

# Senate Bill 56

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates motor carrier weight receipts. Directs Department of Transportation to issue electronic weight identifiers.

## A BILL FOR AN ACT

1  
2 Relating to motor vehicles; creating new provisions; amending ORS 319.665, 319.671, 366.747, 367.095,  
3 823.012, 825.141, 825.450, 825.452 and 825.454 and section 18, chapter 30, Oregon Laws 2010, and  
4 sections 30a and 30b, chapter 93, Oregon Laws 2018; and repealing section 71c, chapter 750,  
5 Oregon Laws 2017.

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

7 **SECTION 1.** ORS 825.450, as amended by section 58, chapter 750, Oregon Laws 2017, and sec-  
8 tion 28a, chapter 93, Oregon Laws 2018, is amended to read:

9 825.450. *[(1) Except as otherwise permitted under ORS 825.470, the Department of Transportation*  
10 *shall issue a receipt stating the combined weight of each self-propelled or motor-driven vehicle and any*  
11 *train or combination of vehicles to be used with the self-propelled or motor-driven vehicle.]*

12 **(1) Upon application by a carrier, the Department of Transportation may issue a weight**  
13 **identifier for each vehicle the carrier enrolls with the department, which must state the**  
14 **combined weight of the vehicle or combination of vehicles. The department shall record each**  
15 **weight identifier electronically. This subsection does not apply to vehicles issued a temporary**  
16 **pass under ORS 825.470.**

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

20 (3) [*Receipts*] **Weight identifiers** issued under this section are valid from the first day of any  
21 calendar quarter to the last day of the fourth consecutive calendar quarter. Each carrier may select  
22 the calendar quarter in which the period will begin except that, if necessary for administrative  
23 convenience, the department may require a carrier to adopt a starting date chosen by the depart-  
24 ment.

25 (4) All vehicles operating under the carrier's authority shall have the same four-quarter period  
26 of [*receipt*] **weight identifier** validity. The department may allow a carrier to operate with expired  
27 [*receipts*] **weight identifiers** for up to one extra quarter if the renewal application has been sub-  
28 mitted [*and the required fees have been paid on or before the last day of the period of validity of the*  
29 *receipt*]. The extension of time allowed by this subsection shall be granted only if the department  
30 determines that the extension is necessary for the administrative convenience of the department.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

(5) The department may adopt rules necessary to administer the provisions of this section.

**SECTION 2.** Section 30a, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 30a.** The amendments to ORS 818.270 [*and 825.450 by sections 28 and 28a*] **by section 28, chapter 93, Oregon Laws 2018, [of this 2018 Act]** become operative on January 1, 2020.

**SECTION 3.** Section 30b, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 30b.** The amendments to ORS 818.270 [*and 825.450 by sections 28 and 28a*] **by section 28, chapter 93, Oregon Laws 2018, [of this 2018 Act]** apply to fees imposed on or after January 1, 2020.

**SECTION 4.** ORS 825.452 is amended to read:

825.452. In order to facilitate the registration issuance and registration renewal processes, when a carrier initially registers under ORS 826.009 or 826.037, the Department of Transportation may assign a registration period ranging from three to 12 months. [*Initial fees shall be adjusted accordingly.*]

**SECTION 5.** ORS 825.454 is amended to read:

825.454. (1) The Department of Transportation, in the discretion of the department, may require the use of identification devices, such as cab cards, stamps or carrier identification numbers, to identify and be carried with or placed upon each motor vehicle authorized to be operated in Oregon subject to the provisions of this chapter. The form of any identification device and the method for its use shall be determined by the department.

(2) Notwithstanding any other provision in this chapter, the department may require applications for identification devices to be made annually [*and may require each carrier holding or obtaining a permit under this chapter to pay to the department a fee of not to exceed \$8 for each device issued on an annual basis*].

**SECTION 6.** Section 18, chapter 30, Oregon Laws 2010, as amended by section 71L, chapter 750, Oregon Laws 2017, and section 32, chapter 93, Oregon Laws 2018, is amended to read:

**Sec. 18.** (1) The Department of Transportation shall report semiannually to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department's report shall include an estimate of the amounts received in the previous two quarters from the increased taxes and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected revenue in the current quarter from the increased taxes and fees established in chapter 865, Oregon Laws 2009.

(2) In addition to the report described in subsection (1) of this section, the Department of Transportation shall report semiannually to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department's report shall include:

(a) An estimate of the amounts received in the previous two quarters from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [*825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [*57,*] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017, and an estimate of the projected revenue in the current quarter and the next quarter from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [*825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [*57,*] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

(b) An estimate of the amounts received in the previous biennium to date from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon Laws

1 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, [825.450,  
 2 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66, 67 and 70,  
 3 chapter 750, Oregon Laws 2017, and an estimate of the projected revenue in the remaining current  
 4 biennium from the increased taxes and fees established in ORS 803.091 and 803.422 and section 45,  
 5 chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645,  
 6 818.225, 818.270, [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54,  
 7 [57,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

8 (c) Information about the expenditures and distributions made under ORS 367.095, including but  
 9 not limited to:

10 (A) Information about the department’s total funds as well as the funds raised separately by the  
 11 increased taxes and fees established in ORS 803.091 and 803.422 and section 45, chapter 750, Oregon  
 12 Laws 2017, and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270,  
 13 [825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, [57,] 63, 64, 66,  
 14 67 and 70, chapter 750, Oregon Laws 2017, and expended as described in ORS 367.095 (3)(c).

15 (B) Semiannual amounts that include all the actual and forecasted expenditures and distributions  
 16 made under ORS 367.095 for each quarter of the current biennium and the forecasted expenditures  
 17 and distributions for the following biennium.

18 **SECTION 7.** ORS 319.665 is amended to read:

19 319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS  
 20 319.530 at the time the fuel is sold, unless one of the following situations applies:

21 (a) The **Department of Transportation has issued a weight identifier under ORS 825.450**  
 22 **for the** vehicle into which the seller delivers or places the fuel [*bears a valid permit or user’s*  
 23 *emblem issued by the Department of Transportation*].

24 (b) The fuel is dispensed at a nonretail facility, in which case the seller shall collect any tax  
 25 owed at the same time the seller collects the purchase price from the person to whom the fuel was  
 26 dispensed at the nonretail facility. A seller is not required to collect the tax under this paragraph  
 27 from a person who certifies to the seller that the use of the fuel is exempt from the tax imposed  
 28 under ORS 319.530.

29 (c) A cardlock card is used for purchase of the fuel at an attended portion of a retail facility  
 30 equipped with a cardlock card reader, in which case the cardlock card issuer licensed in this state  
 31 is responsible for collecting and remitting the tax unless the person making the purchase certifies  
 32 to the seller that the use of the fuel is exempt from the tax imposed under ORS 319.530.

33 (2) If a cardlock card is used for purchase of fuel at an attended portion of a retail facility  
 34 equipped with a cardlock card reader, the seller at the retail facility may deduct fuel purchases  
 35 made with a cardlock card from the seller’s retail transactions if the seller provides the department  
 36 with the following information:

37 (a) A monthly statement from a cardlock card issuer that details the cardlock card purchases  
 38 at the retail facility; and

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

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

43 **SECTION 8.** ORS 319.671 is amended to read:

44 319.671. (1) The seller of fuel for any purpose shall make a duplicate invoice for every sale of  
 45 fuel for any purpose and shall retain one copy and give the other copy to the user. The Department

1 of Transportation may prescribe the form of the invoice. The invoice shall show:

- 2 (a) The seller's name and address;
- 3 (b) The date;
- 4 (c) The amount of the sale in gallons; and
- 5 (d) The name and address of the user.

6 (2) In addition to the invoice entries listed in subsection (1) of this section, the seller of fuel for  
7 use in a motor vehicle shall indicate on the invoice the amount of the tax collected, if any, and:

8 (a) The *[identification]* **license** plate number, if the vehicle bears *[an identification]* **a license**  
9 plate issued by the department **or another jurisdiction**;

10 (b) The emblem number, if the vehicle bears a user's emblem; **or**

11 (c) The temporary pass number *[or the receipt number]*, if the vehicle bears no valid user's  
12 emblem or *[identification]* **license** plate issued by the department.*[; or]*

13 *[(d) The license plate number if the vehicle bears no valid user's emblem or permit issued by the*  
14 *department.]*

15 (3) Notwithstanding subsection (1) of this section, this section does not require any invoice to  
16 be prepared for any sale where fuel is delivered into the fuel tank of a vehicle described in this  
17 subsection unless the operator of the vehicle requests an invoice. If an invoice is prepared under  
18 this subsection, the name and address of a user is not required to be shown on the invoice for sales  
19 where the fuel is delivered into the fuel tanks of vehicles described in this subsection. This sub-  
20 section applies to vehicles:

21 (a) That have a combined weight of 26,000 pounds or less; and

22 (b)(A) For which the tax under ORS 319.530 must be paid at the time of sale under ORS 319.665;

23 or

24 (B) For which an emblem has been issued under ORS 319.535.

25 **SECTION 9.** ORS 366.747 is amended to read:

26 366.747. (1) The following moneys shall be allocated as described in subsection (2) of this section:

27 (a) The amount attributable to the increase in the inspection fee by the amendments to ORS  
28 803.215 by section 47, chapter 618, Oregon Laws 2003.

29 (b) The amount attributable to any increase in registration plate fees by the amendments to ORS  
30 803.570 by section 48, chapter 618, Oregon Laws 2003.

31 (c) The amount attributable to the increases in fees for driver licenses, permits and endorse-  
32 ments by the amendments to ORS 807.370 by section 49, chapter 618, Oregon Laws 2003.

33 *[(d) The amount attributable to the increase in the weight receipt fee by the amendments to ORS*  
34 *825.450 by section 50, chapter 618, Oregon Laws 2003.]*

35 (2) The moneys described in subsection (1) of this section shall be allocated 60 percent to  
36 counties and 40 percent to cities. Moneys allocated under this section shall be distributed in the  
37 same manner as moneys allocated to counties and cities under ORS 366.739 are distributed.

38 **SECTION 10. Section 71c, chapter 750, Oregon Laws 2017, is repealed.**

39 **SECTION 11.** ORS 367.095, as amended by section 71b, chapter 750, Oregon Laws 2017, and  
40 section 30d, chapter 93, Oregon Laws 2018, is amended to read:

41 367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

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

45 (b) The amount attributable to the vehicle registration and title fees imposed under ORS 803.091

1 and 803.422.

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

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

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

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

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

16 (a) 50 percent to the Department of Transportation.

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

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

19 (4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become  
 20 available to the Department of Transportation shall be allocated as follows:

21 (a) \$10 million for safety.

22 (b) Of the remaining balance:

23 (A) Forty percent for bridges.

24 (B) Thirty percent for seismic improvements related to highways and bridges.

25 (C) Twenty-four percent for state highway pavement preservation and culverts.

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

27 **SECTION 12.** ORS 367.095, as amended by section 71b, chapter 750, Oregon Laws 2017, section  
 28 30d, chapter 93, Oregon Laws 2018, and section 11 of this 2019 Act, is amended to read:

29 367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

30 (a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon Laws  
 31 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750, Oregon  
 32 Laws 2017.

33 (b) The amount attributable to the vehicle registration and title fees imposed under ORS 803.091  
 34 and 803.422.

35 (c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420,  
 36 803.645, 818.225, ~~[818.270,]~~ 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, ~~[54,]~~ 63, 64,  
 37 66, 67 and 70, chapter 750, Oregon Laws 2017.

38 (2) The amounts described in subsection (1) of this section shall be distributed in the following  
 39 order and for the following purposes:

40 (a) ~~[For calendar years beginning on or after January 1, 2022,]~~ \$30 million shall be used for the  
 41 Interstate 5 Rose Quarter Project. This amount shall be used for the Interstate 5 Rose Quarter  
 42 Project only until the later of the date on which the project is completed or on which all bonds is-  
 43 sued to fund the project have been repaid.

44 (b) ~~[\$10]~~ **\$15** million per year shall be deposited into the Safe Routes to Schools Fund for the  
 45 purpose of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of

1 the moneys shall be distributed as described in subsection (3) of this section.

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

- 4 (a) 50 percent to the Department of Transportation.
- 5 (b) 30 percent to counties for distribution as provided in ORS 366.762.
- 6 (c) 20 percent to cities for distribution as provided in ORS 366.800.

7 (4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become  
 8 available to the Department of Transportation shall be allocated as follows:

- 9 (a) \$10 million for safety.
- 10 (b) Of the remaining balance:
  - 11 (A) Forty percent for bridges.
  - 12 (B) Thirty percent for seismic improvements related to highways and bridges.
  - 13 (C) Twenty-four percent for state highway pavement preservation and culverts.
  - 14 (D) Six percent for state highway maintenance and safety improvements.

15 **SECTION 13. The amendments to ORS 367.095 by section 12 of this 2019 Act become op-**  
 16 **erative on January 1, 2023.**

17 **SECTION 14.** ORS 823.012 is amended to read:

18 823.012. (1) If the Director of Transportation determines that an emergency, as defined in ORS  
 19 401.025, has occurred or is imminent, the director may suspend operation of one or more of the fol-  
 20 lowing statutes involving motor carriers for the purpose of expediting the movement of persons or  
 21 property:

- 22 (a) ORS 818.400, compliance with commercial vehicle enforcement requirements related to com-  
 23 mercial vehicle weight, size, load, conformation or equipment.
- 24 (b) ORS 825.100, certificate or permit requirement for commercial transportation of persons or  
 25 property.
- 26 (c) ORS 825.104, registration requirement for for-hire or private carrier engaged in interstate  
 27 operations.
- 28 (d) ORS 825.160, requirement for person operating as motor carrier to have policy of public li-  
 29 ability and property damage insurance.
- 30 (e) ORS 825.162, requirement for person operating as for-hire carrier of freight or express to  
 31 have cargo insurance.
- 32 (f) ORS 825.250, requirement to stop and submit to an inspection of the driver, the cargo or the  
 33 vehicle or combination of vehicles.
- 34 (g) ORS 825.252, safety regulations for for-hire and private carriers.
- 35 (h) ORS 825.258, rules for transportation of hazardous waste, hazardous material and PCB.
- 36 (i) ORS 825.450, *[weight receipts]* **weight identifiers** issued by Department of Transportation *[for*  
 37 *motor vehicles subject to weight-mile tax]*.
- 38 (j) ORS 825.470, temporary pass for single trip or short-time operation of vehicle.
- 39 (k) ORS 825.474, assessment of tax for use of highways.
- 40 (L) ORS 826.031, registration of certain vehicles not already registered with state.

41 (2) A suspension under this section may occur prior to a declaration of a state of emergency  
 42 under ORS 401.165, but may not exceed 72 hours unless a state of emergency is declared under ORS  
 43 401.165. If a state of emergency is declared under ORS 401.165, the suspension shall last until the  
 44 state of emergency is terminated as provided under ORS 401.204.

45 (3) The director may designate by rule a line of succession of deputy directors or other em-

1 ployees of the department who may suspend operations of statutes under this section in the event  
2 the director is not available. Any suspension by a person designated by the director under this  
3 subsection has the same force and effect as if issued by the director, except that, if the director can  
4 be reached, the suspension must be affirmed by the director when the director is reached. If the  
5 director does not set aside a suspension within 24 hours of being reached, the suspension shall be  
6 considered affirmed by the director.

7 **SECTION 15.** ORS 825.141 is amended to read:

8 825.141. In addition to any other requirements of this chapter, a carrier whose operating au-  
9 thority has been suspended shall pay a reinstatement fee of \$25 to the Department of Transportation  
10 before the operating authority may be reinstated, plus \$5 for each vehicle [*receipt outstanding*] **is-**  
11 **sued a weight identifier under ORS 825.450, and shall demonstrate operational activity at the**  
12 **time of reinstatement.** [*the carrier's authority at the time of suspension, if the suspension has been*  
13 *in effect more than 30 days. However, if the suspension has been in effect for 30 days or less, in ad-*  
14 *dition to the reinstatement fee of \$25 the carrier only need pay \$5 for each receipt it does not surrender*  
15 *upon application for reinstatement of the authority.*]

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