

Requested by JOINT COMMITTEE ON TRANSPORTATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 4059**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 and 4 and insert “184.620, 184.661, 184.751, 184.758,
3 184.761, 184.766, 316.189, 320.400, 320.405, 320.415, 320.445, 320.455, 320.490,
4 320.550, 366.155, 366.483, 366.772, 367.095, 377.725, 377.756, 801.041, 801.042,
5 803.445, 805.045, 805.205, 811.215, 811.485, 818.225, 818.270, 825.450 and 825.480
6 and section 2, chapter 823, Oregon Laws 2009, section 18, chapter 30, Oregon
7 Laws 2010, and sections 45, 71d, 85, 122r, 139, 149 and 150, chapter 750,
8 Oregon Laws 2017; repealing section 2, chapter 646, Oregon Laws 2017, and
9 sections 56, 59 and 119, chapter 750, Oregon Laws 2017; and prescribing an
10 effective date.”.

11 On page 3, line 42, after “Trust” insert “Community Fund”.

12 In line 45, after “Trust” insert “Community Fund”.

13 On page 6, line 17, delete “design only” and insert “shovel ready prepa-
14 rations”.

15 On page 9, delete lines 29 through 45 and delete pages 10 through 12.

16 On page 13, delete lines 1 through 18 and insert:

17 **“SECTION 10.** ORS 320.400 is amended to read:

18 “320.400. As used in ORS 320.400 to 320.490 and 803.203:

19 “(1)(a) ‘Bicycle’ means a vehicle that is designed to be operated on the
20 ground on wheels and is propelled exclusively by human power.

21 **“(b) ‘Bicycle’ includes an electric assisted bicycle as defined in ORS**

1 **801.258.**

2 “[*b*] (c) ‘Bicycle’ does not include durable medical equipment.

3 “[*2*] ‘New motor vehicle’ has the meaning given that term in ORS 803.350
4 (*8*)(*c*).] ”

5 “[*3*] **(2)(a)** ‘Retail sales price’ means the total price paid at retail for a
6 taxable vehicle, exclusive of the amount of any excise, privilege or use tax,
7 to a seller by a purchaser of the taxable vehicle.

8 **“(b) ‘Retail sales price’ does not include the retail value of:**

9 **“(A) Modifications to a taxable vehicle that are necessary for a**
10 **person with a disability to enter or drive or to otherwise operate or**
11 **use the vehicle.**

12 **“(B) Customized industrial modifications to the chassis of a truck**
13 **that has a gross vehicle weight rating of at least 10,000 pounds and not**
14 **more than 26,000 pounds.**

15 “[*4*] **(3)** ‘Seller’ means:

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

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

20 “[*5*] **(4)** ‘Taxable bicycle’ means a new bicycle that has [*wheels of at least*
21 *26 inches in diameter and*] a retail sales price of \$200 or more.

22 “[*6*] **(5)** ‘Taxable motor vehicle’ means a [*new motor*] vehicle [*with*] **that:**

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

25 **“(b)(A) If equipped with an odometer, has 7,500 miles or less on the**
26 **odometer; or**

27 **“(B) If not equipped with an odometer, has a manufacturer’s cer-**
28 **tificate of origin or a manufacturer’s statement of origin; and**

29 **“(c) Is:**

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

1 vehicle **or a trailer**;

2 “[*b*] A bus trailer as defined in ORS 801.165;]

3 “[*c*] **(B)** A camper as defined in ORS 801.180;

4 “[*d*] **(C)** A commercial bus as defined in ORS 801.200;

5 “[*e*] **(D)** A commercial motor vehicle as defined in ORS 801.208;

6 “[*f*] **(E)** A commercial vehicle as defined in ORS 801.210;

7 “[*g*] An electric assisted bicycle as defined in ORS 801.258;]

8 “[*h*] **(F)** A fixed load vehicle as defined in ORS 801.285;

9 “[*i*] **(G)** A moped as defined in ORS 801.345;

10 “[*j*] A motor assisted scooter as defined in ORS 801.348;]

11 “[*k*] **(H)** A motor home as defined in ORS 801.350;

12 “[*L*] **(I)** A motor truck as defined in ORS 801.355;

13 “[*m*] **(J)** A tank vehicle as defined in ORS 801.522;

14 “[**(K)** A trailer as defined in ORS 801.560 that is required to be reg-

15 **istered in this state**;

16 “[*n*] **(L)** A truck tractor as defined in ORS 801.575; **or**

17 “[*o*] A truck trailer as defined in ORS 801.580; **or**]

18 “[*p*] **(M)** A worker transport bus as defined in ORS 801.610.

19 “[*(7)*] **(6)** ‘Taxable vehicle’ means a taxable bicycle or a taxable motor

20 vehicle.

21 “[*(8)*] **(7)** ‘Transportation project taxes’ means the privilege tax imposed

22 under ORS 320.405, the use tax imposed under ORS 320.410 and the excise tax

23 imposed under ORS 320.415.

24 “[*(9)(a)*] **(8)(a)** ‘Vehicle dealer’ means:

25 “(A) A person engaged in business in this state that [*has been issued*] **is**

26 **required to obtain** a vehicle dealer certificate under ORS [*822.020*] **822.005**;

27 and

28 “(B) A person engaged in business in another state that would be subject

29 to ORS 822.005 if the person engaged in business in this state.

30 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a

1 vehicle dealer for purposes of ORS 320.400 to 320.490 and 803.203 to the extent the person:

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

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

8 **“SECTION 11.** ORS 320.405 is amended to read:

9 “320.405. (1) A tax is imposed on each vehicle dealer for the privilege of
10 engaging in the business of selling taxable motor vehicles at retail in this
11 state.

12 “(2)(a) The privilege tax shall be computed at the rate of 0.5 percent of
13 the retail sales price of the taxable motor vehicle. The tax may be rounded
14 to the nearest whole cent.

15 **“(b) The privilege tax becomes due upon the sale at retail of a taxable motor vehicle that:**

17 **“(A) Has never been registered in this state; or**

18 **“(B) Has been registered only to a vehicle dealer for use as a demonstrator in the course of the vehicle dealer’s business.**

20 “(3)(a) A vehicle dealer may collect the amount of the privilege tax computed on the retail sales price of a taxable motor vehicle from the purchaser
21 of the taxable motor vehicle.
22

23 “(b) Notwithstanding paragraph (a) of this subsection, the purchaser of
24 a taxable motor vehicle from whom the privilege tax is collected is not considered a taxpayer for purposes of the privilege tax imposed under this section.
25
26

27 **“SECTION 12.** ORS 320.415 is amended to read:

28 “320.415. (1) An excise tax of \$15 is imposed on each sale at retail in this
29 state of a taxable bicycle **and becomes due upon the sale.**

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

1 “(3) The amount of the excise tax shall be separately stated on an invoice,
2 receipt or other similar document that the seller provides to the purchaser
3 or shall be otherwise disclosed to the purchaser.

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

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

8 **“SECTION 13.** ORS 320.445 is amended to read:

9 “320.445. (1) Except as otherwise provided in ORS 320.400 to 320.490 and
10 803.203, the use tax imposed under ORS 320.410 and the excise tax imposed
11 under ORS 320.415 shall be collected at the point of sale and remitted by
12 each seller that engages in the retail sale of taxable vehicles. Each tax is
13 considered a tax upon the seller that is required to collect the tax, and the
14 seller is considered a taxpayer.

15 “(2) Each seller of taxable vehicles that is liable for transportation
16 project taxes shall file a return with the Department of Revenue, in the form
17 and manner prescribed by the department, on or before the last day of Jan-
18 uary, April, July and October of each year for the previous calendar quarter.
19 **The return shall show the amount of transportation project taxes due**
20 **for retail sales made during the calendar quarter to which the return**
21 **relates.**

22 “(3) Each seller shall pay the applicable transportation project taxes to
23 the department in the form and manner prescribed by the department, but
24 not later than the date of submitting each quarterly return, without regard
25 to extensions under subsection (5) of this section.

26 “(4) Sellers of taxable vehicles shall file the returns required under this
27 section with respect to the privilege tax imposed under ORS 320.405 and the
28 excise tax imposed under ORS 320.415 regardless of whether any taxes are
29 owed.

30 “(5) The department may extend the time for making any return required

1 under this section if a written request is filed with the department during
2 or prior to the period for which the extension may be granted. The depart-
3 ment may not grant an extension of more than 30 days.

4 “(6) Interest shall be added to delinquent tax amounts at the rate estab-
5 lished under ORS 305.220 from the time the return to which the delinquent
6 tax amounts relate was originally required to be filed to the time of payment.

7 **“SECTION 14.** ORS 320.455 is amended to read:

8 “320.455. Any purchaser liable for the use tax imposed under ORS 320.410
9 or the excise tax imposed under ORS 320.415 and from whom the tax has not
10 been collected shall, on or before the [*20th day of the month following the*
11 *close of the month in*] **30th day following the date on** which the tax became
12 due, file with the Department of Revenue a report of the amount of tax due
13 from the purchaser in a form and manner prescribed by the department. The
14 purchaser shall remit the amount of tax due with the report.

15 **“SECTION 15.** ORS 320.490 is amended to read:

16 “320.490. (1) A local government may not impose a tax described in sub-
17 section (2) of this section unless the tax is:

18 “(a) Authorized by statute; or

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

21 “(2) This section applies to:

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

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

26 **“SECTION 16.** ORS 320.550 is amended to read:

27 “320.550. (1) As used in this section:

28 “(a) ‘Employer’ has the meaning given that term in ORS 316.162.

29 “(b) ‘Resident of this state’ has the meaning given that term in ORS
30 316.027.

1 “(c) ‘Wages’ has the meaning given that term in ORS 316.162.
2 “(2) A tax is imposed at the rate of one-tenth of one percent of[:]
3 “[(a)] the wages of an employee who is:
4 “[(A)] **(a)** A resident of this state, regardless of where services are per-
5 formed.
6 “[(B)] **(b)** Not a resident of this state, for services performed in this state.
7 “[(b) *The periodic payments under ORS 316.189.*]
8 “(3) Every employer at the time of the payment of wages shall deduct and
9 withhold from the total amount of the wages paid for services described un-
10 der subsection (2) of this section an amount equal to the total amount of
11 wages[, *without exemption or deduction,*] multiplied by the rate of tax im-
12 posed under subsection (2) of this section.
13 “[(4) *Every payer at the time of making a periodic payment under ORS*
14 *316.189 shall deduct and withhold from the payment an amount equal to the*
15 *total amount of the payment, without exemption or deduction, multiplied by the*
16 *rate of tax imposed under subsection (2) of this section.*]
17 “[(5)] **(4)** An employer [*or payer*] shall report and pay the tax imposed
18 under this section to the Department of Revenue at the time and in the
19 manner determined by the department by rule.
20 “[(6)] **(5)** For purposes of the tax imposed under this section, an employer
21 [*or payer*] is considered a taxpayer.
22 “[(7)] **(6)** If a lender, surety or other person who supplies funds to or for
23 the account of an employer for the purpose of paying wages of the employees
24 of such employer has actual notice or knowledge that such employer does
25 not intend to or will not be able to make timely payment or deposit of the
26 tax required to be deducted and withheld, such lender, surety or other person
27 shall be liable to the State of Oregon in a sum equal to the taxes, together
28 with interest, that are not timely paid over to the Department of Revenue.
29 Such liability shall be limited to the principal amount supplied by the lender,
30 surety or other person, and any amounts so paid to the department shall be

1 credited against the liability of the employer.

2 “[8)(a)] (7)(a) An employer [or payer] shall submit an annual return
3 pursuant to ORS 316.202 to the Department of Revenue. The amounts de-
4 ducted from the wages during any calendar year in accordance with this
5 section shall be considered to be in payment of the tax imposed under sub-
6 section (2) of this section.

7 “(b) The return submitted by the employer shall be accepted by the De-
8 partment of Revenue as evidence in favor of the employee of the amounts so
9 deducted from the employee’s wages.

10 “[9)] (8) Nothing in this section prohibits the Department of Revenue
11 from including the tax imposed under this section in the combined quarterly
12 tax report required under ORS 316.168.

13 “[10)] (9) An employer that fails to deduct and withhold the tax required
14 under this section:

15 “(a) Is deemed responsible for the payment of the tax obligation in an
16 amount equal to the amount required to be withheld from the employee’s
17 wages and remitted to the Department of Revenue; and

18 “(b) Is subject to a penalty of \$250 per employee, up to a maximum pen-
19 alty of \$25,000, if the employer knowingly fails to deduct and withhold the
20 tax.

21 “[11)] (10) Residents subject to the tax imposed under this section on
22 wages earned outside this state from an employer not doing business within
23 this state shall report and pay the tax **in an amount not to exceed one-**
24 **tenth of one percent of the wages earned outside this state, and** at the
25 time and in the manner, **as** determined by the Department of Revenue by
26 rule.

27 **“SECTION 17.** ORS 316.189 is amended to read:

28 “316.189. (1) As used in this section:

29 “(a) ‘Commercial annuity’ means an annuity, endowment or life insurance
30 contract issued by an insurance company authorized to transact insurance

1 in the State of Oregon.

2 “(b) ‘Department’ means the Oregon Department of Revenue.

3 “(c) ‘Designated distribution’ means any distribution or payment from or
4 under an employer deferred compensation plan, an individual retirement plan
5 or a commercial annuity. ‘Designated distribution’ does not include any
6 amount treated as wages as defined in ORS 316.162, the portion of any dis-
7 tribution or payment that is not includable in the gross income of the re-
8 cipient or any distribution or payment made under section 404(k)(2) of the
9 Internal Revenue Code.

10 “(d) ‘Employer deferred compensation plan’ means any pension, annuity,
11 profit-sharing or stock bonus plan or other plan deferring the receipt of
12 compensation.

13 “(e) ‘Individual retirement plan’ means an individual retirement account
14 described in section 408(a) of the Internal Revenue Code or an individual
15 retirement annuity described in section 408(b) of the Internal Revenue Code.

16 “(f) ‘Nonperiodic distribution’ means any designated distribution which
17 is not a periodic payment.

18 “(g) ‘Payer’ means any payer of a designated distribution doing business
19 in or making payments or distributions from sources in this state.

20 “(h) ‘Periodic payment’ means a designated distribution which is an an-
21 nuity or similar periodic payment.

22 “(i) ‘Plan administrator’ means a plan administrator as described in sec-
23 tion 414(g) of the Internal Revenue Code, who is the administrator of a plan
24 created by an Oregon employer.

25 “(j) ‘Qualified total distribution’ means any designated distribution made
26 under a retirement, annuity or deferred compensation plan described in sec-
27 tion 401(a), 403(a) or 457(b) of the Internal Revenue Code, that consists of
28 the balance to the credit of the employee, exclusive of accumulated deduct-
29 ible employee contributions, made within one tax year of the recipient.

30 “(2)(a) The payer of any periodic payment shall withhold from such pay-

1 ment the amount which would be required to be withheld from such payment
2 under ORS 316.167 [or 320.550] if the payment were wages paid by an em-
3 ployer to an employee. The time and manner of payment of withheld amounts
4 to the department shall be the same as that required under ORS 316.197 for
5 withholding of income taxes from wages.

6 “(b) The payer of any nonperiodic distribution shall withhold from such
7 distribution an amount determined under tables prescribed by the depart-
8 ment.

9 “(c) The maximum amount to be withheld under this section on any des-
10 ignated distribution shall not exceed 10 percent of the amount of money and
11 the fair market value of other property received in the distribution. If the
12 distribution is not subject to withholding for federal income tax purposes
13 under section 3405 of the Internal Revenue Code, it shall not be subject to
14 withholding under this section.

15 “(3)(a) Except as provided in paragraph (b) of this subsection, the payer
16 of a designated distribution shall withhold and be liable for payment of
17 amounts required to be withheld under this section.

18 “(b) In the case of any plan described in section 401(a), 403(a) or 457(b)
19 of the Internal Revenue Code, or section 301(d) of the Tax Reduction Act of
20 1975, the plan administrator shall withhold and be liable for payment of
21 amounts required to be withheld under this section, unless the plan admin-
22 istrator has directed the payer to withhold the tax and has provided the
23 payer with the information required by rule of the department.

24 “(4)(a) An individual may elect to have no withholding by a payer under
25 subsection (2) of this section. If an individual has elected to have no federal
26 withholding from payments or distributions described in this section the in-
27 dividual shall be deemed to have elected no withholding for state purposes,
28 unless the individual notifies the payer otherwise.

29 “(b) An election made under this subsection shall be effective as provided
30 under rules promulgated by the department. The rules required under this

1 paragraph shall provide the manner in which an election may be revoked and
2 when such revocation shall be effective.

3 “[*(c) An election made under this subsection does not apply to amounts re-*
4 *quired to be withheld under ORS 320.550.*]

5 “(5) The payer of any periodic payment or nonperiodic distribution shall
6 give notice to the payee of the right to make an election to have no state
7 withholding from the payment or distribution. The department shall provide
8 by rule for the time and manner of giving the notice required under this
9 subsection.

10 “(6) Any rules permitted or required to be promulgated by the department
11 under this section shall, insofar as is practicable, be consistent with corre-
12 sponding provisions of section 3405 of the Internal Revenue Code and regu-
13 lations promulgated thereunder.

14 “(7) Any designated distribution shall be treated as if it were wages paid
15 by an employer to an employee within the meaning of ORS 316.162 to 316.221
16 [*and 320.550*] for all other purposes of ORS 316.162 to 316.221 [*and 320.550*].
17 In the case of any designated distribution not subject to withholding by
18 reason of an election under subsection (4) of this section, the amount with-
19 held shall be treated as zero.

20 “**SECTION 18. Sections 148 to 152, chapter 750, Oregon Laws 2017,**
21 **are added to and made a part of ORS chapter 468.**

22 “**SECTION 19.** Section 149, chapter 750, Oregon Laws 2017, is amended
23 to read:

24 “**Sec. 149.** (1) The Department of Environmental Quality shall establish
25 a program for providing rebates to persons that purchase **or lease** qualifying
26 vehicles for use in this state. The Director of the Department of Environ-
27 mental Quality may hire or contract with a third-party [*nonprofit*] organiza-
28 tion to implement and serve as the administrator of the program required
29 by this section.

30 “(2) The department may:

1 “(a) Specify design features for the program; and

2 “(b) Establish procedures to:

3 “(A) Prioritize available moneys for specific qualifying vehicles; and

4 “(B) Limit the number of rebates available for each type of qualifying
5 vehicle.

6 “(3) The purchaser or lessee of a qualifying vehicle may apply for a rebate
7 for a portion of the purchase price or may choose to assign the rebate to a
8 vehicle dealer or lessor.

9 “(4) Rebates under the program shall be made from moneys credited to
10 or deposited in the Zero-Emission Incentive Fund established under section
11 **152, chapter 750, Oregon Laws 2017** [*of this 2017 Act*]. A rebate may not
12 be made until there are sufficient moneys available in the fund to make the
13 rebate.

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

17 “(6) Rebates for qualifying vehicles shall be set annually by the depart-
18 ment as follows:

19 “(a) For light-duty zero-emission vehicles and plug-in hybrid electric ve-
20 hicles with an electrochemical energy storage capacity of 10 kilowatt hours
21 or more, up to \$2,500 but not less than \$1,500.

22 “(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehi-
23 cles with an electrochemical energy storage capacity of less than 10 kilowatt
24 hours, up to \$1,500 but not less than \$750.

25 “(7) To be eligible for a rebate, a person requesting a rebate under the
26 program shall:

27 “(a) Purchase or lease a qualifying vehicle. A lease must have a minimum
28 term of 24 months.

29 “(b) Provide proof of an intent to use the qualifying vehicle primarily on
30 the public highways of this state, which may be satisfied by providing proof

1 of registration of the qualifying vehicle in Oregon.

2 “(c) Submit an application for a rebate to the administrator of the pro-
3 gram within six months after the date of purchase of the qualifying vehicle
4 or six months after the date the lease of the qualifying vehicle begins.

5 “(d) Retain registration of the qualifying vehicle for a minimum of 24
6 consecutive months after the date of purchase or the date the lease begins.

7 “(8) A rebate recipient may not make or allow any modifications to the
8 qualifying vehicle’s emissions control systems, hardware, software cali-
9 brations or hybrid system.

10 “(9) If a rebate recipient [*intends to sell the qualifying vehicle, or*
11 *terminate*] **sells the qualifying vehicle, or terminates** the qualifying vehi-
12 cle lease before the end of 24 months, the rebate recipient shall notify the
13 administrator of the program of the [*recipient’s intent to sell the vehicle or*
14 *terminate the lease*] **sale or termination** and shall reimburse the adminis-
15 trator for the entire rebate amount.

16 “(10) Rebate recipients may be requested to participate in ongoing re-
17 search efforts.

18 “(11) The administrator of the program shall work to ensure timely pay-
19 ment of rebates with a goal of paying rebates within 60 days after receiving
20 an application for a rebate.

21 “(12) A vehicle dealer may advertise the program on the premises owned
22 or operated by the vehicle dealer. If no moneys are available from the pro-
23 gram or the program otherwise changes, a vehicle dealer who advertises the
24 program may not be held liable for advertising false or misleading informa-
25 tion.

26 “(13) The Environmental Quality Commission may adopt any rules neces-
27 sary to carry out the provisions of this section.

28 “**SECTION 20.** Section 149, chapter 750, Oregon Laws 2017, as amended
29 by section 155, chapter 750, Oregon Laws 2017, is amended to read:

30 “**Sec. 149.** (1) The Department of Environmental Quality shall establish

1 a program for providing rebates to persons that purchase **or lease** qualifying
2 vehicles for use in this state. The Director of the Department of Environ-
3 mental Quality may hire or contract with a third-party [*nonprofit*] organiza-
4 tion to implement and serve as the administrator of the program required
5 by this section.

6 “(2) The department may:

7 “(a) Specify design features for the program; and

8 “(b) Establish procedures to:

9 “(A) Prioritize available moneys for specific qualifying vehicles; and

10 “(B) Limit the number of rebates available for each type of qualifying
11 vehicle.

12 “(3) The purchaser or lessee of a qualifying vehicle may apply for a rebate
13 for a portion of the purchase price or may choose to assign the rebate to a
14 vehicle dealer or lessor.

15 “(4) Rebates under the program shall be made from moneys credited to
16 or deposited in the Zero-Emission Incentive Fund established under section
17 **152, chapter 750, Oregon Laws 2017** [*of this 2017 Act*]. A rebate may not
18 be made until there are sufficient moneys available in the fund to make the
19 rebate.

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

23 “(6) Rebates for qualifying vehicles shall be set annually by the depart-
24 ment as follows:

25 “(a) For light-duty zero-emission vehicles and plug-in hybrid electric ve-
26 hicles with an electrochemical energy storage capacity of 10 kilowatt hours
27 or more, up to \$2,500 but no less than \$1,500.

28 “(b) For light-duty zero-emission vehicles or plug-in hybrid electric vehi-
29 cles with an electrochemical energy storage capacity of less than 10 kilowatt
30 hours, up to \$1,500 but no less than \$750.

1 “(c) For neighborhood electric vehicles, up to \$750 but not less than \$375.

2 “(d) For zero-emission motorcycles, up to \$750 but not less than \$375.

3 “(7) To be eligible for a rebate, a person requesting a rebate under the
4 program shall:

5 “(a) Purchase or lease a qualifying vehicle. A lease must have a minimum
6 term of 24 months.

7 “(b) Provide proof of an intent to use the qualifying vehicle primarily on
8 the public highways of this state, which may be satisfied by providing proof
9 of registration of the qualifying vehicle in Oregon.

10 “(c) Submit an application for a rebate to the administrator of the pro-
11 gram within six months after the date of purchase of the qualifying vehicle
12 or six months after the date the lease of the qualifying vehicle begins.

13 “(d) Retain registration of the qualifying vehicle for a minimum of 24
14 consecutive months after the date of purchase or the date the lease begins.

15 “(8) A rebate recipient may not make or allow any modifications to the
16 qualifying vehicle’s emissions control systems, hardware, software cali-
17 brations or hybrid system.

18 “(9) If a rebate recipient [*intends to sell the qualifying vehicle, or*
19 *terminate*] **sells the qualifying vehicle, or terminates** the qualifying vehi-
20 cle lease before the end of 24 months, the rebate recipient shall notify the
21 administrator of the program of the [*recipient’s intent to sell the vehicle or*
22 *terminate the lease*] **sale or termination** and shall reimburse the adminis-
23 trator for the entire rebate amount.

24 “(10) Rebate recipients may be requested to participate in ongoing re-
25 search efforts.

26 “(11) The administrator of the program shall work to ensure timely pay-
27 ment of rebates with a goal of paying rebates within 60 days after receiving
28 an application for a rebate.

29 “(12) A vehicle dealer may advertise the program on the premises owned
30 or operated by the vehicle dealer. If no moneys are available from the pro-

1 gram or the program otherwise changes, a vehicle dealer who advertises the
2 program may not be held liable for advertising false or misleading informa-
3 tion.

4 “(13) The Environmental Quality Commission may adopt any rules neces-
5 sary to carry out the provisions of this section.

6 “**SECTION 21.** Section 150, chapter 750, Oregon Laws 2017, is amended
7 to read:

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

9 “(a) ‘Area median income’ means the median income for the metropolitan
10 statistical area in which a household is located or, if the household is not
11 located within a metropolitan statistical area, for the metropolitan statistical
12 area in closest proximity to the location of the household, as determined by
13 the Housing and Community Services Department, adjusted for household
14 size.

15 “(b) ‘Charge ahead rebate’ means a rebate for the purchase **or lease** of a
16 new or used light-duty zero-emission vehicle issued through the Charge
17 Ahead Oregon Program established under this section.

18 “[c] ‘*High-emission passenger motor vehicle*’ means a motor vehicle that
19 is:]

20 “[A] *Designed primarily for the transportation of persons; and*]

21 “[B] *Powered by an internal combustion engine that is 20 years old or*
22 *older.*]

23 “[d] (c) ‘Low income household’ means a household with income less
24 than or equal to 80 percent of the area median income.

25 “[e] (d) ‘Moderate income household’ means a household with income
26 less than or equal to 120 percent and greater than 80 percent of the area
27 median income.

28 “(2) The Department of Environmental Quality shall establish a Charge
29 Ahead Oregon Program to provide for charge ahead rebates to low income
30 households and moderate income households [*that voluntarily retire or scrap*

1 *high-emission passenger motor vehicles and replace those motor vehicles with*
2 *new or used light-duty zero-emission vehicles*]. The Director of the Department
3 of Environmental Quality may hire or contract with a third-party
4 [*nonprofit*] organization to implement and serve as the administrator of the
5 program required by this section.

6 “(3) The department may:

7 “(a) Specify design features for the program; and

8 “(b) Establish procedures to:

9 “(A) Prioritize available moneys to specific income levels or geographic
10 areas; and

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

12 “(4) An eligible purchaser or lessee of a new or used light-duty zero-
13 emission vehicle may apply for a charge ahead rebate for a portion of the
14 purchase price or may choose to assign the charge ahead rebate to a vehicle
15 dealer or lessor.

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

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

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

26 “(8) To be eligible for a charge ahead rebate, a person requesting a rebate
27 under the program must:

28 “(a) Be a member of a low income household or a moderate income
29 household.

30 “[*b*] *Reside in an area of this state that has elevated concentrations of air*

1 *contaminants commonly attributable to motor vehicle emissions, such as*
2 *particulate matter, benzene and nitrogen oxides, relative to other areas of the*
3 *state.]*

4 “[*(c)* Document that the person will scrap or otherwise render inoperable a
5 high-emission passenger motor vehicle that, on the date of the rebate applica-
6 tion, is registered as operable and has been continuously registered for the last
7 two years.]

8 “[*(d)*] **(b)** Purchase or lease a new or used light-duty zero-emission vehicle.
9 A lease must have a minimum term of 24 months.

10 “[*(e)*] **(c)** Provide proof of an intent to use the light-duty zero-emission
11 vehicle primarily on the public highways of this state, which may be satisfied
12 by providing proof of registration of the vehicle in Oregon.

13 “[*(f)*] **(d)** Submit an application for a charge ahead rebate to the admin-
14 istrator of the program within six months of the date of purchase or six
15 months from the date the lease begins.

16 “[*(g)*] **(e)** Retain registration of the light-duty zero-emission vehicle for a
17 minimum of 24 consecutive months following the date of purchase or fol-
18 lowing the date the lease begins.

19 “(9) A person that receives a charge ahead rebate may not make or allow
20 any modifications to the vehicle’s emissions control systems, hardware, soft-
21 ware calibrations or hybrid system.

22 “(10) If a charge ahead rebate recipient [*intends to sell the vehicle, or*
23 *otherwise terminate*] **sells the vehicle, or terminates** the vehicle lease be-
24 fore the end of 24 months, the charge ahead rebate recipient shall notify the
25 administrator of the program of the [*recipient’s intent to sell the vehicle or*
26 *terminate a lease*] **sale or termination** and shall reimburse the administrator
27 for the entire charge ahead rebate amount.

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

30 “(12) The administrator of the program shall work to ensure timely pay-

1 ment of charge ahead rebates with a goal of paying rebates within 60 days
2 of receiving an application for a charge ahead rebate.

3 “(13) In establishing the Charge Ahead Oregon Program, the department
4 shall provide opportunities for public comment by low income households,
5 moderate income households and [*community based*] **community-based** or-
6 ganizations that are located in areas of this state that have elevated con-
7 centrations of air contaminants attributable to motor vehicle emissions,
8 relative to other areas of the state. The department shall use the comments
9 received pursuant to this subsection to inform, evaluate[,] and strengthen the
10 design of the program in order to increase the usage of light-duty zero-
11 emission vehicles.

12 “(14) The administrator of the program shall, throughout the course of
13 implementing the program, conduct community outreach to low income
14 households, moderate income households and [*community based*]
15 **community-based** organizations that are located in areas of this state that
16 have elevated concentrations of air contaminants attributable to motor ve-
17 hicle emissions, relative to other areas of the state, in order to:

18 “(a) Solicit feedback on program implementation; and

19 “(b) Take steps to ensure that the program is promoted effectively.

20 “(15) A vehicle dealer may advertise the Charge Ahead Oregon Program
21 on the premises owned or operated by the vehicle dealer. If no moneys are
22 available from the program or the program otherwise changes, a vehicle
23 dealer who advertises the program may not be held liable for advertising
24 false or misleading information.

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

27 “(17) An organization that the department has hired or contracted with
28 to implement and serve as the administrator of the program may offer ex-
29 panded financing mechanisms for program participants, including, but not
30 limited to, a loan or loan-loss reserve credit enhancement program to in-

1 crease consumer access to new or used light-duty zero-emission vehicles.

2 “(18) The Environmental Quality Commission may adopt any rules neces-
3 sary to carry out the provisions of this section.

4 **“SECTION 22.** ORS 184.661 is amended to read:

5 “184.661. (1) The Oregon Transportation Commission, through the De-
6 partment of Transportation, shall develop a website.

7 “(2) The website must include:

8 “(a) A list of all transportation projects in the Statewide Transportation
9 Improvement Program and for each project the website must include:

10 “(A) A description of the project and the project benefits;

11 “(B) The estimated cost and estimated completion date;

12 “(C) Updated information about the projects as they proceed, including
13 the actual amount spent to date on the project; and

14 “(D) After a project is completed, updated information, including the
15 amount a project is under or over the original estimated cost and whether
16 a project was completed by the original estimated completion date.

17 “(b) Information on the reports required under ORS 366.774 and 366.790
18 for all cities **with a population of 5,000 or greater** and **all** counties in the
19 state, including the amount of transportation funds collected by each county
20 and city and the source of the funds and the amount of money spent on
21 transportation projects by type of expenditure as listed in ORS 366.774 (2)
22 and 366.790 (2). This information shall be displayed for the most current
23 six-year period.

24 “(c) Information on the condition of Oregon’s transportation
25 infrastructure, as required under ORS 184.657.

26 “(d) Information about the results the audits performed pursuant to ORS
27 184.639.

28 “(e) Links to all available county and city transportation project websites.

29 “(f) Links to websites about transportation projects receiving moneys
30 from the Connect Oregon Fund.

1 **“SECTION 23.** ORS 803.445 is amended to read:

2 “803.445. (1) The governing body of a county may impose registration fees
3 for vehicles as provided in ORS 801.041.

4 “(2) The governing body of a district may impose registration fees for
5 vehicles as provided in ORS 801.042.

6 “(3) The Department of Transportation shall provide by rule for the ad-
7 ministration of laws authorizing county and district registration fees and for
8 the collection of those fees.

9 “(4) Any registration fee imposed under this section shall be imposed in
10 a manner consistent with ORS 803.420.

11 “(5) *[No county or district]* **A county or district may not** impose a vehi-
12 cle registration fee that would by itself, or in combination with any other
13 vehicle registration fee imposed under this section, exceed the *[amount]* **sum**
14 of the fee imposed under ORS 803.420 (6)(a) **and the fee applicable to the**
15 **registered vehicle under ORS 803.422.** The owner of any vehicle subject to
16 multiple fees under this section shall be allowed a credit or credits with re-
17 spect to one or more of such fees so that the total of such fees does not ex-
18 ceed the *[amount]* **sum** of the fee imposed under ORS 803.420 (6)(a) **and the**
19 **fee applicable to the registered vehicle under ORS 803.422.**

20 **“SECTION 24.** ORS 801.041 is amended to read:

21 “801.041. The following apply to the authority granted to counties by ORS
22 801.040 to establish registration fees for vehicles:

23 “(1) An ordinance establishing registration fees under this section must
24 be enacted by the county imposing the registration fee and filed with the
25 Department of Transportation. Notwithstanding ORS 203.055 or any pro-
26 vision of a county charter, the governing body of a county with a population
27 of 350,000 or more may enact an ordinance establishing registration fees. The
28 governing body of a county with a population of less than 350,000 may enact
29 an ordinance establishing registration fees after submitting the ordinance to
30 the electors of the county for their approval. The governing body of the

1 county imposing the registration fee shall enter into an intergovernmental
2 agreement under ORS 190.010 with the department by which the department
3 shall collect the registration fees, pay them over to the county and, if nec-
4 essary, allow the credit or credits described in ORS 803.445 (5). The inter-
5 governmental agreement must state the date on which the department shall
6 begin collecting registration fees for the county.

7 “(2) The authority granted by this section allows the establishment of
8 registration fees in addition to those described in ORS 803.420 **and 803.422**.
9 There is no authority under this section to affect registration periods, qual-
10 ifications, cards, plates, requirements or any other provision relating to ve-
11 hicle registration under the vehicle code.

12 “(3) Except as otherwise provided for in this subsection, when registration
13 fees are imposed under this section, they must be imposed on all vehicle
14 classes. Registration fees as provided under this section may not be imposed
15 on the following:

16 “(a) Snowmobiles and Class I all-terrain vehicles.

17 “(b) Fixed load vehicles.

18 “(c) Vehicles registered under ORS 805.100 to disabled veterans.

19 “(d) Vehicles registered as antique vehicles under ORS 805.010.

20 “(e) Vehicles registered as vehicles of special interest under ORS 805.020.

21 “(f) Government-owned or operated vehicles registered under ORS 805.040
22 or 805.045.

23 “(g) School buses or school activity vehicles registered under ORS 805.050.

24 “(h) Law enforcement undercover vehicles registered under ORS 805.060.

25 “(i) Vehicles registered on a proportional basis for interstate operation.

26 “(j) Vehicles with a registration weight of 26,001 pounds or more de-
27 scribed in ORS 803.420 (14)(a) or (b).

28 “(k) Vehicles registered as farm vehicles under the provisions of ORS
29 805.300.

30 “(L) Travel trailers, campers and motor homes.

1 “(m) Vehicles registered to an employment address as provided in ORS
2 802.250 when the eligible public employee or household member’s residence
3 address is not within the county of the employment address. The department
4 may adopt rules it considers necessary for the administration of this para-
5 graph.

6 “(n) Vehicles registered under ORS 805.110 to former prisoners of war.

7 “(4) Any registration fee imposed by a county must be a fixed amount not
8 to exceed, with respect to any vehicle class, **the sum of** the registration fee
9 established under ORS 803.420 (6)(a) **and the fee applicable to the regis-**
10 **tered vehicle under ORS 803.422.** For vehicles on which a flat fee is im-
11 posed under ORS 803.420, the fee must be a whole dollar amount.

12 “(5) Moneys from registration fees established under this section must be
13 paid to the county establishing the registration fees as provided in ORS
14 802.110. The county ordinance shall provide for payment of at least 40 per-
15 cent of the moneys to cities within the county unless a different distribution
16 is agreed upon by the county and the cities within the jurisdiction of the
17 county. The moneys for the cities and the county shall be used for any pur-
18 pose for which moneys from registration fees may be used, including the
19 payment of debt service and costs related to bonds or other obligations is-
20 sued for such purposes.

21 “(6) Two or more counties may act jointly to impose a registration fee
22 under this section. The ordinance of each county acting jointly with another
23 under this subsection must provide for the distribution of moneys collected
24 through a joint registration fee.

25 **“SECTION 25.** ORS 801.042 is amended to read:

26 “801.042. The following apply to the authority granted to a district by
27 ORS 801.040 to establish registration fees for vehicles:

28 “(1) Before the governing body of a district can impose a registration fee
29 under this section, it must submit the proposal to the electors of the district
30 for their approval and, if the proposal is approved, enter into an intergov-

1 ernmental agreement under ORS 190.010 with the governing bodies of all
2 counties, other districts and cities with populations of over 300,000 that
3 overlap the district. The intergovernmental agreement must state the regis-
4 tration fees and, if necessary, how the revenue from the fees shall be appor-
5 tioned among counties and the districts. Before the governing body of a
6 county can enter into such an intergovernmental agreement, the county shall
7 consult with the cities in its jurisdiction.

8 “(2) If a district raises revenues from a registration fee for purposes re-
9 lated to highways, roads, streets and roadside rest areas, the governing body
10 of that district shall establish a Regional Arterial Fund and shall deposit in
11 the Regional Arterial Fund all such registration fees.

12 “(3) Interest received on moneys credited to the Regional Arterial Fund
13 shall accrue to and become a part of the Regional Arterial Fund.

14 “(4) The Regional Arterial Fund must be administered by the governing
15 body of the district referred to in subsection (2) of this section and such
16 governing body by ordinance may disburse moneys in the Regional Arterial
17 Fund. Moneys within the Regional Arterial Fund may be disbursed only for
18 a program of projects recommended by a joint policy advisory committee on
19 transportation consisting of local officials and state agency representatives
20 designated by the district referred to in subsection (2) of this section. The
21 projects for which the joint policy advisory committee on transportation can
22 recommend funding must concern arterials, collectors or other improvements
23 designated by the joint policy advisory committee on transportation.

24 “(5) Ordinances establishing registration fees under this section must be
25 filed with the Department of Transportation. The governing body of the dis-
26 trict imposing the registration fee shall enter into an intergovernmental
27 agreement under ORS 190.010 with the department by which the department
28 shall collect the registration fees, pay them over to the district and, if nec-
29 essary, allow the credit or credits described in ORS 803.445 (5). The inter-
30 governmental agreement must state the date on which the department shall

1 begin collecting registration fees for the district.

2 “(6) The authority granted by this section allows the establishment of
3 registration fees in addition to those described in ORS 803.420 **and 803.422**.
4 There is no authority under this section to affect registration periods, qual-
5 ifications, cards, plates, requirements or any other provision relating to ve-
6 hicle registration under the vehicle code.

7 “(7) Except as otherwise provided for in this subsection, when registration
8 fees are imposed under this section, the fees must be imposed on all vehicle
9 classes. Registration fees as provided under this section may not be imposed
10 on the following:

11 “(a) Snowmobiles and Class I all-terrain vehicles.

12 “(b) Fixed load vehicles.

13 “(c) Vehicles registered under ORS 805.100 to disabled veterans.

14 “(d) Vehicles registered as antique vehicles under ORS 805.010.

15 “(e) Vehicles registered as vehicles of special interest under ORS 805.020.

16 “(f) Government-owned or operated vehicles registered under ORS 805.040
17 or 805.045.

18 “(g) School buses or school activity vehicles registered under ORS 805.050.

19 “(h) Law enforcement undercover vehicles registered under ORS 805.060.

20 “(i) Vehicles registered on a proportional basis for interstate operation.

21 “(j) Vehicles with a registration weight of 26,001 pounds or more de-
22 scribed in ORS 803.420 (14)(a) or (b).

23 “(k) Vehicles registered as farm vehicles under the provisions of ORS
24 805.300.

25 “(L) Travel trailers, campers and motor homes.

26 “(m) Vehicles registered to an employment address as provided in ORS
27 802.250 when the eligible public employee or household member’s residence
28 address is not within the county of the employment address. The department
29 may adopt rules it considers necessary for the administration of this para-
30 graph.

1 “(n) Vehicles registered under ORS 805.110 to former prisoners of war.

2 “(8) Any registration fee imposed by the governing body of a district must
3 be a fixed amount not to exceed, with respect to any vehicle class, the reg-
4 istration fee established under ORS 803.420 (6)(a) **and the fee applicable to**
5 **the registered vehicle under ORS 803.422.** For vehicles on which a flat fee
6 is imposed under ORS 803.420, the fee must be a whole dollar amount.

7 **“SECTION 26.** ORS 818.225 is amended to read:

8 “818.225. (1) As used in this section, ‘equivalent single-axle load’ means
9 the relationship between actual or requested weight and an 18,000 pound
10 single-axle load as determined by the American Association of State Highway
11 and Transportation Officials Road Tests reported at the Proceedings Con-
12 ference of 1962.

13 “(2)(a) In addition to any fee for a single-trip nondivisible load permit, a
14 person who is issued the permit or who operates a vehicle in a manner that
15 requires the permit is liable for payment of a road use assessment fee com-
16 puted on the basis of the following rates per equivalent single-axle load mile
17 traveled:

18 “(A) For the period beginning on January 1, 2018, and ending on Decem-
19 ber 31, 2019, eight and five-tenths cents.

20 “(B) For the period beginning on January 1, 2020, and ending on Decem-
21 ber 31, 2021, nine and [*five-tenths*] **three-tenths** cents.

22 “(C) For the period beginning on January 1, 2022, and ending on Decem-
23 ber 31, 2023, ten and [*five-tenths*] **three-tenths** cents.

24 “(b) If the road use assessment fee is not collected at the time of issuance
25 of the permit, the department shall bill the permittee for the amount due.
26 The account shall be considered delinquent if not paid within 60 days of
27 billing.

28 “(c) The miles of travel authorized by a single-trip nondivisible load per-
29 mit shall be exempt from taxation under ORS chapter 825.

30 “(3) The department may adopt rules:

1 “(a) To standardize the determination of equivalent single-axle load com-
2 putation based on average highway conditions; and

3 “(b) To establish procedures for payment, collection and enforcement of
4 the fees and assessments established by this chapter.

5 “**SECTION 27.** ORS 818.225, as amended by section 52, chapter 750,
6 Oregon Laws 2017, is amended to read:

7 “818.225. (1) As used in this section, ‘equivalent single-axle load’ means
8 the relationship between actual or requested weight and an 18,000 pound
9 single-axle load as determined by the American Association of State Highway
10 and Transportation Officials Road Tests reported at the Proceedings Con-
11 ference of 1962.

12 “(2)(a) In addition to any fee for a single-trip nondivisible load permit, a
13 person who is issued the permit or who operates a vehicle in a manner that
14 requires the permit is liable for payment of a road use assessment fee of
15 [*eleven and eight-tenths*] **ten and nine-tenths** cents per equivalent single-
16 axle load mile traveled.

17 “(b) If the road use assessment fee is not collected at the time of issuance
18 of the permit, the department shall bill the permittee for the amount due.
19 The account shall be considered delinquent if not paid within 60 days of
20 billing.

21 “(c) The miles of travel authorized by a single-trip nondivisible load per-
22 mit shall be exempt from taxation under ORS chapter 825.

23 “(3) The department may adopt rules:

24 “(a) To standardize the determination of equivalent single-axle load com-
25 putation based on average highway conditions; and

26 “(b) To establish procedures for payment, collection and enforcement of
27 the fees and assessments established by this chapter.

28 “**SECTION 28.** ORS 818.270, as amended by section 55, chapter 750,
29 Oregon Laws 2017, is amended to read:

30 “818.270. (1) The fee for issuance of a variance permit under ORS 818.200

1 may be any amount determined by a road authority, not to exceed [~~\$10~~] **\$8**.
2 If the variance permit is issued by a private contractor, the contractor may
3 charge an additional fee not to exceed [~~\$7~~] **\$5**.

4 “(2) The fee for issuance of a sifting or leaking load permit under ORS
5 818.230 is [~~\$10~~] **\$8**.

6 “(3) The fee for issuance of a dragging permit under ORS 818.240 is [~~\$10~~]
7 **\$8**.

8 “(4) The fee for issuance of a permit under ORS 818.260 for the use of bus
9 safety lights is a fee established by rule by the Department of Transporta-
10 tion. Any fee established for purposes of this subsection may not exceed the
11 actual costs of issuing the permit.

12 **“SECTION 28a.** ORS 825.450, as amended by section 58, chapter 750,
13 Oregon Laws 2017, is amended to read:

14 “825.450. (1) Except as otherwise permitted under ORS 825.470, the De-
15 partment of Transportation shall issue a receipt stating the combined weight
16 of each self-propelled or motor-driven vehicle and any train or combination
17 of vehicles to be used with the self-propelled or motor-driven vehicle.

18 “(2) A person may not load any motor vehicle in excess of its combined
19 weight permit rating determined under subsection (1) of this section except
20 as variations may necessarily result in passenger loading. A fee of [~~\$10~~] **\$8**
21 shall be paid to the department for each weight receipt issued.

22 “(3) Receipts issued under this section are valid from the first day of any
23 calendar quarter to the last day of the fourth consecutive calendar quarter.
24 Each carrier may select the calendar quarter in which the period will begin
25 except that, if necessary for administrative convenience, the department may
26 require a carrier to adopt a starting date chosen by the department.

27 “(4) All vehicles operating under the carrier’s authority shall have the
28 same four-quarter period of receipt validity. The department may allow a
29 carrier to operate with expired receipts for up to one extra quarter if the
30 renewal application has been submitted and the required fees have been paid

1 on or before the last day of the period of validity of the receipt. The exten-
2 sion of time allowed by this subsection shall be granted only if the depart-
3 ment determines that the extension is necessary for the administrative
4 convenience of the department.

5 “(5) The department may adopt rules necessary to administer the pro-
6 visions of this section.

7 **“SECTION 29.** ORS 825.480 is amended to read:

8 “825.480. (1)(a) In lieu of other fees provided in ORS 825.474, carriers en-
9 gaged in operating motor vehicles in the transportation of logs, poles, peeler
10 cores or piling may pay annual fees for such operation computed at the fol-
11 lowing rate for each 100 pounds of declared combined weight:

12 “(A) For the period beginning on January 1, 2018, and ending on Decem-
13 ber 31, 2019, \$9.10.

14 “(B) For the period beginning on January 1, 2020, and ending on Decem-
15 ber 31, 2021, [~~\$10.20~~] **\$10.**

16 “(C) For the period beginning on January 1, 2022, and ending on Decem-
17 ber 31, 2023, [~~\$11.30~~] **\$11.**

18 “(b) Any carrier electing to pay fees under this method may, as to vehicles
19 otherwise exempt from taxation, elect to be taxed on the mileage basis for
20 movements of such empty vehicles over public highways whenever operations
21 are for the purpose of repair, maintenance, servicing or moving from one
22 exempt highway operation to another.

23 “(2) The annual fees provided in subsections (1), (4) and (5) of this section
24 may be paid on a monthly basis. Any carrier electing to pay fees under this
25 method may not change an election during the same calendar year in which
26 the election is made, but may be relieved from the payment due for any
27 month during which a motor vehicle is not operated. A carrier electing to
28 pay fees under this method shall report and pay these fees on or before the
29 10th of each month for the preceding month’s operations. A monthly report
30 shall be made on all vehicles on the annual fee basis including any vehicle

1 not operated for the month.

2 “(3)(a) In lieu of the fees provided in ORS 825.470 to 825.474, motor vehi-
3 cles described in ORS 825.024 with a combined weight of less than 46,000
4 pounds that are being operated under a permit issued under ORS 825.102 may
5 pay annual fees for such operation computed at the following rate for each
6 100 pounds of declared combined weight:

7 “(A) For the period beginning on January 1, 2018, and ending on Decem-
8 ber 31, 2019, \$7.50.

9 “(B) For the period beginning on January 1, 2020, and ending on Decem-
10 ber 31, 2021, [~~\$8.30~~] **\$8.20**.

11 “(C) For the period beginning on January 1, 2022, and ending on Decem-
12 ber 31, 2023, [~~\$9.30~~] **\$9**.

13 “(b) The annual fees provided in this subsection shall be paid in advance
14 but may be paid on a monthly basis on or before the first day of the month.
15 A carrier may be relieved from the fees due for any month during which the
16 motor vehicle is not operated for hire if a statement to that effect is filed
17 with the Department of Transportation on or before the fifth day of the first
18 month for which relief is sought.

19 “(4)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
20 the operation of motor vehicles equipped with dump bodies and used in the
21 transportation of sand, gravel, rock, dirt, debris, cinders, asphaltic concrete
22 mix, metallic ores and concentrates or raw nonmetallic products, whether
23 crushed or otherwise, moving from mines, pits or quarries may pay annual
24 fees for such operation computed at the following rate for each 100 pounds
25 of declared combined weight:

26 “(A) For the period beginning on January 1, 2018, and ending on Decem-
27 ber 31, 2019, \$9.10.

28 “(B) For the period beginning on January 1, 2020, and ending on Decem-
29 ber 31, 2021, [~~\$10.20~~] **\$9.90**.

30 “(C) For the period beginning on January 1, 2022, and ending on Decem-

1 ber 31, 2023, [~~\$11.30~~] **\$10.90**.

2 “(b) Any carrier electing to pay fees under this method may, as to vehicles
3 otherwise exempt for taxation, elect to be taxed on the mileage basis for
4 movements of such empty vehicles over public highways whenever operations
5 are for the purpose of repair, maintenance, servicing or moving from one
6 exempt highway operation to another.

7 “(5)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
8 operating motor vehicles in the transportation of wood chips, sawdust,
9 barkdust, hog fuel or shavings may pay annual fees for such operation com-
10 puted at the following rate for each 100 pounds of declared combined weight:

11 “(A) For the period beginning on January 1, 2018, and ending on Decem-
12 ber 31, 2019, \$36.80.

13 “(B) For the period beginning on January 1, 2020, and ending on Decem-
14 ber 31, 2021, [~~\$41.00~~] **\$40.20**.

15 “(C) For the period beginning on January 1, 2022, and ending on Decem-
16 ber 31, 2023, [~~\$45.50~~] **\$44.30**.

17 “(b) Any carrier electing to pay under this method may, as to vehicles
18 otherwise exempt from taxation, elect to be taxed on the mileage basis for
19 movement of such empty vehicles over public highways whenever operations
20 are for the purpose of repair, maintenance, service or moving from one ex-
21 empt highway operation to another.

22 “**SECTION 29a.** ORS 825.480, as amended by section 67, chapter 750,
23 Oregon Laws 2017, is amended to read:

24 “825.480. (1)(a) In lieu of other fees provided in ORS 825.474, carriers en-
25 gaged in operating motor vehicles in the transportation of logs, poles, peeler
26 cores or piling may pay annual fees for such operation computed at the rate
27 of [~~\$12.60~~] **\$11.60** for each 100 pounds of declared combined weight.

28 “(b) Any carrier electing to pay fees under this method may, as to vehicles
29 otherwise exempt from taxation, elect to be taxed on the mileage basis for
30 movements of such empty vehicles over public highways whenever operations

1 are for the purpose of repair, maintenance, servicing or moving from one
2 exempt highway operation to another.

3 “(2) The annual fees provided in subsections (1), (4) and (5) of this section
4 may be paid on a monthly basis. Any carrier electing to pay fees under this
5 method may not change an election during the same calendar year in which
6 the election is made, but may be relieved from the payment due for any
7 month during which a motor vehicle is not operated. A carrier electing to
8 pay fees under this method shall report and pay these fees on or before the
9 10th of each month for the preceding month’s operations. A monthly report
10 shall be made on all vehicles on the annual fee basis including any vehicle
11 not operated for the month.

12 “(3)(a) In lieu of the fees provided in ORS 825.470 to 825.474, motor vehi-
13 cles described in ORS 825.024 with a combined weight of less than 46,000
14 pounds that are being operated under a permit issued under ORS 825.102 may
15 pay annual fees for such operation computed at the rate of [~~\$10.30~~] **\$9.60** for
16 each 100 pounds of declared combined weight.

17 “(b) The annual fees provided in this subsection shall be paid in advance
18 but may be paid on a monthly basis on or before the first day of the month.
19 A carrier may be relieved from the fees due for any month during which the
20 motor vehicle is not operated for hire if a statement to that effect is filed
21 with the Department of Transportation on or before the fifth day of the first
22 month for which relief is sought.

23 “(4)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
24 the operation of motor vehicles equipped with dump bodies and used in the
25 transportation of sand, gravel, rock, dirt, debris, cinders, asphaltic concrete
26 mix, metallic ores and concentrates or raw nonmetallic products, whether
27 crushed or otherwise, moving from mines, pits or quarries may pay annual
28 fees for such operation computed at the rate of [~~\$12.60~~] **\$11.50** for each 100
29 pounds of declared combined weight.

30 “(b) Any carrier electing to pay fees under this method may, as to vehicles

1 otherwise exempt for taxation, elect to be taxed on the mileage basis for
2 movements of such empty vehicles over public highways whenever operations
3 are for the purpose of repair, maintenance, servicing or moving from one
4 exempt highway operation to another.

5 “(5)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
6 operating motor vehicles in the transportation of wood chips, sawdust,
7 barkdust, hog fuel or shavings may pay annual fees for such operation com-
8 puted at the rate of [~~\$50.80~~] ~~\$47~~ for each 100 pounds of declared combined
9 weight.

10 “(b) Any carrier electing to pay under this method may, as to vehicles
11 otherwise exempt from taxation, elect to be taxed on the mileage basis for
12 movement of such empty vehicles over public highways whenever operations
13 are for the purpose of repair, maintenance, service or moving from one ex-
14 empt highway operation to another.

15 **“SECTION 30. Sections 56 and 59, chapter 750, Oregon Laws 2017,**
16 **are repealed.**

17 **“SECTION 30a. The amendments to ORS 818.270 and 825.450 by**
18 **sections 28 and 28a of this 2018 Act become operative on January 1,**
19 **2020.**

20 **“SECTION 30b. The amendments to ORS 818.270 and 825.450 by**
21 **sections 28 and 28a of this 2018 Act apply to fees imposed on or after**
22 **January 1, 2020.**

23 **“SECTION 30c. ORS 367.095 is amended to read:**

24 “367.095. (1) The following amounts shall be distributed in the manner
25 prescribed in this section:

26 “(a) The amount attributable to the increase in tax rates by section 45,
27 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and
28 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

29 “(b) The amount attributable to the vehicle registration and title fees
30 imposed under ORS 803.091 and 803.422.

1 “(c) The amount attributable to the increase in taxes and fees by the
2 amendments to ORS 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480
3 and 826.023 by sections 34, 35, 48, 49, 51, 52, 54, [55,] 57, [58,] 63, 64, 66, 67
4 and 70, chapter 750, Oregon Laws 2017.

5 “(2) The amounts described in subsection (1) of this section shall be dis-
6 tributed in the following order and for the following purposes:

7 “(a) For calendar years beginning on or after January 1, 2022, \$30 million
8 shall be used for the Interstate 5 Rose Quarter Project. This amount shall
9 be used for the Interstate 5 Rose Quarter Project only until the later of the
10 date on which the project is completed or on which all bonds issued to fund
11 the project have been repaid.

12 “(b) \$10 million per year shall be deposited into the Safe Routes to
13 Schools Fund for the purpose of providing Safe Routes to Schools matching
14 grants under ORS 184.742. The remainder of the moneys shall be distributed
15 as described in subsection (3) of this section.

16 “(3) The moneys described in subsection (1) of this section that remain
17 after the allocation of moneys described in subsection (2) of this section shall
18 be allocated as follows:

19 “(a) 50 percent to the Department of Transportation.

20 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

21 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

22 “(4) The moneys described in subsection (3)(a) of this section or equiv-
23 alent amounts that become available to the Department of Transportation
24 shall be allocated as follows:

25 “(a) \$10 million for safety.

26 “(b) Of the remaining balance:

27 “(A) Forty percent for bridges.

28 “(B) Thirty percent for seismic improvements related to highways and
29 bridges.

30 “(C) Twenty-four percent for state highway pavement preservation and

1 culverts.

2 “(D) Six percent for state highway maintenance and safety improvements.

3 **“SECTION 30d.** ORS 367.095, as amended by section 71b, chapter 750,
4 Oregon Laws 2017, is amended to read:

5 “367.095. (1) The following amounts shall be distributed in the manner
6 prescribed in this section:

7 “(a) The amount attributable to the increase in tax rates by section 45,
8 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and
9 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

10 “(b) The amount attributable to the vehicle registration and title fees
11 imposed under ORS 803.091 and 803.422.

12 “(c) The amount attributable to the increase in taxes and fees by the
13 amendments to ORS 803.420, 803.645, 818.225, [818.270, 825.450,] 825.476,
14 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, [54, 55, 57, 58,] 63, 64,
15 66, 67 and 70, chapter 750, Oregon Laws 2017.

16 “(2) The amounts described in subsection (1) of this section shall be dis-
17 tributed in the following order and for the following purposes:

18 “(a) \$30 million shall be used for the Interstate 5 Rose Quarter Project.
19 This amount shall be used for the Interstate 5 Rose Quarter Project only
20 until the later of the date on which the project is completed or on which all
21 bonds issued to fund the project have been repaid.

22 “(b) \$15 million per year shall be deposited into the Safe Routes to
23 Schools Fund for the purpose of providing Safe Routes to Schools matching
24 grants under ORS 184.742. The remainder of the moneys shall be distributed
25 as described in subsection (3) of this section.

26 “(3) The moneys described in subsection (1) of this section that remain
27 after the allocation of moneys described in subsection (2) of this section shall
28 be allocated as follows:

29 “(a) 50 percent to the Department of Transportation.

30 “(b) 30 percent to counties for distribution as provided in ORS 366.762.

1 “(c) 20 percent to cities for distribution as provided in ORS 366.800.

2 “(4) The moneys described in subsection (3)(a) of this section or equiv-
3 alent amounts that become available to the Department of Transportation
4 shall be allocated as follows:

5 “(a) \$10 million for safety.

6 “(b) Of the remaining balance:

7 “(A) Forty percent for bridges.

8 “(B) Thirty percent for seismic improvements related to highways and
9 bridges.

10 “(C) Twenty-four percent for state highway pavement preservation and
11 culverts.

12 “(D) Six percent for state highway maintenance and safety improvements.

13 **“SECTION 31.** Section 139, chapter 750, Oregon Laws 2017, is amended
14 to read:

15 **“Sec. 139.** *[(1) Sections 32 and 37 of this 2017 Act and the amendments to*
16 *ORS 803.420, 803.645, 818.225, 818.270, 825.450, 825.476 and 825.480 by sections*
17 *34, 48, 51, 54, 57, 63 and 66 of this 2017 Act become operative on January 1,*
18 *2018.]*

19 *“[(2)] (1) The amendments to ORS 826.023 by section 70, **chapter 750,***
20 ***Oregon Laws 2017,** [of this 2017 Act] become operative on January 1, 2020.*

21 *“[(3) The amendments to sections 32 and 37 of this 2017 Act by sections 33*
22 *and 38 of this 2017 Act and the amendments to ORS 803.420 by section 35 of*
23 *this 2017 Act become operative on January 1, 2022.]*

24 **“(2) The amendments to ORS 803.091, 803.420 and 803.422 by sections**
25 **33, 35 and 38, chapter 750, Oregon Laws 2017, become operative on**
26 **January 1, 2022.**

27 *“[(4)] (3) The amendments to ORS 803.645, 818.225, [818.270, 825.450,]*
28 *825.476 and 825.480 by sections 49, 52, [55, 58,] 64 and 67, **chapter 750,***
29 ***Oregon Laws 2017,** [of this 2017 Act] become operative on January 1, 2024.*

30 **“SECTION 32.** Section 18, chapter 30, Oregon Laws 2010, as amended by

1 section 71L, chapter 750, Oregon Laws 2017, is amended to read:

2 “**Sec. 18.** (1) The Department of Transportation shall report [*quarterly*]
3 **semiannually** to the legislative committees on revenue if the Legislative
4 Assembly is in session or, if the Legislative Assembly is not in session, to
5 the Legislative Revenue Officer. The department’s report shall include an
6 estimate of the amounts received in the previous [*quarter*] **two quarters**
7 from the increased taxes and fees established in chapter 865, Oregon Laws
8 2009, and an estimate of the projected revenue in the current quarter from
9 the increased taxes and fees established in chapter 865, Oregon Laws 2009.

10 “(2) In addition to the report described in subsection (1) of this section,
11 the Department of Transportation shall report [*quarterly*] **semiannually** to
12 the legislative committees on revenue if the Legislative Assembly is in ses-
13 sion or, if the Legislative Assembly is not in session, to the Legislative
14 Revenue Officer. The department’s report shall include:

15 “(a) An estimate of the amounts received in the previous [*quarter*] **two**
16 **quarters** from the increased taxes and fees established in [*sections 32, 33,*
17 *37, 38 and 45 of this 2017 Act*] **ORS 803.091 and 803.422 and section 45,**
18 **chapter 750, Oregon Laws 2017,** and the amendments to ORS 319.020,
19 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023
20 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [*55,*] 57, [*58,*] 63, 64, 66, 67 and
21 70, **chapter 750, Oregon Laws 2017** [*of this 2017 Act*], and an estimate of
22 the projected revenue in the current quarter **and the next quarter** from the
23 increased taxes and fees established in [*sections 32, 33, 37, 38 and 45 of this*
24 *2017 Act*] **ORS 803.091 and 803.422 and section 45, chapter 750, Oregon**
25 **Laws 2017,** and the amendments to ORS 319.020, 319.530, 803.420, 803.645,
26 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to
27 43, 48, 49, 51, 52, 54, [*55,*] 57, [*58,*] 63, 64, 66, 67 and 70, **chapter 750, Oregon**
28 **Laws 2017** [*of this 2017 Act*].

29 “(b) An estimate of the amounts received in the previous biennium to date
30 from the increased taxes and fees established in [*sections 32, 33, 37, 38 and*

1 *45 of this 2017 Act*] **ORS 803.091 and 803.422 and section 45, chapter 750,**
2 **Oregon Laws 2017,** and the amendments to ORS 319.020, 319.530, 803.420,
3 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34,
4 35, 40 to 43, 48, 49, 51, 52, 54, [55,] 57, [58,] 63, 64, 66, 67 and 70, **chapter 750,**
5 **Oregon Laws 2017** [*of this 2017 Act*], and an estimate of the projected reve-
6 nue in the remaining current biennium from the increased taxes and fees
7 established in [*sections 32, 33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091**
8 **and 803.422 and section 45, chapter 750, Oregon Laws 2017,** and the
9 amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450,
10 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54,
11 [55,] 57, [58,] 63, 64, 66, 67 and 70, **chapter 750, Oregon Laws 2017** [*of this*
12 *2017 Act*].

13 “(c) Information about the expenditures and distributions made under
14 [*section 71a of this 2017 Act*] **ORS 367.095,** including but not limited to:

15 “(A) Information about the department’s total funds as well as the funds
16 raised separately by the increased taxes and fees established in [*sections 32,*
17 *33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091 and 803.422 and section 45,**
18 **chapter 750, Oregon Laws 2017,** and the amendments to ORS 319.020,
19 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023
20 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [55,] 57, [58,] 63, 64, 66, 67 and
21 **70, chapter 750, Oregon Laws 2017,** [*of this 2017 Act*] and expended as de-
22 scribed in [*section 71a (3)(c) of this 2017 Act*] **ORS 367.095 (3)(c).**

23 “(B) [*Quarterly*] **Semiannual** amounts that include all the actual and
24 forecasted expenditures and distributions made under [*section 71a of this 2017*
25 *Act*] **ORS 367.095** for each quarter of the current biennium and the fore-
26 casted expenditures and distributions for the following biennium.

27 **“SECTION 33.** ORS 184.751 is amended to read:

28 “184.751. (1) The Statewide Transportation Improvement Fund is estab-
29 lished in the State Treasury, separate and distinct from the General Fund.
30 Interest earned by the Statewide Transportation Improvement Fund shall be

1 credited to the fund. Moneys in the fund are continuously appropriated to
2 the Department of Transportation to finance investments and improvements
3 in public transportation services, except that the moneys may not be used for
4 light rail **capital expenses but may be used for light rail operation ex-**
5 **penses.**

6 “(2) The Statewide Transportation Improvement Fund consists of:

7 “(a) All moneys received from the tax imposed under ORS 320.550;

8 “(b) Moneys appropriated or otherwise transferred to the fund by the
9 Legislative Assembly; and

10 “(c) Other moneys deposited in the fund from any source.

11 **“SECTION 34.** ORS 184.758 is amended to read:

12 “184.758. (1) The Oregon Transportation Commission shall distribute the
13 moneys in the Statewide Transportation Improvement Fund established under
14 ORS 184.751 as follows:

15 “(a) Conditioned upon the commission’s approval of a public transporta-
16 tion improvement plan, 90 percent to qualified entities;

17 “(b) Five percent to public transportation service providers based on a
18 competitive grant program adopted by the commission by rule;

19 “(c) Four percent to public transportation service providers to provide
20 funding assistance to cover the costs of improving public transportation
21 services between two or more communities; and

22 “(d) One percent to the Department of Transportation **to pay the**
23 **department’s administrative costs and expenses associated with car-**
24 **rying out the provisions of ORS 184.752 to 184.766 and** to establish a
25 statewide public transportation technical resource center, the purpose of
26 which is to assist public transportation service providers in rural areas with
27 **technical assistance**, training, transportation planning and information
28 technology.

29 “(2) For purposes of the percentage distributions under subsection (1)(a)
30 of this section:

1 “(a) Each distribution must be in such shares that the amount of tax paid,
2 as required under ORS 320.550, in the area of each qualified entity bears to
3 the total amount of the tax paid statewide, provided that each qualified en-
4 tity receives an annual amount of at least \$100,000.

5 “*[(b) Each public transportation service provider that receives funding un-
6 der this section shall receive at least a share that the amount of the tax paid,
7 as required under ORS 320.550, in the area served by the provider bears to the
8 amount of tax paid in the area of the respective qualified entity in which the
9 public transportation service provider provides services.]*

10 “*[(c)]* (b) If more than one mass transit district or transportation district
11 is located within a single county, the commission shall distribute the moneys
12 to the larger district.

13 “(3) The commission shall adopt by rule:

14 “(a) A competitive grant program, by which a public transportation ser-
15 vice provider may apply for a percentage distribution under subsection (1)(b)
16 of this section, and the terms and conditions of grants.

17 “(b) A competitive grant program, by which a public transportation ser-
18 vice provider may apply for a percentage distribution under subsection (1)(c)
19 of this section, and the terms and conditions of grants.

20 “(c) A process to review and approve a public transportation improvement
21 plan submitted under subsection (4) of this section.

22 “(d) Procedures for appealing a rejection of a public transportation im-
23 provement plan submitted under subsection (4) of this section.

24 “(e) Any other provisions or procedures that are necessary for the com-
25 mission to carry out the provisions of ORS 184.758 to 184.766.

26 “(4) To be eligible to receive a percentage distribution under subsection
27 (1)(a) of this section, a qualified entity shall prepare and submit a public
28 transportation improvement plan to the commission. The commission must
29 approve the plan submitted by the qualified entity before the commission
30 may make a percentage distribution to the qualified entity.

1 “(5) At a minimum, a public transportation improvement plan submitted
2 under this section must include:

3 “(a) For each proposed project, the amount of moneys from the percentage
4 distribution that would be allocated to the project to fund the following:

5 “(A) Increased frequency of bus service schedules in communities with a
6 high percentage of low-income households;

7 “(B) Procurement of buses that are powered by natural gas or electricity
8 for use in areas with a population of 200,000 or more;

9 “(C) Implementation of programs to reduce fares for public transportation
10 in communities with a high percentage of low-income households;

11 “(D) Expansion of bus routes and bus services to reach communities with
12 a high percentage of low-income households;

13 “(E) Improvement in the frequency and reliability of service connections
14 between communities inside and outside of the qualified entity’s service area;
15 [*and*]

16 “(F) Coordination between public transportation service providers to re-
17 duce fragmentation in the provision of transportation services; **and**

18 “(G) **Implementation of programs to provide student transit ser-**
19 **vices for students in grades 9 through 12;**

20 “(b) For the current fiscal year, a summary of any plans and project
21 proposals approved by an advisory committee under ORS 184.761; and

22 “(c) If a qualified entity was a recipient of a percentage distribution in
23 the preceding fiscal year, the amount of moneys received from the distrib-
24 ution that were allocated to a project for the purposes described under par-
25 agraph (a) of this subsection.

26 “(6) **If practicable, as determined by the commission by rule each**
27 **qualified entity shall spend at least one percent of the amount received**
28 **each year under subsection (1)(a) of this section to implement pro-**
29 **grams to provide student transit services for students in grades 9**
30 **through 12.**

1 “[6] (7) After the commission makes a distribution under subsection (1)
2 of this section, qualified entities may enter into intergovernmental agree-
3 ments under ORS chapter 190 to combine the moneys received for public
4 transportation improvements.

5 “[7] (8) If the commission rejects a public transportation improvement
6 plan or a grant application submitted under this section, the commission
7 shall notify the entity or provider in writing and state the reasons for the
8 rejection.

9 “[8] (9) The Department of Transportation shall make all grant appli-
10 cations submitted under this section available to the public.

11 **“SECTION 35.** ORS 366.483 is amended to read:

12 “366.483. (1) In accordance with ORS 374.329, the Department of Trans-
13 portation shall transfer jurisdiction of the following state highways to the
14 following cities:

15 “(a) Pacific Highway West, State Highway [91] **99**, from the department
16 to the City of Eugene. The department shall transfer the following two
17 portions:

18 “(A) The portion beginning where the highway intersects with the
19 Beltline Highway and ending where the highway intersects with Washington
20 Street, but excluding the bridge at milepost 121.42.

21 “(B) The portion beginning where the highway intersects with Walnut
22 Street and ending where the highway intersects with Interstate 5, but ex-
23 cluding the bridge at milepost 126.02.

24 “(b) Springfield Highway, State Highway 228 to the City of Springfield.

25 “(2) Notwithstanding section 71d (4), chapter 750, Oregon Laws 2017, the
26 department shall use the funds described in section 71d, chapter 750, Oregon
27 Laws 2017, for the transfer of Powell Boulevard to upgrade the portion of
28 Southeast Powell Boulevard beginning where the highway intersects with
29 Interstate 205 and ending where the highway intersects with the city limits.
30 After the upgrades are completed, in accordance with ORS 374.329, the de-

1 partment shall transfer jurisdiction of the upgraded portion to the City of
2 Portland. The department may upgrade and transfer portions of the highway
3 in phases.

4 “(3) In accordance with ORS 366.290:

5 “(a) The department shall transfer jurisdiction of the portion of Territo-
6 rial Highway, State Highway 200, that is located within Lane County from
7 the department to the county. The department may transfer portions of the
8 highway in phases. The department shall retain jurisdiction of bridges on
9 Territorial Highway located at milepoints **4.59, 7.07, 17.92**, 18.72, 18.98, 19.28
10 and 25.49. The department shall transfer the jurisdiction of the bridges after
11 the bridges are replaced.

12 “(b) The department shall transfer jurisdiction of the portion of the
13 Springfield-Creswell Highway, State Highway 222, beginning where it inter-
14 sects with Jasper-Lowell Road and ending where it intersects with Emerald
15 Parkway to Lane County. The department shall retain jurisdiction of bridges
16 on Springfield-Creswell Highway located at mileposts 5.20, 5.41, 5.64 and
17 13.36. The department shall transfer the jurisdiction of a bridge after the
18 bridge is replaced.

19 “(c) Lane County shall transfer jurisdiction of the portion of Delta
20 Highway beginning where the highway intersects with Interstate 105 and
21 ending where the highway intersects with the Randy Pape Beltline from the
22 county to the department.

23 “(d) Multnomah County and Washington County shall transfer jurisdic-
24 tion of the portion of Cornelius Pass Road beginning where the highway
25 intersects with U.S. Highway 30 and ending where the highway intersects
26 with U.S. Highway 26 from the counties to the department. The counties may
27 transfer portions of the highway in phases.

28 “**SECTION 36.** Section 2, chapter 823, Oregon Laws 2009, as amended by
29 section 8, chapter 709, Oregon Laws 2011, section 1, chapter 390, Oregon
30 Laws 2015, section 18, chapter 806, Oregon Laws 2015, and section 39s,

1 chapter 750, Oregon Laws 2017, is amended to read:

2 “**Sec. 2.** (1) The Department of Transportation shall establish a Pacific
3 Wonderland registration plate program to issue special registration plates
4 called “Pacific Wonderland registration plates” upon request to owners of
5 motor vehicles registered under the provisions of ORS 803.420 (6)(a). In ad-
6 dition, the department may adopt rules for issuance of Pacific Wonderland
7 registration plates for vehicles not registered under the provisions of ORS
8 803.420 (6)(a).

9 “(2) In addition to any other fee authorized by law, for each set of Pacific
10 Wonderland registration plates issued under subsection (1) of this section,
11 the department shall collect a surcharge of \$100 payable when the plates are
12 issued. The department shall transfer the moneys from the surcharge as
13 provided in section 3, chapter 823, Oregon Laws 2009.

14 “(3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates
15 may be transferred from vehicle to vehicle if the department stops issuing
16 the plates, as long as the plates are not so old, damaged, mutilated or oth-
17 erwise rendered illegible as to be not useful for purposes of identification.

18 “[*(4) The department shall limit the total number of Pacific Wonderland*
19 *registration plates to 80,000 sets of plates.*]

20 “**SECTION 37.** ORS 811.215 is amended to read:

21 “811.215. ORS 811.210 does not apply to:

22 “(1) Privately owned commercial vehicles that are being used for the
23 transportation of persons for compensation or profit. The exemption in this
24 subsection does not apply to any of the following:

25 “(a) Motor carriers, as defined in ORS 825.005, when operating in inter-
26 state commerce.

27 “(b) Vehicles designed and used for the transportation of 15 or fewer
28 persons, including the driver, except that the operator of a vehicle described
29 in this paragraph is not required to:

30 “(A) Be properly secured with a safety belt or safety harness as required

1 by ORS 811.210 if the operator is a taxicab operator; or

2 “(B) Ensure that a passenger is properly secured with a child safety sys-
3 tem as described in ORS 811.210 (2)(a), (b) or (c).

4 “(2) Any vehicle not required to be equipped with safety belts or safety
5 harnesses at the time the vehicle was manufactured, unless safety belts or
6 safety harnesses have been installed in the vehicle.

7 “(3) Any vehicle exempted by ORS 815.080 from requirements to be
8 equipped upon sale with safety belts or safety harnesses.

9 “(4) Any person for whom a certificate is issued by the Department of
10 Transportation under ORS 811.220.

11 “(5) Any person who is a passenger in a vehicle if all seating positions
12 in the vehicle are occupied by other persons.

13 “(6) Any person who is being transported while in the custody of a police
14 officer or any law enforcement agency.

15 “(7) Any person who is delivering newspapers or mail in the regular
16 course of work.

17 “(8) Any person who is riding in an ambulance for the purpose of admin-
18 istering medical aid to another person in the ambulance, if being secured by
19 a safety belt or safety harness would substantially inhibit the administration
20 of medical aid.

21 “(9) Any person who is reading utility meters in the regular course of
22 work.

23 “(10) Any person who is employed to operate a vehicle owned by a mass
24 transit district while the vehicle is being used for the transportation of
25 passengers in the public transportation system of the district.

26 “(11) Any person who is collecting solid waste or recyclable materials in
27 the regular course of work.

28 “(12) Any person who is employed to operate a vehicle owned by a
29 **tribal government public transportation system while the vehicle is**
30 **being used for the transportation of passengers in the public trans-**

1 **portation system of the tribal government.**

2 **“SECTION 38.** ORS 184.766 is amended to read:

3 “184.766. Every qualified entity **that receives a percentage distribution**
4 **under ORS 184.758** shall submit the following to the Department of Trans-
5 portation [*no later than 30 days prior to the end of the fiscal year in which*
6 *the qualified entity receives a percentage distribution under ORS 184.758*]:

7 “(1) **No later than 60 days after the end of the fiscal year**, a report
8 on any actions taken by a public transportation service provider located
9 within the area of a qualified entity to mitigate the impact of the tax im-
10 posed under ORS 320.550 on passengers who reside in low-income communi-
11 ties;

12 “(2) **No later than 30 days after adoption, the annual budget** [*the*
13 *adopted annual budget*] for the upcoming fiscal year; and

14 “(3) **No later than 30 days after receipt of the final** results of any au-
15 dits of the qualified entity or of a public transportation service provider lo-
16 cated within the area of the qualified entity as required by a local, state or
17 federal oversight agency for purposes of statewide reporting, **the final re-**
18 **sults** including, but not limited to:

19 “(a) The state financial report required under ORS 291.040;

20 “(b) The results of any comprehensive review completed by the Federal
21 Transit Administration **or the department**; and

22 “(c) Any information submitted by the qualified entity as a part of the
23 requirements of a statewide audit in accordance with the federal Single Au-
24 dit Act of 1984 (31 U.S.C. 7501 to 7507), as amended by the Single Audit Act
25 Amendments of 1996 (P.L. 104-156).

26 **“SECTION 39. Section 119, chapter 750, Oregon Laws 2017, is re-**
27 **pealed.**

28 **“SECTION 40.** ORS 811.485 is amended to read:

29 “811.485. (1) A person commits the offense of following too closely if the
30 person does any of the following:

1 “(a) Drives a motor vehicle so as to follow another vehicle more closely
2 than is reasonable and prudent, having due regard for the speed of the ve-
3 hicles and the traffic upon, and condition of, the highway.

4 “(b) Drives a truck, commercial bus or motor vehicle drawing another
5 vehicle when traveling upon a roadway outside of a business or residence
6 district or upon a freeway within the corporate limits of a city and follows
7 another truck, commercial bus or motor vehicle drawing another vehicle
8 without, when conditions permit, leaving sufficient space so that an over-
9 taking vehicle may enter and occupy the space without danger. This para-
10 graph does not prevent a truck, commercial bus or motor vehicle drawing
11 another vehicle from overtaking and passing a vehicle or combination of
12 vehicles.

13 “(c) Drives a motor vehicle when traveling upon a roadway outside of a
14 business or residence district or upon a freeway within the corporate limits
15 of a city in a caravan or motorcade whether or not towing another vehicle
16 without operating the vehicle so as to leave sufficient space between vehicles
17 to enable a vehicle to enter and occupy the space without danger.

18 “(2) This section does not apply in the case of a funeral procession. Ex-
19 cept for the funeral lead vehicle, vehicles participating in a funeral pro-
20 cession shall follow the preceding vehicle as closely as is reasonable and
21 safe.

22 “**(3)(a) This section does not apply to a person operating a vehicle**
23 **that is part of a connected automated braking system.**

24 “**(b) As used in this subsection, ‘connected automated braking sys-**
25 **tem’ means a system that uses vehicle-to-vehicle communication to**
26 **electronically coordinate the braking of a lead vehicle with the braking**
27 **of one or more following vehicles.**

28 “[3] (4) The offense described in this section, following too closely, is a
29 Class B traffic violation.

30 “**SECTION 41. Section 2, chapter 646, Oregon Laws 2017, is repealed.**

1 **“SECTION 42.** ORS 184.761 is amended to read:

2 “184.761. (1) The governing body of each qualified entity shall appoint an
3 advisory committee to advise and assist the governing body in prioritizing
4 plans or projects to be funded from the moneys received from a percentage
5 distribution under ORS 184.758 to public transportation service providers
6 that provide services within the jurisdiction of the qualified entity.

7 “(2) Before receiving funding for a project under ORS 184.758, a public
8 transportation service provider that provides services within the jurisdiction
9 of a qualified entity shall submit a plan or project proposal to the governing
10 body of the qualified entity and receive the advisory committee’s approval
11 of the plan or project proposal. The plans or project proposals submitted
12 under this subsection must describe how the funds would be used.

13 “(3) An advisory committee appointed under this section shall review ev-
14 ery plan or project proposal required under subsection (2) of this section and
15 may propose any changes to the policies or practices of the governing body
16 that the advisory committee considers necessary to ensure that:

17 “(a) A public transportation service provider that has received funding
18 under ORS 184.758 has applied the moneys received in accordance with and
19 for the purposes described in the provider’s plan or project proposal; and

20 “(b) A plan or project proposal submitted by a public transportation ser-
21 vice provider does not fragment the provision of public transportation ser-
22 vices.

23 “(4) The Oregon Transportation Commission shall adopt by rule:

24 “(a) Requirements for the composition of an advisory committee appointed
25 under this section;

26 “(b) Criteria that must be included in a plan or project proposal required
27 under subsection (2) of this section; and

28 “(c) A process by which an advisory committee shall review and approve
29 a plan or project proposal.

30 **“(5) Notwithstanding subsection (1) of this section, the governing**

1 **bodies of two or more qualified entities may appoint advisory com-**
2 **mittee members to a joint advisory committee under conditions de-**
3 **termined by the commission by rule.**

4 **SECTION 43.** Section 45, chapter 750, Oregon Laws 2017, is amended to
5 read:

6 “**Sec. 45.** (1)(a) For calendar years beginning on or after January 1, 2020,
7 the rates determined under ORS 319.020 (1)(b) and 319.530 (1) shall each be
8 increased by two cents only if the Oregon Transportation Commission sub-
9 mits a report in the manner provided by ORS 192.245 on or before December
10 1, 2019, to the Joint Committee on Transportation established under [*section*
11 *26 of this 2017 Act*] **ORS 171.858** stating that:

12 “(A) The commission has identified sufficient shovel-ready highway
13 projects and highway maintenance or operational uses of the increased fuel
14 tax revenue to justify the increase;

15 “(B) The set of uniform standards required under [*section 11 (1) of this*
16 *2017 Act*] **ORS 184.657 (1)** has been developed and the standards are being
17 followed;

18 “(C) The reports required from cities and counties under [*section 11 (2)*
19 *of this 2017 Act*] **ORS 184.657 (2)** have been submitted and posted by the
20 commission as required under [*section 11 (3) of this 2017 Act*] **ORS 184.657**
21 **(3)**;

22 “(D) The Department of Transportation is implementing the registration
23 fees and title fees described in [*sections 32 and 37 of this 2017 Act*] **ORS**
24 **803.091 and 803.422**; and

25 “(E) The Interstate 205 Active Traffic Management Project and the
26 Interstate 205 Corridor Bottleneck Project have been completed.

27 “(b) In addition to the facts stated in the report required under paragraph
28 (a) of this subsection, the Oregon Transportation Commission shall also
29 submit with the report:

30 “(A) A list of the shovel-ready highway projects the commission expects

1 to undertake with the revenue that will become available as a result of the
2 increase;

3 “(B) The amount of bonds the commission considers necessary to be issued
4 to complete shovel-ready highway projects scheduled to be commenced after
5 January 1, 2020;

6 “(C) The construction and financial status of uncompleted in-progress
7 projects exceeding \$20 million identified in [*this 2017 Act*] **chapter 750,**
8 **Oregon Laws 2017;**

9 “(D) The status of the Treasure Valley Intermodal Facility Project and
10 the Value Pricing Set-Up Project;

11 “(E) Design, cost analysis and construction option packages for the
12 Interstate 5 Rose Quarter Project for consideration by the Legislative As-
13 sembly; and

14 “(F) The design, construction, financial status and progress of projects
15 costing more than \$20 million that are identified in [*this 2017 Act*] **chapter**
16 **750, Oregon Laws 2017,** including, but not limited to, the Interstate 205
17 Abernethy Bridge Project, the Interstate 205 Freeway Widening Project, the
18 State Highway 217 Northbound Project and the State Highway 217
19 Southbound Project, and any other state transportation projects implemented
20 after [*the effective date of this 2017 Act*] **October 6, 2017.**

21 “(2)(a) For calendar years beginning on or after January 1, 2022, the rates
22 determined under ORS 319.020 (1)(b) and 319.530 (1) and subsection (1) of this
23 section shall each be increased by two cents only if the Oregon Transporta-
24 tion Commission submits a report in the manner provided by ORS 192.245
25 on or before December 1, 2021, to the Joint Committee on Transportation
26 established under [*section 26 of this 2017 Act*] **ORS 171.858** stating that:

27 “(A) The Continuous Improvement Advisory Committee appointed under
28 [*section 10 of this 2017 Act*] **ORS 184.665** has reviewed and reported to the
29 commission on all transportation projects costing \$50 million or more and
30 completed not less than six months prior to the date of the report required

1 under this paragraph;

2 “(B) The recommendations for improvement reported by the Continuous
3 Improvement Advisory Committee to the commission at least six months
4 prior to the date of the report required under this paragraph have been im-
5 plemented;

6 “(C) The commission has identified sufficient shovel-ready highway
7 projects and highway maintenance or operational uses of the increased fuel
8 tax revenue to justify the increase;

9 “(D) The set of uniform standards required under [*section 11 (1) of this*
10 *2017 Act*] **ORS 184.657 (1)** has been developed and are being followed;

11 “(E) The reports required from cities and counties under [*section 11 (2)*
12 *of this 2017 Act*] **ORS 184.657 (2)** have been submitted and posted by the
13 commission as required under [*section 11 (3) of this 2017 Act*] **ORS 184.657**
14 **(3)**;

15 “(F) Under [*section 11 (4) of this 2017 Act*] **ORS 184.657 (4)**, payments from
16 the State Highway Fund have been withheld from cities and counties that
17 failed to submit reports as required under [*section 11 (2) of this 2017 Act*]
18 **ORS 184.657 (2)**;

19 “(G) To the best knowledge of the commission, all bodies scheduled to
20 receive fuel tax revenue pursuant to [*this 2017 Act*] **chapter 750, Oregon**
21 **Laws 2017**, after the operative date of the increase are in compliance with
22 ORS 279C.305 or under review by the Bureau of Labor and Industries for
23 compliance with ORS 279C.305, or the commission has requested from the
24 bureau confirmation of such compliance; and

25 “(H) The Department of Transportation is implementing the registration
26 fees and title fees described in [*sections 32 and 37 of this 2017 Act*] **ORS**
27 **803.091 and 803.422**.

28 “(b) In addition to the facts stated in the report required under paragraph
29 (a) of this subsection, the Oregon Transportation Commission shall also
30 identify in the report:

1 “(A) A list of the shovel-ready highway projects the commission expects
2 to undertake with the revenue that will become available as a result of the
3 increase;

4 “(B) The amount of bonds the commission considers necessary to be issued
5 to complete shovel-ready highway projects scheduled to be commenced after
6 January 1, 2022; and

7 “(C) The construction and financial status of uncompleted in-progress
8 projects exceeding \$50 million identified in [*this 2017 Act*] **chapter 750,**
9 **Oregon Laws 2017**; and

10 “(D) The design, construction, financial status and progress of projects
11 costing more than \$20 million that are identified in [*this 2017 Act*] **chapter**
12 **750, Oregon Laws 2017**, including, but not limited to, the Interstate 5 Rose
13 Quarter Project, the Interstate 205 Abernethy Bridge Project, the Interstate
14 205 Freeway Widening Project, the State Highway 217 Northbound Project,
15 **the Newberg-Dundee Bypass Project** and the State Highway 217
16 Southbound Project, and any other state transportation projects implemented
17 after [*the effective date of this 2017 Act*] **October 6, 2017.**

18 “(3)(a) For calendar years beginning on or after January 1, 2024, the rates
19 determined under ORS 319.020 (1)(b) and 319.530 (1) and subsections (1) and
20 (2) of this section shall each be increased by two cents only if the Oregon
21 Transportation Commission submits a report in the manner provided by ORS
22 192.245 on or before December 1, 2023, to the Joint Committee on Transpor-
23 tation established under [*section 26 of this 2017 Act stating that*] **ORS**
24 **171.858:**

25 “(A) The Continuous Improvement Advisory Committee appointed under
26 [*section 10 of this 2017 Act*] **ORS 184.665** has reviewed and reported to the
27 commission on all transportation projects costing \$50 million or more and
28 completed not less than six months prior to the date of the report required
29 under this paragraph;

30 “(B) The recommendations for improvement reported by the Continuous

1 Improvement Advisory Committee to the commission at least six months
2 prior to the date of the report required under this paragraph have been im-
3 plemented;

4 “(C) The commission has identified sufficient shovel-ready highway
5 projects and highway maintenance or operational uses of the increased fuel
6 tax revenue to justify the increase;

7 “(D) The set of uniform standards required under [*section 11 (1) of this*
8 *2017 Act*] **ORS 184.657 (1)** has been developed and are being followed;

9 “(E) The reports required from cities and counties under [*section 11 (2)*
10 *of this 2017 Act*] **ORS 184.657 (2)** have been submitted and posted by the
11 commission as required under [*section 11 (3) of this 2017 Act*] **ORS 184.657**
12 **(3)**;

13 “(F) Under [*section 11 (4) of this 2017 Act*] **ORS 184.657 (4)**, payments from
14 the State Highway Fund have been withheld from cities and counties that
15 failed to submit reports as required under [*section 11 (2) of this 2017 Act*]
16 **ORS 184.657 (2)**; and

17 “(G) To the best knowledge of the commission, all bodies scheduled to
18 receive fuel tax revenue pursuant to [*this 2017 Act*] **chapter 750, Oregon**
19 **Laws 2017**, after the operative date of the increase are in compliance with
20 ORS 279C.305 or under review by the Bureau of Labor and Industries for
21 compliance with ORS 279C.305, or the commission has requested from the
22 bureau confirmation of such compliance.

23 “(b) In addition to the facts stated in the report required under paragraph
24 (a) of this subsection, the Oregon Transportation Commission shall also
25 submit with the report:

26 “(A) A list of the shovel-ready highway projects the commission expects
27 to undertake with the revenue that will become available as a result of the
28 increase;

29 “(B) The amount of bonds the commission considers necessary to be issued
30 to complete shovel-ready highway projects scheduled to be commenced after

1 January 1, 2024; and

2 “(C) The design, construction, financial status and progress of projects
3 costing more than \$20 million that are identified in [*this 2017 Act*] **chapter**
4 **750, Oregon Laws 2017**, including, but not limited to, the Interstate 5 Rose
5 Quarter Project, the Interstate 205 Abernethy Bridge Project, the Interstate
6 205 Freeway Widening Project, the State Highway 217 Northbound Project,
7 **the Newberg-Dundee Bypass Project** and the State Highway 217
8 Southbound Project, and any other state transportation projects implemented
9 after [*the effective date of this 2017 Act*] **October 6, 2017**.

10 **“SECTION 44.** Section 122r, chapter 750, Oregon Laws 2017, is amended
11 to read:

12 **“Sec. 122r.** (1) [*Sections 122m to 122q of this 2017 Act*] **ORS 184.752 to**
13 **184.766 and section 112q, chapter 750, Oregon Laws 2017**, become opera-
14 tive on [*January 1, 2019*] **July 1, 2018**.

15 “(2) The Oregon Transportation Commission and the Department of
16 Transportation may take any action before the operative date specified in
17 subsection (1) of this section that is necessary for the commission or the
18 department to exercise all of the duties, functions and powers conferred on
19 the commission and the department by sections [*122m to 122q of this 2017*
20 *Act*] **ORS 184.752 to 184.766 and section 112q, chapter 750, Oregon Laws**
21 **2017**.

22 **“SECTION 45.** Section 46 of this 2018 Act is added to and made a
23 part of ORS 377.700 to 377.844.

24 **“SECTION 46.** (1) For purposes of this section:

25 **“(a)(A) An owner of an outdoor advertising sign shall be considered**
26 **to have suffered a total loss with respect to the outdoor advertising**
27 **sign if, due to a highway construction project, the outdoor advertising**
28 **sign is removed from its current location or the face of the outdoor**
29 **advertising sign would be totally blocked in its current location.**

30 **“(B) An owner of an outdoor advertising sign shall be considered**

1 to have suffered a partial loss with respect to the outdoor advertising
2 sign if, due to a highway construction project, the face of the outdoor
3 advertising sign would be substantially but not totally blocked in its
4 current location.

5 “(b) Full compensation for loss of an outdoor advertising sign
6 equals the market value of the outdoor advertising sign, measured by
7 comparable sales of outdoor advertising signs as determined by an
8 appraiser recognized as a specialist in such valuations, less the salvage
9 value of the components of the outdoor advertising sign.

10 “(2)(a) When the Department of Transportation determines that a
11 highway construction project supervised by the department will result
12 in the total or partial loss of an outdoor advertising sign, the depart-
13 ment shall enter into negotiations with the owner of the outdoor ad-
14 vertising sign for relocation of the outdoor advertising sign.

15 “(b) The department may require the owner to provide information
16 about the owner’s efforts to acquire a comparable location for the
17 outdoor advertising sign.

18 “(c) The department may assist the owner’s efforts to acquire and
19 obtain approval for a comparable location for the outdoor advertising
20 sign.

21 “(3)(a) The department may enter into an agreement with the
22 owner of an outdoor advertising sign for relocation of the outdoor
23 advertising sign on any terms not prohibited by law or inconsistent
24 with this section.

25 “(b) An agreement entered into under this subsection may not re-
26 quire the department to pay the owner of the outdoor advertising sign
27 an amount in compensation that is greater than the actual cost to the
28 owner of relocating the outdoor advertising sign.

29 “(4)(a) If, after reasonable efforts, the owner of an outdoor adver-
30 tising sign subject to total or partial loss is unable to acquire a com-

1 parable location in the same market area for the outdoor advertising
2 sign, except as provided in ORS 377.725 (4), the department shall pay
3 the owner compensation as provided in this subsection.

4 “(b) Except as provided in paragraph (c) of this subsection, for a
5 total loss of an outdoor advertising sign, the department shall pay the
6 owner full compensation for the loss and permanently cancel the sign
7 permit, and the owner shall remove the sign.

8 “(c) For a total loss of an outdoor advertising sign in which a new
9 site for the outdoor advertising sign is found at a less than comparable
10 location, the department shall pay the owner the difference between
11 the amount of full compensation for the loss and the market value of
12 the outdoor advertising sign as located at the new site. If the new site
13 is on a state highway, the owner may use the outdoor advertising
14 sign’s existing permit issued under ORS 377.725 to apply for a relo-
15 cation permit. If the new site is not on a state highway, the depart-
16 ment shall permanently cancel the permit.

17 “(d) For a partial loss of an outdoor advertising sign, the depart-
18 ment shall pay the owner the percentage of full compensation that is
19 equal to the loss of market value due to the blockage of the sign’s
20 face.

21 “(e) The department and the owner may enter into an agreement
22 for partial or full compensation under this subsection in the form of
23 additional relocation credits or other in-kind value.

24 “(5)(a) If the department and the owner of an outdoor advertising
25 sign do not agree that a comparable location is available in the case
26 of the total loss of an outdoor advertising sign, or do not agree to the
27 amount of compensation offered by the department, the department
28 shall provide written notice of the final offer of compensation to the
29 owner.

30 “(b) The owner may appeal to the department the comparable lo-

1 **ation determination and the amount of compensation contained in**
2 **the written notice. The hearing on the appeal shall be conducted as a**
3 **contested case hearing under ORS chapter 183.**

4 **“(c) Notwithstanding paragraph (b) of this subsection, in the case**
5 **of the total loss of an outdoor advertising sign, the owner shall remove**
6 **the outdoor advertising sign that is the subject of the written notice**
7 **within 90 days after receipt of the notice.**

8 **“(6) Nothing in this section may be construed to require the de-**
9 **partment to take, and the department may not take or authorize, any**
10 **action that would make the department ineligible to receive federal**
11 **funds.**

12 **“(7) The department may adopt rules to implement the provisions**
13 **of this section.**

14 **“SECTION 47. ORS 377.725 is amended to read:**

15 **“377.725. (1) A person may not erect, control, relocate or reconstruct an**
16 **outdoor advertising sign unless the Department of Transportation has issued**
17 **a permit for the erection, control, relocation or reconstruction of the sign.**

18 **“(2) A person who applies for a permit to the Director of Transportation**
19 **shall complete forms furnished by the director. The permit application shall**
20 **include a precise description of the outdoor advertising sign and such other**
21 **information as the director considers necessary or desirable to determine**
22 **compliance with ORS 377.700 to 377.844. The director shall issue a permit for**
23 **an outdoor advertising sign that complies with ORS 377.700 to 377.844. A**
24 **valid permit may be transferred to another person upon written notice to the**
25 **director.**

26 **“(3) A permit may not be issued for an outdoor advertising sign located**
27 **adjacent to an interstate highway or freeway unless the director determines**
28 **that access to the **outdoor advertising** sign from the interstate highway or**
29 **freeway can be obtained without violating the access control line of the**
30 **interstate highway or freeway.**

1 “(4) If an application for a permit to relocate or reconstruct an
2 outdoor advertising sign is for a location identified in the current
3 Statewide Transportation Improvement Program, the department shall
4 require the applicant to execute an affidavit acknowledging the project
5 and forgoing any claim for compensation under section 46 of this 2018
6 Act.

7 “[(4)] (5) A permit shall be renewed annually on the first day of January.
8 Application for renewal of a permit shall be filed prior to expiration of the
9 term of the permit. If application for renewal of a permit is filed within 30
10 days after the expiration of the term, the permit shall be granted if any ad-
11 ditional fee specified by the department in rules adopted under ORS 377.729
12 is paid at the time the application is filed. Any permit not renewed in ac-
13 cordance with this section shall be canceled.

14 “[(5)] (6) Permit fees for purposes of this section are as established by the
15 department by rule under ORS 377.729.

16 “[(6)] (7) A permit shall be issued for one year. The applicable fee shall
17 accompany the permit application. A fee may not be prorated for a fraction
18 of a year or be refunded if the outdoor advertising sign is removed.

19 “[(7)] (8) The display surface of an outdoor advertising sign may be
20 changed or cutouts may be attached or removed within the sign area without
21 obtaining a permit. However, a permit shall be obtained if the outdoor ad-
22 vertising sign is reconstructed.

23 “[(8)] (9) A reconstruction permit may be issued for the addition of an-
24 other display surface on the opposite side of an existing, conforming **outdoor**
25 **advertising** sign under permit, that is no larger than the existing display
26 surface.

27 “[(9)] (10) The director shall require removal of a sign or shall cancel a
28 permit and require removal of an outdoor advertising sign as provided by
29 ORS 377.775 if the director finds a sign **or an outdoor advertising sign** has
30 been erected, maintained or serviced from the highway right of way at any

1 portion of the right of way where the department has acquired rights of ac-
2 cess to the highway or rights of access have not accrued to the abutting
3 property. If there is no permit for the outdoor advertising sign, then the di-
4 rector shall require removal of the outdoor advertising sign. In addition, the
5 department may recover from the owner of the sign or outdoor advertising
6 sign or from the person erecting, maintaining or servicing the sign or out-
7 door advertising sign, the amount of damage to landscaping, sod, fencing,
8 ditches or other highway appurtenances resulting from such acts. If a permit
9 is canceled under this subsection, an outdoor advertising sign may not be
10 relocated under ORS 377.767.

11 “[~~(10)(a)~~] **(11)(a)** The director may cancel a permit, unless a corrected
12 application is filed or the outdoor advertising sign is brought into compli-
13 ance within 30 days after written notice thereof is mailed to the permittee,
14 if the director finds:

15 “(A) The applicant has knowingly supplied materially false or misleading
16 information in the application for a permit or renewal thereof; or

17 “(B) The **outdoor advertising** sign covered by the permit violates ORS
18 377.700 to 377.844.

19 “(b) If a permit is canceled under this subsection, an outdoor advertising
20 sign may not be relocated under ORS 377.767, and the holder of the permit
21 is not entitled to a relocation credit.

22 “[~~(11)~~] **(12)** The director shall cancel a permit immediately upon failure
23 of a permittee to erect or maintain the outdoor advertising sign as described
24 by the permit application and to attach a permit plate to the **outdoor ad-**
25 **vertising** sign 180 days after the date of issuance of the permit.

26 “[~~(12)~~] **(13)** The director shall assign a permit plate with an identification
27 number to the permit issued for an outdoor advertising sign. The permittee
28 shall attach the permit plate to the outdoor advertising sign so the plate is
29 visible from the adjacent state highway. The absence of a permit plate or
30 failure to renew the permit annually is prima facie evidence that the outdoor

1 advertising sign does not comply with ORS 377.700 to 377.844.

2 “[~~(13)~~] (14) Except as otherwise provided in ORS 377.712, 377.753 and
3 377.765, no permits shall be issued for the erection of any new outdoor ad-
4 vertising sign after May 30, 2007.

5 “[~~(14)~~] (15) The director may establish more than one class or type of
6 outdoor advertising sign permit as necessary or desirable to carry out ORS
7 377.700 to 377.844.

8 “[~~(15)~~] (16) Any hearing under this section shall be conducted as a con-
9 tested case hearing under ORS chapter 183.

10 **“SECTION 48. Section 46 of this 2018 Act and the amendments to**
11 **ORS 377.725 by section 47 of this 2018 Act apply to partial and total**
12 **losses suffered by owners of outdoor advertising signs on or after the**
13 **effective date of this 2018 Act.**

14 **“SECTION 49.** ORS 377.756 is amended to read:

15 “377.756. (1) The Department of Transportation shall issue permits for the
16 erection of signs authorized by ORS 377.756 to 377.758. Subject to subsections
17 (2) and (3) of this section, permits shall be issued at no cost to any city or
18 county that applies or to any nonprofit or civic applicant approved by a city
19 or county. Each permit entitles the holder of the permit to erect one sign in
20 accordance with this section.

21 “(2) Each city may be given permits under this section entitling the city
22 to erect [*not more than two*] signs that are visible from state highways and
23 that are within the city limits or, pursuant to a memorandum of under-
24 standing with appropriate federal authorities, are no more than one mile
25 outside of the city limits. The permits may be given directly to the city or
26 may be given to a nonprofit or civic organization designated by the city
27 governing body.

28 “(3) Each county may be given permits under this section entitling each
29 unincorporated community identified in the county comprehensive plan, as
30 defined in ORS 197.015, to erect [*not more than two*] signs that are visible

1 from state highways and that are within one mile of the community growth
2 boundary as designated by the county. The permits may be given directly to
3 the county or, if the county governing body so authorizes, to an unincor-
4 porated community or a nonprofit or civic organization designated by the
5 county governing body.

6 “[(4) *The department may not issue more than 200 permits under this sec-*
7 *tion.*]”.

8 In line 19, delete “16” and insert “50”.

9
