

HB 2592-3
(LC 2947)
4/19/19 (ASD/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Revenue)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2592**

1 In line 2 of the printed bill, before the period insert “; creating new pro-
2 visions; amending ORS 320.400, 320.425, 320.430 and 320.455; and prescribing
3 an effective date”.

4 Delete lines 4 through 9 and insert:

5 **“SECTION 1.** ORS 320.400, as amended by section 10, chapter 93, Oregon
6 Laws 2018, is amended to read:

7 “320.400. As used in ORS 320.400 to 320.490 and 803.203:

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

10 “(b) ‘Bicycle’ includes an electric assisted bicycle as defined in ORS
11 801.258.

12 “(c) ‘Bicycle’ does not include:

13 **“(A) Carts;**

14 **“(B) Durable medical equipment;[.]**

15 **“(C) In-line skates;**

16 **“(D) Roller skates;**

17 **“(E) Skateboards;**

18 **“(F) Stand-up scooters;**

19 **“(G) Strollers designed for the transportation of children;**

20 **“(H) Trailer cycles or other bicycle attachments; or**

21 **“(I) Wagons.**

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

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

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

7 “(B) Customized industrial modifications to the chassis of a truck that
8 has a gross vehicle weight rating of at least 10,000 pounds and not more than
9 26,000 pounds.

10 “(3) ‘Seller’ means:

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

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

15 “(4) ‘Taxable bicycle’ means a new bicycle that has a retail sales price
16 of \$200 or more.

17 “(5) ‘Taxable motor vehicle’ means a vehicle that:

18 “(a) Has a gross vehicle weight rating of 26,000 pounds or less;

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

21 “(B) If not equipped with an odometer, has a manufacturer’s certificate
22 of origin or a manufacturer’s statement of origin; and

23 “(c) Is:

24 “(A) A vehicle as defined in ORS 744.850, other than an all-terrain vehicle
25 or a trailer;

26 “(B) A camper as defined in ORS 801.180;

27 “(C) A commercial bus as defined in ORS 801.200;

28 “(D) A commercial motor vehicle as defined in ORS 801.208;

29 “(E) A commercial vehicle as defined in ORS 801.210;

30 “(F) A fixed load vehicle as defined in ORS 801.285;

1 “(G) A moped as defined in ORS 801.345;
2 “(H) A motor home as defined in ORS 801.350;
3 “(I) A motor truck as defined in ORS 801.355;
4 “(J) A tank vehicle as defined in ORS 801.522;
5 “(K) A trailer as defined in ORS 801.560 that is required to be registered
6 in this state;
7 “(L) A truck tractor as defined in ORS 801.575; or
8 “(M) A worker transport bus as defined in ORS 801.610.
9 “(6) ‘Taxable vehicle’ means a taxable bicycle or a taxable motor vehicle.
10 “(7) ‘Transportation project taxes’ means the privilege tax imposed under
11 ORS 320.405, the use tax imposed under ORS 320.410 and the excise tax im-
12 posed under ORS 320.415.
13 “(8)(a) ‘Vehicle dealer’ means:
14 “(A) A person engaged in business in this state that is required to obtain
15 a vehicle dealer certificate under ORS 822.005; and
16 “(B) A person engaged in business in another state that would be subject
17 to ORS 822.005 if the person engaged in business in this state.
18 “(b) Notwithstanding paragraph (a) of this subsection, a person is not a
19 vehicle dealer for purposes of ORS 320.400 to 320.490 and 803.203 to the ex-
20 tent the person:
21 “(A) Conducts an event that lasts less than seven consecutive days, for
22 which the public is charged admission and at which otherwise taxable motor
23 vehicles are sold at auction; or
24 “(B) Sells an otherwise taxable motor vehicle at auction at an event de-
25 scribed in this paragraph.
26 “**SECTION 2.** ORS 320.425 is amended to read:
27 “320.425. (1) Notwithstanding ORS 320.405, a seller is not liable for the
28 privilege tax with respect to a taxable motor vehicle that is sold to:
29 “(a) A purchaser who is not a resident of this state; or
30 “(b) A business if the storage, use or other consumption of the taxable

1 motor vehicle will occur primarily outside this state.

2 “(2) Notwithstanding ORS 320.405, a seller is not liable for the privilege
3 tax with respect to an otherwise taxable motor vehicle that is sold at an
4 event that lasts less than seven consecutive days, for which the public is
5 charged admission and at which otherwise taxable motor vehicles are sold
6 at auction.

7 **“(3) Notwithstanding ORS 320.405 to 320.420, a seller is not liable for**
8 **transportation project taxes with respect to a taxable vehicle that is**
9 **sold to a public body as defined in ORS 174.109.**

10 “[3] (4) Notwithstanding ORS 320.405 to 320.420, a resale certificate
11 taken from a purchaser ordinarily engaged in the business of selling taxable
12 vehicles relieves the seller from the obligation to collect and remit trans-
13 portation project taxes. A resale certificate must be substantially in the form
14 prescribed by the Department of Revenue by rule.

15 **“SECTION 3.** ORS 320.455, as amended by section 14, chapter 93, Oregon
16 Laws 2018, is amended to read:

17 “320.455. (1) Any purchaser liable for the use tax imposed under ORS
18 320.410 or the excise tax imposed under ORS 320.415 and from whom the tax
19 has not been collected shall, on or before the 30th day following the date on
20 which the tax became due, file with the Department of Revenue a report of
21 the amount of tax due from the purchaser in a form and manner prescribed
22 by the department. The purchaser shall remit the amount of tax due with
23 the report.

24 **“(2) Notwithstanding subsection (1) of this section, a purchaser that**
25 **is a public body as defined in ORS 174.109 is not liable for the use tax**
26 **imposed under ORS 320.410 or the excise tax imposed under ORS**
27 **320.415.**

28 **“SECTION 4.** ORS 320.430 is amended to read:

29 “320.430. (1)(a) If the amount of transportation project taxes paid by a
30 seller or purchaser exceeds the amount of taxes due, the Department of

1 Revenue shall refund the amount of the excess.

2 “[2] (b) Except as provided in **paragraph (c) of this** subsection [(3) of
3 *this section*], the period prescribed for the department to allow or make a
4 refund of any overpayment of transportation project taxes paid shall be as
5 provided in ORS 314.415.

6 “[3] (c) The department shall apply any overpayment of tax first to any
7 amount of transportation project taxes that is then outstanding.

8 **“(2)(a) This subsection applies whenever a taxable motor vehicle**
9 **with respect to which the privilege tax imposed under ORS 320.405 has**
10 **been paid by the vehicle dealer is returned by or on behalf of the**
11 **purchaser to the vehicle dealer pursuant to ORS 646A.400 to 646A.418.**

12 **“(b) The vehicle dealer shall notify the Department of Revenue of**
13 **the return of the taxable motor vehicle and the department shall re-**
14 **fund the amount of the privilege tax collected with respect to the**
15 **taxable motor vehicle to the vehicle dealer.**

16 **“(c) Upon receipt of the refund under this subsection, the vehicle**
17 **dealer shall return the amount received under paragraph (b) of this**
18 **subsection to the purchaser.**

19 **“SECTION 5. The amendments to ORS 320.425 and 320.455 by**
20 **sections 2 and 3 of this 2019 Act apply to sales of taxable vehicles that**
21 **become final on or after the effective date of this 2019 Act.**

22 **“SECTION 6. The amendments to ORS 320.430 by section 4 of this**
23 **2019 Act apply to privilege taxes paid with respect to taxable motor**
24 **vehicles that are returned by the purchaser on or after the effective**
25 **date of this 2019 Act.**

26 **“SECTION 7. This 2019 Act takes effect on the 91st day after the**
27 **date on which the 2019 regular session of the Eightieth Legislative**
28 **Assembly adjourns sine die.”.**

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