

House Bill 4059

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Joint Committee on Transportation)

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**.

Modifies and adds laws related to transportation.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 184.620, 320.400, 320.415, 320.455,
3 320.490, 366.155, 366.772, 805.045 and 805.205 and sections 71d, 85 and 150, chapter 750, Oregon
4 Laws 2017; and prescribing an effective date.

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

6 **SECTION 1.** ORS 184.620 is amended to read:

7 184.620. (1) The Department of Transportation shall be under the supervision of a Director of
8 Transportation. The Oregon Transportation Commission shall appoint the director, after consulta-
9 tion with the Governor. The director serves at the pleasure of the commission.

10 (2) The appointment of the director shall be subject to confirmation by the Senate in the manner
11 provided [*by ORS 171.562 and 171.565*] **in section 2 of this 2018 Act.**

12 (3) The director may appoint:

13 (a) Deputy directors with full authority to act for the director, but subject to the director's
14 control. The appointment of a deputy director shall be by written order filed with the Secretary of
15 State. A deputy director shall be in the unclassified services for purposes of the State Personnel
16 Relations Law.

17 (b) All subordinate officers and employees of the department and may prescribe their duties,
18 assignments and reassignments and fix their compensation, subject to any applicable provisions of
19 the State Personnel Relations Law.

20 (4) Subject to the approval of the commission, the director may organize and reorganize the
21 department as the director considers necessary to properly conduct the work of the department. As
22 directed by the chairperson of the commission, the director shall assign employees of the department
23 to staff the commission.

24 (5) When service of summons or other process is required by statute to be served on the Di-
25 rector of Transportation, the Department of Transportation or the Oregon Transportation Commis-
26 sion, such service shall be made upon the office of the director.

27 **SECTION 2.** (1) **The executive appointment of the Director of Transportation by the**
28 **Oregon Transportation Commission under ORS 184.620 is subject to confirmation by the**
29 **Senate. Confirmation requires the affirmative vote of a majority of the members of the**
30 **Senate.**

31 **(2) If an appointment made under ORS 184.620 is not confirmed by the Senate, the com-**

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 mission shall make another appointment, subject to confirmation by the Senate.

2 (3) The name of the individual to be appointed or reappointed shall be submitted to the
 3 Senate by the commission under ORS 184.620. The Senate shall take up the question of con-
 4 firmation as soon after the convening of a regular or special session as is appropriate. The
 5 question of confirmation may be referred to committee or may be acted upon without a re-
 6 ferral.

7 (4) If the name of an individual to be appointed or reappointed submitted by the com-
 8 mission is not acted upon during the term of the Legislative Assembly to which it is sub-
 9 mitted, the name may be resubmitted to the subsequent term by the commission on or after
 10 the date the Legislative Assembly convenes in the subsequent regular session.

11 **SECTION 3.** ORS 805.045 is amended to read:

12 805.045. (1) If approval is granted under ORS 283.390, the Department of Transportation may
 13 issue:

14 (a) Registration plates or other evidence of registration from any regular series rather than from
 15 any specially designed government series for a vehicle owned or operated by any state department
 16 or institution; or

17 (b) Wine country registration plates for a vehicle operated by a member of the Oregon Wine
 18 Board in discharging the board's duties if requested to do so by the board.

19 (2) The registration period for a vehicle described under this section shall be the same as the
 20 regular registration period for the type of vehicle registered.

21 (3)(a) The fee for registration or renewal of a regular series registration plate for a vehicle un-
 22 der subsection (1)(a) of this section is the fee established under ORS 803.420 for registration or re-
 23 newal of a state-owned vehicle registered under [ORS 805.040] **this section**.

24 (b) The fee for registration or renewal of a wine country registration plate for a vehicle under
 25 subsection (1)(b) of this section is the fee established under ORS 803.420 for that type of vehicle, and
 26 not for renewal of a state-owned vehicle registered under [ORS 805.040] **this section**. Additionally,
 27 the applicant shall pay the surcharge described under ORS 805.266.

28 (4) Any vehicle registered under this section and not exempted under ORS 815.300 must meet
 29 the requirements for certification of compliance with pollution control under ORS 815.310.

30 **SECTION 4.** ORS 805.205 is amended to read:

31 805.205. (1) Except as provided in subsection (7) of this section, the Department of Transporta-
 32 tion shall provide for issuance of registration plates described in this section for nonprofit groups
 33 meeting the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code
 34 and for institutions of higher education. Plates issued under this section may be issued to owners
 35 of motor vehicles registered under the provisions of ORS 803.420 (6)(a). Plates issued under this
 36 section may not contain expressions of political opinion or religious belief. Rules adopted under this
 37 section shall include, but need not be limited to, rules that:

38 (a) Specify circumstances under which the department may cease to issue plates for any partic-
 39 ular group.

40 (b) Require each group for which plates are issued to file an annual statement on a form de-
 41 signed by the department showing that the group is a nonprofit group or is an institution of higher
 42 education and that the group or institution otherwise meets the qualifications imposed for eligibility
 43 for plates issued under this section. The statement shall include names and addresses of current
 44 directors or officers of the group or institution or of other persons authorized to speak for the group
 45 or institution on matters affecting plates issued under this section.

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

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

12 (c) In addition to any other fee authorized by law, upon issuance of a Share the Road registra-
 13 tion plate the department shall collect a surcharge of \$5 per year of registration.

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

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

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

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

26 (5) Except as otherwise provided in subsection (6) of this section, each group that is found by
 27 the department to be eligible for plates issued under this section may designate an account into
 28 which the net proceeds of the surcharge collected by the department under subsection (2) of this
 29 section are to be deposited. The department shall keep accurate records of the number of plates is-
 30 sued for each group that qualifies. After payment of administrative expenses of the department,
 31 moneys collected under this section for each group shall be deposited by the department into an
 32 account specified by that group. If any group does not specify an account for the moneys collected
 33 from the sale of plates issued under this section, the department shall deposit moneys collected for
 34 those plates into the Passenger Rail Transportation Account established under ORS 802.100 to be
 35 used as other moneys in the account are used. Deposits under this subsection shall be made at least
 36 quarterly.

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

40 (b) Net proceeds of the surcharge collected by the department for Share the Road registration
 41 plates shall be deposited into two accounts designated by The [*Bicycle Transportation Alliance*]
 42 **Street Trust** and Cycle Oregon. The department shall evenly distribute the net proceeds to each
 43 account. Deposits under this paragraph shall be made at least quarterly. At any time that the de-
 44 partment determines that the accounts designated by The [*Bicycle Transportation Alliance*] **Street**
 45 **Trust** and Cycle Oregon cease to exist, the department may deposit the proceeds into the Passenger

1 Rail Transportation Account established under ORS 802.100.

2 (c) Net proceeds of the surcharge collected by the department for Keep Kids Safe registration
3 plates shall be deposited into an account designated by the Children’s Trust Fund of Oregon Foun-
4 dation to fund strategies and approaches shown to prevent or reduce child abuse. Deposits made
5 under this paragraph shall be made at least quarterly. At any time that the department determines
6 that the account designated by the Children’s Trust Fund of Oregon Foundation ceases to exist, the
7 department shall deposit the proceeds into the Keep Kids Safe Registration Plate Account estab-
8 lished in ORS 805.207. At the beginning of each biennium, the Early Learning Council shall evenly
9 distribute the moneys in the Keep Kids Safe Registration Plate Account to the counties in this state,
10 until each county receives \$1,000. After each county has received \$1,000, the council shall distribute
11 any remaining moneys to each county in an amount equal to the percentage of Keep Kids Safe
12 registration plates sold in that county. Each county shall use the moneys received under this para-
13 graph solely for the purpose of funding strategies and approaches shown to prevent or reduce child
14 abuse.

15 (7) The department may not accept applications to create new group registration plates on or
16 after August 12, 2015.

17 **SECTION 5.** Section 71d, chapter 750, Oregon Laws 2017, is amended to read:

18 **Sec. 71d.** (1) **On and after January 1, 2020,** the Oregon Transportation Commission shall use
19 the proceeds of bonds, as defined in ORS 367.010, authorized under ORS 367.620 (3)(d) to finance the
20 transportation projects listed in this section. The commission shall determine the order of com-
21 pletion for the projects listed in subsection (2) of this section.

22 (2) No later than January 1, 2024, the commission shall allocate the following amounts to each
23 region, as described in ORS 366.805, for the projects listed below, provided that the commission de-
24 termines that the projects could constitutionally be funded by revenues described in Article IX,
25 section 3a, of the Oregon Constitution:

-
- 27
 - 28 (a) Region 1:..... \$ 249,700,000
 - 29 (A) State Highway 211
 - 30 improvements beginning where
 - 31 the highway intersects with
 - 32 State Highway 213 and ending
 - 33 where the highway intersects
 - 34 Molalla Avenue in the
 - 35 City of Molalla
 - 36 (B) WaNaPa Street improvements
 - 37 in the City of Cascade
 - 38 Locks
 - 39 (C) Port of Hood River bridge
 - 40 replacement environmental
 - 41 impact study
 - 42 (D) Columbia Boulevard
 - 43 pedestrian safety
 - 44 (E) Southeast Powell
 - 45 Boulevard jurisdiction

- 1 transfer as described
- 2 under [section 134]
- 3 [of this 2017 Act] **ORS 366.483**
- 4 (F) Interstate 205 active traffic
- 5 management project
- 6 (G) Interstate 205 corridor
- 7 bottleneck project
- 8 (H) State Highway 217
- 9 Northbound project
- 10 (I) State Highway 217
- 11 Southbound project
- 12 (J) Improvements to Graham
- 13 Road where it intersects
- 14 with Interstate 84 in
- 15 the City of Troutdale
- 16 (b) Region 2:..... \$ 201,950,000
- 17 (A) Oregon Manufacturing
- 18 Innovation Center
- 19 Access Roads in Columbia
- 20 County
- 21 (B) Interstate 5 at the
- 22 Aurora-Donald interchange,
- 23 Phase I
- 24 (C) State Highway 99E in
- 25 the City of Halsey
- 26 (D) State Highway 214
- 27 pedestrian safety
- 28 improvements at the
- 29 intersection with
- 30 Jefferson Street in the
- 31 City of Silverton
- 32 (E) Territorial Highway
- 33 jurisdiction transfer
- 34 as described under
- 35 [section 134 of this]
- 36 [this 2017 Act] **ORS 366.483**
- 37 (F) U.S. Highway 20 safety
- 38 upgrades from the
- 39 City of Albany to the
- 40 City of Corvallis
- 41 (G) State Highway 58, adding
- 42 passing lanes west of the
- 43 City of Oakridge
- 44 (H) State Highway 22 and Center
- 45 Street Bridge, seismic

- 1 retrofit in the City
- 2 of Salem
- 3 (I) State Highway 99 in
- 4 City of Eugene
- 5 jurisdiction transfer
- 6 as described
- 7 under [*section 134 of*
- 8 [*this 2017 Act*] **ORS 366.483**
- 9 (J) State Highway 126
- 10 Florence-Eugene
- 11 Highway for
- 12 environmental impact study
- 13 (K) 42nd Street in the City
- 14 of Springfield
- 15 (L) Newberg and Dundee Bypass,
- 16 State Highway 99W,
- 17 Phase II, design only
- 18 (c) Region 3:..... \$ 75 million
- 19 (A) Scottsburg Bridge on
- 20 State Highway 38 in
- 21 Douglas County
- 22 (B) Southern Oregon seismic
- 23 triage transportation
- 24 project
- 25 (d) Region 4:..... \$ 76,493,000
- 26 (A) U.S. Highway 97 Cooley
- 27 Road mid-term
- 28 improvements
- 29 (B) U.S. Highway 97 at
- 30 [*Terrabonne*] **Terrebonne**
- 31 (C) Improvements to Alder
- 32 Creek Road in
- 33 Wheeler County
- 34 (D) Pedestrian safety
- 35 improvements
- 36 in the City of Dufur
- 37 (E) Pedestrian safety
- 38 improvements in the
- 39 City of Prineville
- 40 (F) Tom McCall Road
- 41 roundabout
- 42 (G) Pedestrian safety
- 43 improvements
- 44 in the City of Arlington
- 45 (e) Region 5:..... \$ 43,647,000

- 1 (A) Port of Umatilla Road
- 2 (B) Hermiston North First
- 3 Place Project in the
- 4 City of Hermiston
- 5 (C) State Highway 30 and
- 6 Hughes Lane intersection
- 7 in Baker County
- 8 (D) Eastern Oregon Trade and
- 9 Event Center access road
- 10 (E) Pedestrian safety
- 11 improvements in the
- 12 City of Heppner
- 13 (F) Pedestrian safety
- 14 improvements in the
- 15 City of Milton-Freewater
- 16 (G) Columbia Development
- 17 Authority Access Road
- 18 (H) Pedestrian safety
- 19 improvements
- 20 in the City of Burns
- 21 (I) Pedestrian safety
- 22 improvements
- 23 in the City of Irrigon
- 24 (J) U.S. Highway 20 freight
- 25 mobility enhancements
- 26 (K) Cedar Street and Hughes
- 27 Lane enhancements in
- 28 Baker County

29
30

31 (3)(a) When the commission determines that a project described in this section is completed, the
32 commission shall reallocate any amount remaining from the allocation made under this section to
33 another project described in the same region.

34 (b) When the commission determines that all of the projects within a region are completed, the
35 commission shall reallocate any amount remaining from the allocation made under this section to
36 any other project listed in this section.

37 (4) The amounts described in this section for jurisdiction transfers described in [section 134 of
38 this 2017 Act] **ORS 366.483** may not be allocated until after the transfer for which the allocation is
39 dedicated occurs.

40 **SECTION 6.** ORS 366.772 is amended to read:

41 366.772. (1) Not later than July 31 in each calendar year, the sum of \$5,500,000 shall be with-
42 drawn from the appropriation specified in ORS 366.762 and the sum of \$250,000 shall be withdrawn
43 from moneys available to the Department of Transportation from the State Highway Fund. The sums
44 withdrawn shall be transferred to a separate account to be administered by the Department of
45 Transportation.

1 (2) Not later than July 31 in each calendar year, the sum of \$5,750,000 shall be withdrawn from
2 the separate account described in subsection (1) of this section and distributed to counties as fol-
3 lows:

4 (a) An amount of \$750,000 shall be distributed to the following counties in the following
5 amounts:

6	(A) Harney County.....	\$	271,909
7	(B) Malheur County.....	\$	187,947
8	(C) Morrow County.....	\$	108,073
9	(D) Gilliam County.....	\$	94,036
10	(E) Sherman County	\$	79,700
11	(F) Wheeler County	\$	8,335

12 (b) An amount of \$5,000,000 shall be distributed proportionally to counties with fewer than
13 200,000 registered vehicles [*based on a ratio of registered vehicles to road miles maintained by each*
14 *county*] **based on a ratio of road miles maintained by each county to registered vehicles.**

15 (3) Moneys allocated as provided in this section may be used only for maintenance, repair and
16 improvement of existing roads that are:

- 17 (a) Not a part of the state highway system;
- 18 (b) Within counties with fewer than 200,000 registered vehicles; and
- 19 (c) Inadequate for the capacity the roads serve or are in a condition detrimental to safety.
- 20 (4) All moneys in the account shall be allotted each year.

21 **SECTION 7.** ORS 366.155 is amended to read:

22 366.155. (1) The Department of Transportation shall, among other things:

23 (a) So far as practicable, compile statistics relative to the public highways of the state and
24 collect all information in regard thereto which the Director of Transportation may deem important
25 or of value in connection with highway location, construction, maintenance, improvement or opera-
26 tion.

27 (b) Keep on file in the office of the department copies of all plans, specifications and estimates
28 prepared by the department.

29 (c) Make all necessary surveys for the location or relocation of highways and cause to be made
30 and kept in the department a general highway plan of the state.

31 (d) Collect and compile information and statistics relative to the mileage, character and condi-
32 tion of highways and bridges in the different counties in the state, both with respect to state and
33 county highways.

34 (e) Investigate and determine the methods of road construction best adapted in the various
35 counties or sections of the state, giving due regard to the topography, natural character and avail-
36 ability of road-building materials and the cost of building and maintaining roads under this Act.

37 (f) Prepare surveys, plans, specifications and estimates for the construction, reconstruction, im-
38 provement, maintenance and repair of any bridge, street, road and highway. In advertising for bids
39 on any such project the director shall invite bids in conformity with such plans and specifications.

40 (g) Keep an accurate and detailed account of all moneys expended in the location, survey, con-
41 struction, reconstruction, improvement, maintenance or operation of highways, roads and streets,
42 including costs for rights of way, under this Act, and keep a record of the number of miles so lo-
43 cated, constructed, maintained or operated in each county, the date of construction, the width of
44 such highways and the cost per mile for the construction and maintenance of the highways.

45 (h) Upon request of a county governing body, assist the county on matters relating to road lo-

1 cation, construction or maintenance. Plans and specifications for bridges or culverts that are pro-
 2 vided under this paragraph shall be provided without cost to the 10 counties with the lowest ratio
 3 of [*registered vehicles to road miles maintained by each county*] **road miles maintained by each**
 4 **county to registered vehicles**. Standard specifications for road projects shall be provided without
 5 cost to all counties. The Department of Transportation shall determine an amount to be charged for
 6 assistance under this paragraph in establishing specifications and standards for roads under ORS
 7 368.036. The costs of assistance not specifically provided for under this paragraph shall be paid as
 8 provided by agreement between the county governing body and the director.

9 (i) Upon request of the State Parks and Recreation Department, assist the State Parks and Re-
 10 creation Department in evaluating the potential need for construction, reconstruction, improvement,
 11 maintenance or operation of highways, roads and streets that would result if the State Parks and
 12 Recreation Commission acquired and developed a new historic site, park or recreation area under
 13 the criteria established pursuant to ORS 390.112 or any other criteria for acquisition established by
 14 the State Parks and Recreation Commission.

15 (2) The director may require duties with respect to audits and accounting procedures provided
 16 for in this section and ORS 366.165 to be performed and responsibilities to be assumed by the fiscal
 17 officer of the department appointed under ORS 184.637.

18 (3) In carrying out the duties set forth in this section, the director shall act in a manner that
 19 is consistent with the goal set forth in ORS 468B.155.

20 **SECTION 8.** Section 85, chapter 750, Oregon Laws 2017, is amended to read:

21 **Sec. 85.** (1) The Oregon Transportation Commission shall pursue methods to streamline the
 22 process for submitting applications under ORS 367.080 to 367.086.

23 (2) The Oregon Transportation Commission shall report to the Joint Committee on Transporta-
 24 tion established under [*section 26 of this 2017 Act*] **ORS 171.858** no later than September 15, [*2017*]
 25 **2018**, on the implementation of this section.

26 **SECTION 9. Any report due no later than September 15, 2017, under section 85, chapter**
 27 **750, Oregon Laws 2017, and filed on or before September 15, 2018, is considered to be filed**
 28 **timely.**

29 **SECTION 10.** ORS 320.400 is amended to read:

30 320.400. As used in ORS 320.400 to 320.490 and 803.203:

31 (1)(a) "Bicycle" means a vehicle that is designed to be operated on the ground on wheels and
 32 is propelled exclusively by human power.

33 (b) "Bicycle" does not include durable medical equipment.

34 [(2) "*New motor vehicle*" has the meaning given that term in ORS 803.350 (8)(c).]

35 [(3)] (2) "Retail sales price" means the total price paid at retail for a taxable vehicle, exclusive
 36 of the amount of any excise, privilege or use tax, to a seller by a purchaser of the taxable vehicle.

37 [(4)] (3) "Seller" means:

38 (a) With respect to the privilege tax imposed under ORS 320.405 and the use tax imposed under
 39 ORS 320.410, a vehicle dealer.

40 (b) With respect to the excise tax imposed under ORS 320.415, a person engaged in whole or in
 41 part in the business of selling bicycles.

42 [(5)] (4) "Taxable bicycle" means a new bicycle that has wheels of at least 26 inches in diameter
 43 and a retail sales price of \$200 or more.

44 [(6)] (5) "Taxable motor vehicle" means a [*new motor*] vehicle [*with*] **that:**

45 (a) **Has** a gross vehicle weight rating of 26,000 pounds or less [*that is:*];

1 **(b) Has 7,500 miles or less on the odometer, if so equipped, or 7,500 miles or less of use**
 2 **on public highways; and**

3 **(c) Is:**

4 [(a)] **(A)** A vehicle as defined in ORS 744.850, other than an all-terrain vehicle;

5 [(b)] **(B)** A bus trailer as defined in ORS 801.165;

6 [(c)] **(C)** A camper as defined in ORS 801.180;

7 [(d)] **(D)** A commercial bus as defined in ORS 801.200;

8 [(e)] **(E)** A commercial motor vehicle as defined in ORS 801.208;

9 [(f)] **(F)** A commercial vehicle as defined in ORS 801.210;

10 [(g)] **(G)** An electric assisted bicycle as defined in ORS 801.258;

11 [(h)] **(H)** A fixed load vehicle as defined in ORS 801.285;

12 [(i)] **(I)** A moped as defined in ORS 801.345;

13 [(j)] **(J)** A motor assisted scooter as defined in ORS 801.348;

14 [(k)] **(K)** A motor home as defined in ORS 801.350;

15 [(l)] **(L)** A motor truck as defined in ORS 801.355;

16 [(m)] **(M)** A tank vehicle as defined in ORS 801.522;

17 [(n)] **(N)** A truck tractor as defined in ORS 801.575;

18 [(o)] **(O)** A truck trailer as defined in ORS 801.580; or

19 [(p)] **(P)** A worker transport bus as defined in ORS 801.610.

20 [(7)] **(6)** “Taxable vehicle” means a taxable bicycle or a taxable motor vehicle.

21 [(8)] **(7)** “Transportation project taxes” means the privilege tax imposed under ORS 320.405, the
 22 use tax imposed under ORS 320.410 and the excise tax imposed under ORS 320.415.

23 [(9)(a)] **(8)(a)** “Vehicle dealer” means:

24 (A) A person engaged in business in this state that [*has been issued*] **is required to obtain a**
 25 vehicle dealer certificate under ORS [822.020] **822.005**; and

26 (B) A person engaged in business in another state that would be subject to ORS 822.005 if the
 27 person engaged in business in this state.

28 (b) Notwithstanding paragraph (a) of this subsection, a person is not a vehicle dealer for pur-
 29 poses of ORS 320.400 to 320.490 and 803.203 to the extent the person:

30 (A) Conducts an event that lasts less than seven consecutive days, for which the public is
 31 charged admission and at which otherwise taxable motor vehicles are sold at auction; or

32 (B) Sells an otherwise taxable motor vehicle at auction at an event described in this paragraph.

33 **SECTION 11.** ORS 320.415 is amended to read:

34 320.415. (1) An excise tax of \$15 is imposed on each sale at retail in this state of a taxable bi-
 35 cycle.

36 (2) The excise tax is a liability of the purchaser of the taxable bicycle.

37 (3) The amount of the excise tax shall be separately stated on an invoice, receipt or other sim-
 38 ilar document that the seller provides to the purchaser or shall be otherwise disclosed to the pur-
 39 chaser.

40 (4) A seller shall collect the excise tax at the time of the taxable sale.

41 (5) A purchaser’s liability for the excise tax is satisfied by a valid receipt given to the purchaser
 42 by the seller of the taxable bicycle **showing payment of the excise tax.**

43 **SECTION 12.** ORS 320.455 is amended to read:

44 320.455. Any purchaser liable for the use tax imposed under ORS 320.410 or the excise tax im-
 45 posed under ORS 320.415 and from whom the tax has not been collected shall, on or before the

1 [20th] 30th day of the month following the close of the month in which the tax became due, file with
 2 the Department of Revenue a report of the amount of tax due from the purchaser in a form and
 3 manner prescribed by the department. The purchaser shall remit the amount of tax due with the
 4 report.

5 **SECTION 13.** ORS 320.490 is amended to read:

6 320.490. (1) A local government may not impose a tax described in subsection (2) of this section
 7 unless the tax is:

8 (a) Authorized by statute; or

9 (b) Approved by the governing body of the local government and in effect on or before October
 10 6, 2017.

11 (2) This section applies to:

12 (a) A tax **imposed** on the privilege of engaging in the business of selling taxable motor vehicles
 13 at retail; and

14 (b) Any [other] privilege, excise, sales or use tax **imposed on or with respect to** taxable motor
 15 vehicles.

16 **SECTION 14. Sections 148 to 152, chapter 750, Oregon Laws 2017, are added to and made**
 17 **a part of ORS chapter 468.**

18 **SECTION 15.** Section 150, chapter 750, Oregon Laws 2017, is amended to read:

19 **Sec. 150.** (1) As used in this section:

20 (a) "Area median income" means the median income for the metropolitan statistical area in
 21 which a household is located or, if the household is not located within a metropolitan statistical
 22 area, for the metropolitan statistical area in closest proximity to the location of the household, as
 23 determined by the Housing and Community Services Department, adjusted for household size.

24 (b) "Charge ahead rebate" means a rebate for the purchase of a new or used light-duty zero-
 25 emission vehicle issued through the Charge Ahead Oregon Program established under this section.

26 (c) "High-emission passenger motor vehicle" means a motor vehicle that is:

27 (A) [Designed] **Used or purchased** primarily for the transportation of persons; and

28 (B) Powered by an internal combustion engine that is 20 years old or older.

29 (d) "Low income household" means a household with income less than or equal to 80 percent
 30 of the area median income.

31 (e) "Moderate income household" means a household with income less than or equal to 120
 32 percent and greater than 80 percent of the area median income.

33 (2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program
 34 to provide for charge ahead rebates to low income households and moderate income households that
 35 voluntarily retire or scrap high-emission passenger motor vehicles and replace those motor vehicles
 36 with new or used light-duty zero-emission vehicles. The Director of the Department of Environ-
 37 mental Quality may hire or contract with a third-party nonprofit organization to implement and
 38 serve as the administrator of the program required by this section.

39 (3) The department may:

40 (a) Specify design features for the program; and

41 (b) Establish procedures to:

42 (A) Prioritize available moneys to specific income levels or geographic areas; and

43 (B) Limit the number of charge ahead rebates available.

44 (4) An eligible purchaser or lessee of a new or used light-duty zero-emission vehicle may apply
 45 for a charge ahead rebate for a portion of the purchase price or may choose to assign the charge

1 ahead rebate to a vehicle dealer or lessor.

2 (5) Rebates under the Charge Ahead Oregon Program shall be made from moneys credited to
3 or deposited in the Zero-Emission Incentive Fund established under section 152, **chapter 750,**
4 **Oregon Laws 2017** [of this 2017 Act]. A rebate may not be made until there are sufficient moneys
5 available in the fund to make the rebate.

6 (6) The department shall prescribe the rebate application procedure for purchasers and lessees.
7 All rebate applications must include a declaration under penalty of perjury in the form required by
8 ORCP 1 E.

9 (7) Charge ahead rebates shall be in an amount up to \$2,500, but not less than \$1,250.

10 (8) To be eligible for a charge ahead rebate, a person requesting a rebate under the program
11 must:

12 (a) Be a member of a low income household or a moderate income household.

13 (b) Reside in an area of this state that has elevated concentrations of air contaminants com-
14 monly attributable to motor vehicle emissions, such as particulate matter, benzene and nitrogen
15 oxides, relative to other areas of the state.

16 (c) Document that the person will scrap or otherwise render inoperable a high-emission passen-
17 ger motor vehicle that, on the date of the rebate application, is registered as operable and has been
18 continuously registered for the last two years.

19 (d) Purchase or lease a new or used light-duty zero-emission vehicle. A lease must have a mini-
20 mum term of 24 months.

21 (e) Provide proof of an intent to use the light-duty zero-emission vehicle primarily on the public
22 highways of this state, which may be satisfied by providing proof of registration of the vehicle in
23 Oregon.

24 (f) Submit an application for a charge ahead rebate to the administrator of the program within
25 six months of the date of purchase or six months from the date the lease begins.

26 (g) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consecutive
27 months following the date of purchase or following the date the lease begins.

28 (9) A person that receives a charge ahead rebate may not make or allow any modifications to
29 the vehicle's emissions control systems, hardware, software calibrations or hybrid system.

30 (10) If a charge ahead rebate recipient intends to sell the vehicle, or otherwise terminate the
31 vehicle lease before the end of 24 months, the charge ahead rebate recipient shall notify the ad-
32 ministrator of the program of the recipient's intent to sell the vehicle or terminate a lease and shall
33 reimburse the administrator for the entire charge ahead rebate amount.

34 (11) Charge ahead rebate recipients may be requested to participate in ongoing research efforts.

35 (12) The administrator of the program shall work to ensure timely payment of charge ahead re-
36 bates with a goal of paying rebates within 60 days of receiving an application for a charge ahead
37 rebate.

38 (13) In establishing the Charge Ahead Oregon Program, the department shall provide opportu-
39 nities for public comment by low income households, moderate income households and [community
40 based] **community-based** organizations that are located in areas of this state that have elevated
41 concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas
42 of the state. The department shall use the comments received pursuant to this subsection to inform,
43 evaluate[,] and strengthen the design of the program in order to increase the usage of light-duty
44 zero-emission vehicles.

45 (14) The administrator of the program shall, throughout the course of implementing the program,

1 conduct community outreach to low income households, moderate income households and [*community*
2 *based*] **community-based** organizations that are located in areas of this state that have elevated
3 concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas
4 of the state, in order to:

- 5 (a) Solicit feedback on program implementation; and
- 6 (b) Take steps to ensure that the program is promoted effectively.

7 (15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned
8 or operated by the vehicle dealer. If no moneys are available from the program or the program
9 otherwise changes, a vehicle dealer who advertises the program may not be held liable for adver-
10 tising false or misleading information.

11 (16) A charge ahead rebate may be combined with a rebate described in section 149, **chapter**
12 **750, Oregon Laws 2017** [*of this 2017 Act*].

13 (17) An organization that the department has hired or contracted with to implement and serve
14 as the administrator of the program may offer expanded financing mechanisms for program partic-
15 ipants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to in-
16 crease consumer access to new or used light-duty zero-emission vehicles.

17 (18) The Environmental Quality Commission may adopt any rules necessary to carry out the
18 provisions of this section.

19 **SECTION 16. This 2018 Act takes effect on the 91st day after the date on which the 2018**
20 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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