, functions and powers conferred on the departments by**  
14 **sections 1 and 2 of this 2017 Act.**