

A-Engrossed
House Bill 4036

Ordered by the House February 27
Including House Amendments dated February 27

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Representative Caddy McKeown and Senator Lee Beyer)

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.

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

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 166.360, 184.642, 184.657, 184.675,
3 184.751, 184.758, 184.761, 184.766, 293.701, 319.020, 319.330, 319.665, 319.671, 319.950, 320.400,
4 323.455, 323.457, 346.510, 541.561, 541.659, 757.357, 803.102, 803.210, 807.072, 811.260, 811.602,
5 811.604, 811.605, 811.613, 811.616, 819.010, 819.016, 824.022, 824.026, 824.060, 824.068, 824.088,
6 824.990, 824.992, 825.400, 825.402 and 825.404 and section 7, chapter 700, Oregon Laws 2015; re-
7 pealing ORS 184.631, 391.800, 391.802, 391.810, 391.815, 391.820, 391.830 and 824.104 and sections
8 6 and 8, chapter 700, Oregon Laws 2015, and sections 2 and 3, chapter 24, Oregon Laws 2018;
9 prescribing an effective date; and providing for revenue raising that requires approval by a
10 three-fifths majority.

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

12
13 **IN GENERAL**

14
15 **SECTION 1.** ORS 811.602 is amended to read:

16 811.602. (1) A disabled person parking permit is a means of identifying vehicles being used to
17 exercise the parking privileges described in ORS 811.635. The following are disabled person parking
18 permits:

19 (a) A special decal described in ORS 811.605 issued by the Department of Transportation to be
20 affixed to a golf cart or substantially similar vehicle;

21 (b) An individual placard described in ORS 811.605;

22 (c) A program placard issued by the department under ORS 811.607;

23 (d) A family placard issued by the department under ORS 811.609;

24 (e) A foreign visitor placard issued by the department under ORS 811.611;

25 (f) A "Wheelchair User" placard or decal issued by the department under ORS 811.613; and

26 (g) An "Oregon Wounded Warrior" placard or decal issued by the department under ORS
27 811.616.

28 (2) The department shall issue a disabled person parking permit in the form of a decal or indi-

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

1 vidual placard to any person who submits an application that complies with ORS 811.604. Nothing
2 in this section prohibits the department from issuing a decal or individual placard to a person who
3 has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal
4 or placard.

5 (3) Except as otherwise provided in this subsection, the department may not issue more than one
6 individual placard to an applicant. The department may issue a replacement placard upon receipt
7 of proof satisfactory to the department that the original placard has been lost, mutilated or de-
8 stroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate
9 permit for travel purposes. A temporary duplicate permit shall be valid for 30 days. The department
10 shall adopt rules governing application for and issuance of temporary duplicate permits. Nothing in
11 this subsection prohibits issuance of an individual placard to a person who has been issued a decal.

12 [(4) *Permits issued under this section may be renewed by mail.*]

13 [(5)] (4) Permits for use on vehicles that are regularly used as part of a program for the trans-
14 portation of persons with disabilities are issued as provided in ORS 811.607.

15 [(6)] (5) Except as provided in subsection [(7)] (6) of this section, the department shall determine
16 the form, size and content of any decal or placard issued under this section and shall adopt rules
17 governing their issuance, display and use as necessary to carry out this section.

18 [(7)(a)] (6)(a) Except as provided in paragraph (b) of this subsection, the department may not
19 require a decal or placard issued under this section to an individual or a family to contain any
20 identifying information about the person to whom the decal or placard is issued, including any of
21 the following:

- 22 (A) Name;
- 23 (B) Address;
- 24 (C) Telephone number;
- 25 (D) Social Security number;
- 26 (E) Driver license number;
- 27 (F) Golf cart driver permit number;
- 28 (G) Identification card number;
- 29 (H) Passport or visa number; or
- 30 (I) Photograph.

31 (b) The department may require a decal or placard issued under this section to an individual
32 or a family to contain not more than four digits of the driver license or identification card number
33 of the person to whom the decal or placard is issued.

34 **SECTION 1a.** ORS 811.602, as amended by section 2, chapter 413, Oregon Laws 2019, is
35 amended to read:

36 811.602. (1) A disabled person parking permit is a means of identifying vehicles being used to
37 exercise the parking privileges described in ORS 811.635. The following are disabled person parking
38 permits:

- 39 (a) A special decal described in ORS 811.605 issued by the Department of Transportation to be
40 affixed to a golf cart or substantially similar vehicle;
- 41 (b) An individual placard described in ORS 811.605;
- 42 (c) A program placard issued by the department under ORS 811.607;
- 43 (d) A family placard issued by the department under ORS 811.609;
- 44 (e) A foreign visitor placard issued by the department under ORS 811.611;
- 45 (f) A "Wheelchair User" placard or decal issued by the department under ORS 811.613; and

1 (g) An “Oregon Wounded Warrior” placard or decal issued by the department under ORS
2 811.616.

3 (2) The department shall issue a disabled person parking permit in the form of a decal or indi-
4 vidual placard to any person who submits an application that complies with ORS 811.604. Nothing
5 in this section prohibits the department from issuing a decal or individual placard to a person who
6 has disabled veteran registration plates issued under ORS 805.100 and who qualifies for the decal
7 or placard.

8 (3) Except as otherwise provided in this subsection, the department may not issue more than one
9 individual placard to an applicant. The department may issue a replacement placard upon receipt
10 of proof satisfactory to the department that the original placard has been lost, mutilated or de-
11 stroyed. The department may issue a temporary duplicate permit to a person who needs a duplicate
12 permit for travel purposes. A temporary duplicate permit shall be valid for **up to** 120 days. The de-
13 partment shall adopt rules governing application for and issuance of temporary duplicate permits.
14 Nothing in this subsection prohibits issuance of an individual placard to a person who has been is-
15 sued a decal.

16 *[(4) Permits issued under this section may be renewed by mail.]*

17 *[(5)]* (4) Permits for use on vehicles that are regularly used as part of a program for the trans-
18 portation of persons with disabilities are issued as provided in ORS 811.607.

19 *[(6)]* (5) Except as provided in subsection *[(7)]* (6) of this section, the department shall determine
20 the form, size and content of any decal or placard issued under this section and shall adopt rules
21 governing their issuance, display and use as necessary to carry out this section.

22 *[(7)(a)]* (6)(a) Except as provided in paragraph (b) of this subsection, the department may not
23 require a decal or placard issued under this section to an individual or a family to contain any
24 identifying information about the person to whom the decal or placard is issued, including any of
25 the following:

- 26 (A) Name;
- 27 (B) Address;
- 28 (C) Telephone number;
- 29 (D) Social Security number;
- 30 (E) Driver license number;
- 31 (F) Golf cart driver permit number;
- 32 (G) Identification card number;
- 33 (H) Passport or visa number; or
- 34 (I) Photograph.

35 (b) The department may require a decal or placard issued under this section to an individual
36 or a family to contain not more than four digits of the driver license or identification card number
37 of the person to whom the decal or placard is issued.

38 **SECTION 1b. Section 1c of this 2020 Act is added to and made a part of the Oregon Ve-**
39 **hicle Code.**

40 **SECTION 1c. The Department of Transportation shall invalidate a disabled parking per-**
41 **mit issued under ORS 811.602 if any of the following occurs:**

42 (1) **The person issued an individual or “Wheelchair User” placard or permit has since**
43 **obtained a driver license or driver permit issued by another jurisdiction or has since obtained**
44 **an identification card in another jurisdiction that is similar to person’s identification card**
45 **issued by this state.**

1 **(2) The department receives notice that the person issued a disabled parking permit is**
2 **deceased.**

3 **(3) The department determines that the disabled parking permit was issued under**
4 **fraudulent circumstances.**

5 **(4) The person, program or family for which the permit was issued no longer qualifies for**
6 **the permit.**

7 **SECTION 1d.** ORS 811.604 is amended to read:

8 811.604. Application for issuance or renewal of a disabled person parking permit in the form of
9 an individual placard or decal issued under ORS 811.602 shall include:

10 (1) A certificate, signed and dated within six months preceding the date of application, by a li-
11 censed physician, a licensed nurse practitioner or a licensed physician assistant to the Department
12 of Transportation that the applicant is a person with a disability or a certificate, signed and dated
13 within six months preceding the date of application, by a licensed optometrist that the applicant is
14 a person with a disability because of loss of vision or substantial loss of visual acuity or visual field
15 beyond correction;

16 (2) The state-issued licensing number of the licensed physician, certified nurse practitioner, li-
17 censed physician assistant or licensed optometrist who signed the certificate described in subsection
18 (1) of this section; and

19 (3) The number of a [*current, valid*] driver license, [*golf cart*] driver permit, identification card
20 or parking identification card issued to the applicant by the department.

21 **SECTION 1e.** ORS 811.605 is amended to read:

22 811.605. (1) An applicant for an individual placard or decal issued by the Department of Trans-
23 portation under ORS 811.602 must have a driver license, a [*disability golf cart*] driver permit, an
24 identification card or a parking identification card issued by the department. [*The placard or decal*
25 *shall be valid so long as the license, permit, identification card or parking identification card is valid*
26 *and may be renewed when the license, permit or card is renewed.*]

27 (2) An individual placard or decal shall contain an expiration date that is visible from outside
28 the vehicle when the placard or decal is displayed on or in the vehicle. [*The expiration date shall*
29 *be the same as the expiration date of the driver license, golf cart driver permit, identification card or*
30 *parking identification card of the holder of the placard.*]

31 **(3) A placard or decal issued under this section shall be valid for a period of eight years**
32 **from the date of issue. A placard or decal may be renewed in a manner determined by the**
33 **department by rule.**

34 **SECTION 1f.** ORS 811.613 is amended to read:

35 811.613. (1) The Department of Transportation shall issue a “Wheelchair User” disabled person
36 parking permit in the form of a “Wheelchair User” placard or decal for use by a person who uses
37 a wheelchair or similar low-powered motorized or mechanically propelled vehicle designed specif-
38 ically for use by a person with a physical disability.

39 (2) The department shall determine the form, size and content of the placards or decals, except
40 that the department shall require that the placards or decals:

41 (a) Include the words “Wheelchair User.”

42 (b) Have an expiration date that is visible from outside the vehicle when the placard or decal
43 is displayed on or in the vehicle.

44 (3) The department shall by rule determine how a person may qualify for a “Wheelchair User”
45 placard or decal under this section.

1 (4) An applicant for a “Wheelchair User” placard or decal issued by the department under this
2 section must have a driver license, a [*disability golf cart*] driver permit or an identification card is-
3 sued by the department. [*The placard or decal shall be valid as long as the license, permit or iden-*
4 *tification card is valid and may be renewed when the license, permit or identification card is*
5 *renewed.*]

6 [*(5) The expiration date shall be the same as the expiration date of the driver license, disability*
7 *golf cart driver permit or identification card of the holder of the placard or decal.*]

8 **(5) A placard or decal issued under this section shall be valid for a period of eight years**
9 **from the date of issue. A placard or decal may be renewed in a manner determined by the**
10 **department by rule.**

11 **SECTION 1g.** ORS 811.616 is amended to read:

12 811.616. (1) The Department of Transportation shall issue an “Oregon Wounded Warrior” disa-
13 bled person parking permit in the form of an “Oregon Wounded Warrior” placard or decal for use
14 by a wounded warrior.

15 (2) A person is a wounded warrior who qualifies for an “Oregon Wounded Warrior” parking
16 permit if the person:

17 (a) Submits written proof to the Department of Transportation of having a United States De-
18 partment of Veterans Affairs total disability rating of at least 50 percent as a result of an injury
19 or illness that the veteran incurred, or that was aggravated, during active military service; and

20 (b) Received a discharge or release under other than dishonorable conditions.

21 (3) The Department of Transportation shall determine the form, size and content of the placards
22 or decals, except that the department shall require that the placards or decals:

23 (a) Include the words “Oregon Wounded Warrior.”

24 (b) Have an expiration date that is visible from outside the vehicle when the placard or decal
25 is displayed on or in the vehicle.

26 (4) The Department of Transportation shall by rule determine how a person may apply for an
27 “Oregon Wounded Warrior” placard or decal under this section.

28 (5) An applicant for an “Oregon Wounded Warrior” placard or decal issued by the Department
29 of Transportation under this section must have a driver license, a [*disability golf cart*] driver permit
30 or an identification card issued by the department. [*The placard or decal shall be valid as long as*
31 *the license, permit or identification card is valid and may be renewed when the license, permit or*
32 *identification card is renewed.*]

33 [*(6) The expiration date shall be the same as the expiration date of the driver license, disability*
34 *golf cart driver permit or identification card of the holder of the placard or decal.*]

35 **(6) A placard or decal issued under this section shall be valid for a period of eight years**
36 **from the date of issue. A placard or decal may be renewed in a manner determined by the**
37 **Department of Transportation by rule.**

38 **SECTION 1h.** ORS 819.016 is amended to read:

39 819.016. (1) Except as provided in subsection (2) of this section, when the provisions of ORS
40 819.010, 819.012 or 819.014 require a person to surrender to the Department of Transportation a
41 certificate of title for a vehicle, or when a person acquires a vehicle under the provisions of ORS
42 819.215, the person shall apply to the department for a salvage title for the vehicle. The application
43 shall comply with the requirements of ORS 803.140.

44 (2) When the person is not required to surrender a certificate of title because title for the ve-
45 hicle was issued in some other form, the person shall follow procedures adopted by the department

1 by rule.

2 *[(3) Subsections (1) and (2) of this section do not apply if the person does not intend to rebuild or*
3 *repair the vehicle, to transfer the vehicle or to use the frame or unibody of the vehicle for repairing or*
4 *constructing another vehicle.]*

5 **(3) Subsections (1) and (2) of this section do not apply if the person:**

6 **(a) Does not intend to rebuild or repair the vehicle, to transfer the vehicle or to use the**
7 **frame or unibody of the vehicle for repairing or constructing another vehicle; or**

8 **(b) The person rebuilds or repairs the vehicle and applies to title the vehicle with the**
9 **designation of assembled, reconstructed or replica.**

10 **SECTION 1i.** ORS 824.068 is amended to read:

11 824.068. (1) The Department of Transportation shall prescribe standards for water quality [*and*
12 *sanitation facilities*] on railroad locomotives [*and cabooses*] in this state.

13 (2) The department may for good cause shown permit variances from the standards so pre-
14 scribed.

15 **SECTION 1j.** ORS 319.665 is amended to read:

16 319.665. (1) The seller of fuel for use in a motor vehicle shall collect the tax provided by ORS
17 319.530 at the time the fuel is sold, unless one of the following situations applies:

18 [*(a) The Department of Transportation has issued a weight identifier under ORS 825.450 for the*
19 *vehicle into which the seller delivers or places the fuel.*]

20 **(a) The Department of Transportation has issued for the vehicle into which the seller**
21 **delivers or places the fuel a weight identifier under ORS 825.450 or a valid user's emblem**
22 **under ORS 319.600.**

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

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

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

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

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

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

42 **SECTION 1k.** ORS 319.671 is amended to read:

43 319.671. (1) The seller of fuel for any purpose shall make a duplicate invoice for every sale of
44 fuel for any purpose and shall retain one copy and give the other copy to the user. The Department
45 of Transportation may prescribe the form of the invoice. The invoice shall show:

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

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

- 7 (a) The license plate number, if the vehicle bears a license plate issued by the department or
8 another jurisdiction;
- 9 (b) The emblem number, if the vehicle bears a user's emblem; *[or]*
- 10 (c) The temporary pass number, if the vehicle bears no valid user's emblem *[or license plate is-*
11 *sued by the department.]*; **or**

12 **(d) The license plate number, if the vehicle bears no valid user's emblem or temporary**
13 **pass number issued by the department.**

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

- 20 (a) That have a combined weight of 26,000 pounds or less; and
- 21 (b)(A) For which the tax under ORS 319.530 must be paid at the time of sale under ORS 319.665;
- 22 **or**
- 23 (B) For which an emblem has been issued under ORS 319.535.

24 **SECTION 1L.** ORS 819.010 is amended to read:

25 819.010. (1) A person commits the offense of failure to comply with requirements for destruction
26 of a vehicle if the person wrecks, dismantles[,] **or** disassembles *[or substantially alters]* the form of
27 any vehicle that is or is required to be registered or titled under the vehicle code or under ORS
28 chapter 826 and the person does not comply with all of the following:

29 (a) The person must give notice to the Department of Transportation, in a form specified by the
30 department, of the person's intention to dismantle, disassemble[,] **or** wreck *[or substantially alter]* the
31 form of the vehicle at least seven days prior to commencement thereof.

32 (b) If the vehicle is visible from a public right of way, the person must complete the wrecking,
33 dismantling[,] **or** disassembling *[or substantial alteration]* of **the form of the vehicle** within 30 days
34 from the commencement thereof.

35 (c) If the vehicle is registered by this state, the person must deliver or mail to the department
36 the registration card, certificate of title, if one has been issued, and registration plates of the vehicle
37 within 30 days after the person wrecks, dismantles[,] **or** disassembles *[or substantially alters]* the
38 form of the vehicle.

39 (d) If no certificate of title has been issued for the vehicle, the person must notify the depart-
40 ment in a manner determined by the department by rule within 30 days after the person wrecks,
41 dismantles[,] **or** disassembles *[or substantially alters]* the form of the vehicle.

42 (e) If required to do so under ORS 819.016, the person shall apply for a salvage title for the
43 vehicle.

44 (2) This section does not apply to persons who are acting within the scope of a dismantler cer-
45 tificate issued under ORS 822.110.

1 (3) The offense described in this section, failure to comply with requirements for destruction of
2 vehicle, is a Class A misdemeanor.

3 **SECTION 1m.** ORS 319.950 is amended to read:

4 319.950. (1) **The governing body of** a city, county or other local government may enact or
5 amend any charter provision, ordinance, resolution or other provision taxing fuel for motor vehicles
6 after submitting the proposed tax to the electors of the local government for their approval.

7 (2) **The governing body of a local government that imposes a tax on fuel for motor vehi-**
8 **cles pursuant to this section may enter into an agreement with the Department of Trans-**
9 **portation pursuant to which the department shall collect and distribute the revenues from**
10 **the tax.**

11 **SECTION 1n.** The amendments to ORS 319.950 by section 1m of this 2020 Act apply to
12 agreements entered into on or after January 1, 1977, by the governing body of a city, county
13 or other local government with the Department of Transportation for purposes of the col-
14 lection and distribution of revenues from taxes on fuel for motor vehicles by the department.

15 **SECTION 1o.** ORS 346.510 is amended to read:

16 346.510. As used in ORS 346.510 to 346.570:

17 (1) "Cafeteria" means a food-dispensing facility:

18 (a) That can provide a variety of prepared foods and beverages;

19 (b) Where a patron may move through a self-service line;

20 (c) That may employ some servers to wait on patrons; and

21 (d) That provides seating suitable for patrons to consume meals.

22 (2) "Healthy vending item" and "local vending item" have the meanings given those terms by
23 rules adopted by the Commission for the Blind in consultation with the Public Health Director and
24 the business enterprise consumer committee.

25 (3) "Person who is blind" means a person who has not more than 20/200 visual acuity in the
26 better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a
27 limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater
28 than 20 degrees and whose blindness is certified by a licensed physician who specializes in diseases
29 of the eye.

30 (4) "Political subdivision" means a local government as defined in ORS 174.116, a municipality,
31 town or village of this state.

32 (5) "Public building" or "property" means a building, land or other real property, or a portion
33 of a building, land or other real property, that is occupied by a department or an agency of the State
34 of Oregon or by a political subdivision, except for a public elementary school, a secondary school,
35 a public university listed in ORS 352.002 or a public corporation created pursuant to ORS 353.020.

36 (6) "Vending facility" means:

37 (a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other ap-
38 propriate auxiliary equipment that are necessary or customarily used for the vending of articles,
39 including an established mix of healthy vending items approved by the Commission for the Blind and
40 the agency, department or political subdivision charged with maintaining the public building or
41 property where the vending facility is located;

42 (b) Vending machines; or

43 (c) Cafeterias or snack bars for the dispensing of foodstuffs and beverages.

44 (7) "Vending facility manager" means a person who is:

45 (a) Blind;

1 (b) Responsible for the day-to-day conduct of the vending facility operation; and

2 (c) Licensed under ORS 346.510 to 346.570.

3 (8) "Vending machine" means a manual or coin-operated machine or a similar device used for
4 vending articles, including machines or devices that accept electronic payment.

5 (9) "Visitor venue" means a public building or property that is operated by a political subdivi-
6 sion of this state and that is:

7 (a) A convention, event or exposition center;

8 (b) A zoo;

9 (c) A performing arts center;

10 (d) A museum;

11 (e) A golf course;

12 (f) A facility primarily used for sporting events; or

13 (g) A commercial airport owned and operated by a city, **a county** or a port district organized
14 under ORS chapter 778.

15 **SECTION 1p.** ORS 811.260 is amended to read:

16 811.260. Except as provided in ORS 811.265 (2), a driver is in violation of ORS 811.265 if the
17 driver makes a response to traffic control devices that is not permitted under the following:

18 (1) Green signal. A driver facing a green light may proceed straight through or turn right or left
19 unless a sign at that place prohibits either turn. A driver shall yield the right of way to other ve-
20 hicles within the intersection at the time the green light is shown.

21 (2) Green arrow. A driver facing a green arrow signal light, shown alone or in combination with
22 another signal, may cautiously enter the intersection only to make the movement indicated by such
23 arrow or such other movement as is permitted by other signals shown at the same time.

24 (3) Green bicycle signal. A bicyclist facing a green bicycle signal may proceed straight through
25 or turn right or left unless a sign at that place prohibits either turn. The bicyclist shall yield the
26 right of way to other vehicles within the intersection at the time the green bicycle signal is shown.

27 (4) Steady circular yellow signal. A driver facing a steady circular yellow signal light is thereby
28 warned that the related right of way is being terminated and that a red or flashing red light will
29 be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none,
30 shall stop before entering the marked crosswalk on the near side of the intersection, or if there is
31 no marked crosswalk, then before entering the intersection. If a driver cannot stop in safety, the
32 driver may drive cautiously through the intersection.

33 (5) Steady yellow arrow signal. A driver facing a steady yellow arrow signal, alone or in com-
34 bination with other signal indications, is thereby warned that the related right of way is being ter-
35 minated. Unless entering the intersection to make a movement permitted by another signal, a driver
36 facing a steady yellow arrow signal shall stop at a clearly marked stop line, but if none, shall stop
37 before entering the marked crosswalk on the near side of the intersection, or if there is no marked
38 crosswalk, then before entering the intersection. If a driver cannot stop in safety, the driver may
39 drive cautiously through the intersection.

40 (6) Steady yellow bicycle signal. A bicyclist facing a steady yellow bicycle signal is thereby
41 warned that the related right of way is being terminated and that a red bicycle signal will be shown
42 immediately. A bicyclist facing a steady yellow bicycle signal shall stop at a clearly marked stop
43 line, but if none, shall stop before entering the marked crosswalk on the near side of the inter-
44 section, or if there is no marked crosswalk, then before entering the intersection. If a bicyclist
45 cannot stop in safety, the bicyclist may proceed cautiously through the intersection.

1 (7) Steady circular red signal. A driver facing a steady circular red signal light alone shall stop
2 at a clearly marked stop line, but if none, before entering the marked crosswalk on the near side
3 of the intersection, or if there is no marked crosswalk, then before entering the intersection. The
4 driver shall remain stopped until a green light is shown except when the driver is permitted to
5 proceed under ORS 811.360.

6 (8) Steady red arrow signal. A driver facing a steady red arrow signal, alone or in combination
7 with other signal indications, may not enter the intersection to make the movement indicated by the
8 red arrow signal. Unless entering the intersection to make some other movement which is permitted
9 by another signal, a driver facing a steady red arrow signal shall stop at a clearly marked stop line,
10 but if none, before entering the marked crosswalk on the near side of the intersection, or if there
11 is no marked crosswalk, then before entering the intersection. The vehicle shall remain stopped until
12 a green light is shown except when the driver is permitted to proceed under ORS 811.360.

13 (9) Steady red bicycle signal. A bicyclist facing a steady red bicycle signal shall stop at a clearly
14 marked stop line, but if none, before entering the marked crosswalk on the near side of the inter-
15 section, or if there is no marked crosswalk, then before entering the intersection. The bicyclist shall
16 remain stopped until a green bicycle signal is shown except when the bicyclist is permitted to pro-
17 ceed under ORS 811.360.

18 (10) Traffic control devices at places other than intersections. If a traffic control device that is
19 a signal is erected and maintained at a place other than an intersection, the provisions of this sec-
20 tion relating to signals shall be applicable. A required stop shall be made at a sign or marking on
21 the roadway indicating where the stop shall be made, but in the absence of such sign or marking
22 the stop shall be made at the signal.

23 (11) Flashing red signal. When a driver approaches a flashing red light used in a traffic control
24 device or with a traffic sign, the driver shall stop at a clearly marked stop line, but if none, before
25 entering the marked crosswalk on the near side of the intersection, or if there is no marked cross-
26 walk, then at the point nearest the intersecting roadway where the driver has a view of approaching
27 traffic on the intersecting roadway before entering it. The right to proceed shall be subject to the
28 rules applicable after making a stop at a stop sign. This subsection does not apply to:

29 (a) A person operating a bicycle; or

30 (b) Drivers at railroad grade crossings. Conduct of a driver approaching a railroad grade
31 crossing is governed by ORS 811.455.

32 (12) Flashing circular yellow signal. *[When a driver approaches a flashing circular yellow light*
33 *used as a signal in a traffic control device or with a traffic sign, the driver may proceed through the*
34 *intersection or past the signal only with caution.]* **When a driver facing a flashing circular yellow**
35 **signal approaches an intersection, the driver may cautiously enter the intersection to pro-**
36 **ceed straight through, turn right or turn left except as such movement is modified by lane**
37 **use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indi-**
38 **cations or other traffic control devices.** This subsection does not apply at railroad grade
39 crossings. Conduct of a driver approaching a railroad grade crossing is governed by ORS 811.455.

40 (13) Flashing yellow arrow signal. A driver facing a flashing yellow arrow signal, alone or in
41 combination with other signal indications, may cautiously enter the intersection only to make the
42 movement indicated by the flashing yellow arrow signal or the movement permitted by other signals
43 shown at the same time. A driver shall yield the right of way to other vehicles within the inter-
44 section at the time the flashing yellow arrow signal is shown. In addition, a driver turning left shall
45 yield the right of way to other vehicles approaching from the opposite direction so closely as to

1 constitute an immediate hazard during the time when the turning vehicle is moving across or within
2 the intersection.

3 (14) Lane direction control signals. When lane direction control signals are placed over the in-
4 dividual lanes of a highway, a person may drive a vehicle in any lane over which a green signal
5 light is shown, but may not enter or travel in any lane over which a red signal light is shown.

6 (15) Stop signs. A driver approaching a stop sign shall stop at a clearly marked stop line, but
7 if none, before entering the marked crosswalk on the near side of the intersection or, if there is no
8 marked crosswalk, then at the point nearest the intersecting roadway where the driver has a view
9 of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall
10 yield the right of way to any vehicle in the intersection or approaching so close as to constitute an
11 immediate hazard during the time when the driver is moving across or within the intersection. This
12 subsection does not apply to a person operating a bicycle.

13 (16) Yield signs. A driver approaching a yield sign shall slow the driver's vehicle to a speed
14 reasonable for the existing conditions and if necessary for safety, shall stop at a line as required for
15 stop signs under this section, and shall yield the right of way to any vehicles in the intersection or
16 approaching so closely as to constitute an immediate hazard.

17 **(17) Flashing yellow beacon. When a flashing yellow beacon is used to supplement another**
18 **traffic control device, a driver shall pay extra attention to the message provided by the**
19 **beacon and follow the requirements of the other traffic control device, which might not be**
20 **otherwise applicable at all times.**

21 **SECTION 2.** ORS 166.360 is amended to read:

22 166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

23 (1) "Capitol building" means the Capitol, the State Office Building, the State Library Building,
24 the Labor and Industries Building, the State Transportation Building, the Agriculture Building or
25 the Public Service Building and includes any new buildings which may be constructed on the same
26 grounds as an addition to the group of buildings listed in this subsection.

27 (2) "Court facility" means a courthouse or that portion of any other building occupied by a
28 circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by
29 personnel related to the operations of those courts, or in which activities related to the operations
30 of those courts take place.

31 (3) "Judge" means a judge of a circuit court, the Court of Appeals, the Supreme Court, the
32 Oregon Tax Court, a municipal court, a probate court or a juvenile court or a justice of the peace.

33 (4) "Judicial district" means a circuit court district established under ORS 3.012 or a justice of
34 the peace district established under ORS 51.020.

35 (5) "Juvenile court" has the meaning given that term in ORS 419A.004.

36 (6) "Loaded firearm" means:

37 (a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached
38 to the firearm including but not limited to, in a chamber, magazine or clip which is attached to the
39 firearm.

40 (b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot
41 or projectile in the barrel or cylinder.

42 (7) "Local court facility" means the portion of a building in which a justice court, a municipal
43 court, a probate court or a juvenile court conducts business, during the hours in which the court
44 operates.

45 (8) "Probate court" has the meaning given that term in ORS 111.005.

1 (9) "Public building" means:

2 (a) A hospital, a capitol building, a public or private school, as defined in ORS 339.315, a college
3 or university, a city hall or the residence of any state official elected by the state at large, and the
4 grounds adjacent to each such building[.];

5 (b) **The passenger terminal of a commercial service airport; or**

6 (c) [*The term also includes*] That portion of any other building occupied by an agency of the
7 state or a municipal corporation, as defined in ORS 297.405, other than a court facility.

8 (10) "Weapon" means:

9 (a) A firearm;

10 (b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife,
11 other than an ordinary pocketknife with a blade less than four inches in length, the use of which
12 could inflict injury upon a person or property;

13 (c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

14 (d) An electrical stun gun or any similar instrument;

15 (e) A tear gas weapon as defined in ORS 163.211;

16 (f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any
17 similar instrument, the use of which could inflict injury upon a person or property; or

18 (g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

19 **SECTION 3.** ORS 825.402 is amended to read:

20 825.402. (1) Except as provided in subsection (4) of this section, all motor carriers that are
21 domiciled in Oregon and that receive a certificate or permit from the Department of Transportation
22 for the first time on or after July 1, 1990, shall participate in the program established under ORS
23 825.400.

24 (2) A motor carrier required by subsection (1) of this section to participate in the program must
25 do so within 90 days of the date on which it receives a certificate or permit from the department.

26 (3) In addition to motor carriers required to participate in the program established under ORS
27 825.400, the department may require participation by any motor carrier that:

28 (a) Has underpaid its tax obligation for the use of the highways by 15 percent or more;

29 (b) Exceeds by more than 15 percent, in a one-year period, the industry average for out-of-
30 service violations for vehicle inspection or for accidents per mile; or

31 (c) Receives, in a one-year period, two or more citations for being 10,000 pounds or more over-
32 weight.

33 (4) Subsection (1) of this section does not apply to a carrier receiving a certificate or permit for
34 the first time on or after July 1, 1990, if the carrier is a successor in interest to a carrier that held
35 a certificate or permit prior to that date.

36 (5) Rules adopted by the department under ORS 825.400 shall require each motor carrier par-
37 ticipating in the program to have at least one person having a substantial interest or control, di-
38 rectly or indirectly, in or over the operations conducted or to be conducted under the certificate
39 or permit issued to the motor carrier participate in the program. No rule shall require the partic-
40 ipation of a motor carrier more than one time except for motor carriers required to participate un-
41 der subsection (3) of this section.

42 (6) **Rules adopted by the department under ORS 825.400 shall require each motor carrier**
43 **participating in the program to attend at least eight hours of classroom instruction. The**
44 **instruction may be provided in person or by an interactive, instructor-led webinar.**

45 **SECTION 4.** ORS 825.400 is amended to read:

1 825.400. (1) The Department of Transportation shall adopt rules to establish a program for the
2 education of motor carriers that covers, at a minimum, safety, weight mile tax and *[insurance]* **reg-**
3 **istration** and size and weight regulations administered by the department.

4 (2) **The department may appoint agents to carry out the program established under this**
5 **section.**

6 (3) **Agents shall carry out the program in accordance with rules prescribed by the de-**
7 **partment and shall charge and collect the program fees prescribed by law. In addition to the**
8 **program fee, the department may authorize any agent other than a department employee to**
9 **charge a service fee of \$2.**

10 **SECTION 5.** ORS 825.404 is amended to read:

11 825.404. The Department of Transportation shall assess a fee to defray the cost of the program,
12 but the fee *[shall]* **may** not exceed *[\$60]* **\$200.**

13 **SECTION 6.** ORS 757.357 is amended to read:

14 757.357. (1) As used in this section:

15 (a) “Electric company” has the meaning given that term in ORS 757.600.

16 (b)(A) **“Infrastructure measures” includes, but is not limited to, investments in, expenses**
17 **related to or rebates for:**

18 (i) **Distribution system infrastructure that supports transportation electrification;**

19 (ii) **Communication and control technologies that support transportation electrification;**
20 **and**

21 (iii) **Behind the meter infrastructure that supports transportation electrification and is**
22 **owned by an electric company or by a customer.**

23 (B) **“Infrastructure measures” does not include investments in or expenses related to**
24 **education and outreach activities related to transportation electrification, or other trans-**
25 **portation electrification-related activities determined by the Public Utility Commission to be**
26 **separate and distinct from the development of infrastructure.**

27 (c) **“Retail electricity consumer” has the meaning given that term in ORS 757.600.**

28 *[(b)]* (d) “Transportation electrification” means:

29 (A) The use of electricity from external sources to provide power to all or part of a vehicle;

30 (B) Programs related to developing the use of electricity for the purpose described in subpara-
31 graph (A) of this paragraph; *[and]*

32 (C) Infrastructure *[investments]* **measures** related to developing the use of electricity for the
33 purpose described in subparagraph (A) of this paragraph~~].~~; **and**

34 (D) **Programs related to supporting the adoption and service of vehicles powered as de-**
35 **scribed in subparagraph (A) of this paragraph.**

36 *[(c)]* (e) “Vehicle” means a vehicle, vessel, train, boat or any other equipment that is mobile.

37 (2) The Legislative Assembly finds and declares that:

38 (a) Transportation electrification is necessary to reduce petroleum use, achieve optimum levels
39 of energy efficiency and carbon reduction, meet federal and state air quality standards, meet this
40 state’s greenhouse gas emissions reduction goals described in ORS 468A.205 and improve the public
41 health and safety;

42 (b) Widespread transportation electrification requires that electric companies increase access to
43 the use of electricity as a transportation fuel;

44 (c) Widespread transportation electrification requires that electric companies increase access to
45 the use of electricity as a transportation fuel in low and moderate income communities;

1 (d) Widespread transportation electrification should stimulate innovation and competition, pro-
2 vide consumers with increased options in the use of charging equipment and in procuring services
3 from suppliers of electricity, attract private capital investments and create high quality jobs in this
4 state;

5 (e) Transportation electrification and the purchase and use of electric vehicles should assist in
6 managing the electrical grid, integrating generation from renewable energy resources and improving
7 electric system efficiency and operational flexibility, including the ability of an electric company to
8 integrate variable generating resources;

9 (f) Deploying transportation electrification and electric vehicles creates the opportunity for an
10 electric company to propose, to the [*Public Utility*] commission, that a net benefit for the customers
11 of the electric company is attainable; and

12 (g) Charging electric vehicles in a manner that provides benefits to electrical grid management
13 affords fuel cost savings for vehicle drivers.

14 (3) The [*Public Utility*] commission shall direct each electric company to file applications, in a
15 form and manner prescribed by the commission, for programs to [*accelerate*] **support** transportation
16 electrification. A program proposed by an electric company may include prudent investments in or
17 customer rebates for electric vehicle charging and related infrastructure.

18 **(4) The commission may allow an electric company to recover costs from retail electric-**
19 **ity consumers for prudent infrastructure measures to support transportation electrification**
20 **if the infrastructure measures are consistent with and meet the requirements of subsection**
21 **(5) of this section.**

22 **(5) If undertaken by an electric company, an infrastructure measure to support trans-**
23 **portation electrification is a utility service and a benefit to utility customers if the**
24 **infrastructure measure can be reasonably anticipated to:**

25 **(a) Support reductions of transportation sector greenhouse gas emissions over time; and**

26 **(b) Benefit the electric company's customers in ways that may include, but need not be**
27 **limited to:**

28 **(A) Distribution or transmission management benefits;**

29 **(B) Revenues to utilities from electric vehicle charging to offset utilities' fixed costs that**
30 **may otherwise be charged to customers;**

31 **(C) System efficiencies or other economic values inuring to the benefit of customers over**
32 **the long term; or**

33 **(D) Increased customer choice through greater transportation electrification**
34 **infrastructure deployment to increase availability of and access to public and private electric**
35 **vehicle charging stations.**

36 [(4)] **(6) When considering a transportation electrification program and determining cost recov-**
37 **ery for investments and other expenditures that are not infrastructure measures and that are**
38 **related to a program proposed by an electric company under subsection (3) of this section, the**
39 **commission shall consider whether the investments and other expenditures:**

40 **(a) Are within the service territory of the electric company;**

41 **(b) Are prudent as determined by the commission;**

42 **(c) Are reasonably expected to be used and useful as determined by the commission;**

43 **(d) Are reasonably expected to enable the electric company to support the electric company's**
44 **electrical system;**

45 **(e) Are reasonably expected to improve the electric company's electrical system efficiency and**

1 operational flexibility, including the ability of the electric company to integrate variable generating
2 resources; and

3 (f) Are reasonably expected to stimulate innovation, competition and customer choice in electric
4 vehicle charging and related infrastructure and services.

5 **(7) In undertaking infrastructure measures that involve the installation of one or more**
6 **electric vehicle charging stations, an electric company must allow for customer choice in the**
7 **selection of the type of electric vehicle charging station to be installed, subject to equipment**
8 **eligibility as determined by the electric company. An electric company may prequalify mul-**
9 **ti-ple types of eligible electric vehicle charging stations based on criteria determined by the**
10 **electric company.**

11 **(8) Nothing in this section restricts or prohibits a corporation, company, partnership,**
12 **individual or association of individuals exempt from regulation under ORS 757.005 (1)(b)(G)**
13 **from furnishing electricity to any number of customers for use in motor vehicles.**

14 [(5)(a)] **(9)(a) Tariff schedules and rates allowed pursuant to [subsection (3)] subsections (3) to**
15 **(6) of this section:**

16 (A) May allow a return of and a return on an investment made by an electric company under
17 [subsection (3)] **subsections (3) to (6) of this section; and**

18 (B) Shall be recovered from [all customers] **the retail electricity consumers** of an electric
19 company in a manner [that is similar to the recovery of distribution system investments] **determined**
20 **by the commission.**

21 (b) A return on investment allowed under this subsection may be earned for a period of time
22 that does not exceed the depreciation schedule of the investment approved by the commission. When
23 an electric company's investment is fully depreciated, the commission may authorize the electric
24 company to donate the electric vehicle charging infrastructure to the owner of the property on
25 which the infrastructure is located.

26 [(6)] **(10) For purposes of ORS 757.355, electric vehicle charging infrastructure provides utility**
27 **service to the customers of an electric company.**

28 [(7)] **(11) In authorizing programs described in subsection (3) of this section, the commission**
29 **shall review data concerning current and future adoption of electric vehicles and utilization of**
30 **electric vehicle charging infrastructure. If market barriers unrelated to the investment or expen-**
31 **ditures made by an electric company prevent electric vehicles from adequately utilizing available**
32 **electric vehicle charging infrastructure, the commission may not permit additional investments in**
33 **or expenditures related to supporting transportation electrification without a reasonable showing**
34 **that the investments or expenditures would not result in long-term stranded costs recoverable from**
35 **the [customers] retail electricity consumers of electric companies.**

36 **SECTION 7. Section 7a of this 2020 Act and ORS 757.357 are added to and made a part**
37 **of ORS chapter 757.**

38 **SECTION 7a. (1) As used in this section, "natural gas utility" means a natural gas utility**
39 **regulated by the Public Utility Commission under ORS chapter 757.**

40 **(2) The commission may allow a natural gas utility to recover costs from all retail nat-**
41 **ural gas customers for prudent investments in or expenses related to infrastructure meas-**
42 **ures that support the adoption and service of alternative forms of transportation vehicles if**
43 **the investments or expenses are consistent with and meet the requirements of subsection**
44 **(3) of this section. An investment or expense by a natural gas utility may include an invest-**
45 **ment in or an expense related to infrastructure behind the customer meter.**

1 **(3) An investment in or expense related to infrastructure measures that support the**
2 **adoption and service of alternative forms of transportation vehicles is a utility service and**
3 **a benefit to retail natural gas customers if the investment or expense can be reasonably**
4 **anticipated to:**

5 **(a) Support the adoption of alternative vehicles that are powered by compressed natural**
6 **gas or hydrogen;**

7 **(b) Support reductions of transportation sector greenhouse gas emissions over time; and**

8 **(c) Benefit the natural gas utility system. Benefits may include, but need not be limited**
9 **to:**

10 **(A) Distribution or transmission management benefits;**

11 **(B) System efficiencies or other economic values inuring to the benefit of retail natural**
12 **gas customers over the long term; or**

13 **(C) Revenues to utilities from fueling alternative forms of transportation vehicles to**
14 **offset utilities' fixed costs that may otherwise be charged to retail natural gas customers.**

15 **SECTION 8.** ORS 184.657 is amended to read:

16 184.657. (1) The Oregon Transportation Commission shall develop a set of uniform standards, in
17 coordination with counties and cities, for the consistent description and reporting of the condition
18 of the transportation infrastructure owned by the state, counties and cities. The infrastructure de-
19 scribed must include pavement and bridges.

20 (2) By February 1 of each odd-numbered year, every city and county shall submit a report cov-
21 ering the condition of its transportation infrastructure.

22 (3) The commission shall periodically review the condition of the transportation infrastructure
23 owned by the state and the reports submitted under this section. The commission shall post the re-
24 ports and the commission's review of the reports on the website described in ORS 184.661.

25 (4) Notwithstanding ORS 366.762 to 366.768 or 366.785 to 366.820, any city or county failing to
26 file a report under this section may not receive any payments from the State Highway Fund until
27 the report is filed.

28 (5) Not later than [April] **June** 1 of each odd-numbered year, the commission shall submit a re-
29 port about the state of the transportation infrastructure of Oregon, including the transportation
30 infrastructure of cities and counties, to:

31 (a) The Legislative Assembly in the manner provided by ORS 192.245; and

32 (b) The Joint Committee on Transportation established under ORS 171.858.

33 **SECTION 9.** ORS 824.022 is amended to read:

34 824.022. (1) ORS 824.020 to 824.042, 824.050 to 824.110 and 824.200 to 824.256 apply to:

35 (a) The transportation of passengers and property.

36 (b) The receiving, delivering, switching, storing, elevation and transfer in transit, ventilation,
37 refrigeration [or *icing*,] and handling of such property, and all charges connected therewith.

38 (c) All railroad, terminal, car, tank line, freight and freight line companies.

39 (d) All associations of persons, whether incorporated or otherwise, that do business as common
40 or for hire carriers upon or over any line of railroad within this state.

41 (e) Any common or for hire carrier engaged in the transportation of passengers or property
42 wholly by rail or partly by rail and partly by water.

43 (2) ORS 824.020 to 824.042 do not apply to logging or other private railroads not doing business
44 as common carriers.

45 (3) ORS 824.020 to 824.042 and 824.050 to 824.110 do not apply to corporations, companies, in-

1 individuals, associations of individuals and their lessees, trustees or receivers that:

2 (a) Are primarily involved in a business enterprise other than rail transportation;

3 (b) Conduct rail operations 50 percent or more of which are for the purpose of providing trans-
4 portation to the primary business enterprise;

5 (c) Operate on less than 10 miles of track; and

6 (d) Provide for hire rail transportation service to no more than five persons.

7 **SECTION 10.** ORS 824.026 is amended to read:

8 824.026. (1) The Department of Transportation shall employ at least three full-time railroad in-
9 spectors to assist the department as the department may prescribe in:

10 (a) Inquiring into any neglect or violation of and enforcing any law of this state or any law or
11 ordinance of any municipality thereof relating to railroad safety;

12 (b) Inquiring into any neglect or violation of and enforcing any rule, regulation, requirement,
13 order, term or condition issued by the department relating to railroad safety; and

14 (c) Conducting any investigative, surveillance and enforcement activities that the department is
15 authorized to conduct under federal law in connection with any federal law, rule, regulation, order
16 or standard relating to railroad safety.

17 (2) A railroad inspector may [*stop and detain*] **inspect** any train and the contents thereof that
18 the railroad inspector reasonably believes is being operated in violation of any law, ordinance, rule,
19 regulation, requirement, order, standard, term or condition referred to in subsection (1) of this sec-
20 tion.

21 **SECTION 11.** ORS 824.060 is amended to read:

22 824.060. (1) Every locomotive [*and caboose*] of every railroad operating in this state shall be
23 equipped with a first aid kit.

24 (2) **All locomotives shall be equipped with fire extinguishers meeting the following re-
25 quirements:**

26 (a) **Each locomotive shall have at least one portable fire extinguisher.**

27 (b) **Fire extinguishers may be of a foam, dry chemical or carbon dioxide type.**

28 (c) **The fire extinguishers in each locomotive shall provide a minimum capacity of one
29 and one-quarter gallons or five pounds. More than one fire extinguisher may be used to
30 comply with the minimum capacity requirement under this paragraph.**

31 (d) **Fire extinguishers shall be placed in readily accessible locations.**

32 (e) **Fire extinguishers shall be maintained in working order.**

33 (3) **A railroad may apply for a temporary exemption from the provisions of subsection (2)
34 of this section. The Department of Transportation will consider the application of the rail-
35 road for a temporary exemption when accompanied by a full statement of the conditions
36 existing and the reasons for the exemption. Any exemption so granted will be limited to a
37 stated period of time.**

38 **SECTION 12.** ORS 824.088 is amended to read:

39 824.088. (1) Each railroad that gives notice to the United States Department of Transportation
40 of an incident that occurs during the course of transporting hazardous materials as defined by fed-
41 eral regulations shall also give notice of the incident to the Director of the Office of Emergency
42 Management.

43 (2) As soon as reasonably practicable, each railroad shall notify the director by telephone or
44 similar means of communication of any derailment or fire involving or affecting hazardous material.

45 (3) To facilitate expedited and accurate notice to the director under this section, each train

1 transporting hazardous materials in this state shall be equipped with at least two radio
2 transmitter-receivers in good working order. In addition, [18 months after October 4, 1977,] trains
3 over 2,000 feet in length that are transporting hazardous materials shall be equipped with a radio
4 handset in good working order capable of communicating with the radio transmitter-receivers. If the
5 equipment required under this section does not function while the train is en route, the train may
6 proceed to the next point of crew change where the equipment shall be replaced or repaired.

7 **SECTION 13.** ORS 824.992 is amended to read:

8 824.992. (1) Violation of ORS 824.062 is a Class D violation.

9 (2) Violation of ORS 824.064 is a Class A misdemeanor.

10 (3) Violation of ORS 824.082 (1), 824.084 or 824.088 by a railroad is a Class A violation.

11 (4) Violation of ORS 824.082 (2) is a Class A violation.

12 (5) As used in subsection (3) of this section, "railroad" means a railroad as defined by ORS
13 824.020 and 824.022.

14 (6) Subject to ORS 153.022, violation of [ORS 824.104 (1)] **ORS 824.060 (2)**, 824.106 or 824.108
15 or any rule promulgated pursuant thereto is a Class A violation.

16 (7) A person is subject to the penalties under subsection (8) of this section if the person know-
17 ingly:

18 (a) Transports by railroad any hazardous waste listed under ORS 466.005 or rules adopted
19 thereunder to a facility that does not have appropriate authority to receive the waste under ORS
20 466.005 to 466.385 and 466.992.

21 (b) Disposes of any hazardous waste listed under ORS 466.005 or rules adopted thereunder
22 without appropriate authority under ORS 466.005 to 466.385 and 466.992.

23 (c) Materially violates any terms of permit or authority issued to the person under ORS 466.005
24 to 466.385 and 466.992 in the transporting or disposing of hazardous waste.

25 (d) Makes any false material statement or representation in any application, label, manifest, re-
26 cord, report, permit or other document filed, maintained or used for purposes of compliance with
27 requirements under ORS 824.050 to 824.110 for the safe transportation of hazardous wastes.

28 (e) Violates any rules adopted by the Department of Transportation concerning the transporta-
29 tion of hazardous wastes.

30 (8) Subject to ORS 153.022, violation of subsection (7) of this section is a Class B misdemeanor.
31 Each day's violation is a separate offense.

32 (9) Violation of ORS 824.300 or 824.302 is a Class D violation.

33 (10) Violation of ORS 824.304 is a Class A violation.

34 (11) Violation of ORS 824.306 by any railroad company or officer or agent thereof, or any other
35 person is a Class D violation. Each day's violation is a separate offense.

36 **SECTION 14.** ORS 803.102 is amended to read:

37 803.102. (1) As used in this section:

38 (a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by
39 purchase, gift or any other means other than by creation of a security interest and any person who,
40 as an agent, signs an odometer disclosure statement for the transferee.

41 (b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or
42 any means other than by creation of a security interest and any person who, as an agent, signs an
43 odometer disclosure statement for the transferor.

44 (2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle,
45 an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure

1 shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information
2 required under ORS 803.122.

3 (3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify
4 the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the
5 lessor with a form that complies with the requirements of ORS 803.120 and shall provide the infor-
6 mation required by ORS 803.122 except that for purposes of the required information, the lessee
7 shall be considered the transferor, the lessor shall be considered the transferee and the date shall
8 be the date of the disclosure statement.

9 (4) Where an interest in a vehicle is transferred by operation of law, the Department of Trans-
10 portation shall determine by rule whether an odometer disclosure statement is required and if so,
11 who is required to provide it.

12 *[(5) The odometer disclosure requirements of this section do not apply upon transfer of an interest*
13 *where the transfer is due solely to the creation, release or assignment of a security interest, or upon*
14 *transfer of an interest in any of the following:]*

15 *[(a) A vehicle with a gross vehicle weight rating of more than 16,000 pounds.]*

16 *[(b) A vehicle that is not self-propelled.]*

17 *[(c) A vehicle that is at least 10 years old.]*

18 *[(d) A vehicle that is sold directly by the manufacturer to any agency of the United States in con-*
19 *formity with contractual specifications.]*

20 *[(e) A vehicle that is exempted from the requirement by rules of the department.]*

21 **(5) The department, by rule, may exempt vehicles from the odometer disclosure require-**
22 **ments of this section in accordance with federal laws, rules or regulations pertaining to**
23 **odometer disclosure requirements.**

24 (6) A person may provide an odometer reading to the department, in the manner prescribed by
25 the department by rule, for a vehicle that is 10 years old or older.

26 **SECTION 15. The amendments to ORS 803.102 by section 14 of this 2020 Act become op-**
27 **erative on January 1, 2021.**

28 **SECTION 16.** ORS 803.210 is amended to read:

29 803.210. (1) The Department of Transportation shall not issue title for a vehicle described in
30 subsection (2) of this section unless:

31 (a) An inspection of the vehicle identification number or numbers of the vehicle is performed in
32 accordance with ORS 803.212; and

33 (b) The fee established under ORS 803.215 is paid to the department for the inspection.

34 (2) Except as provided in subsection (3) of this section, the requirements of this section apply
35 to all of the following:

36 (a) A vehicle from another jurisdiction.

37 (b) Any assembled or reconstructed vehicle.

38 (c) Any vehicle if the certificate of title has been or is required to be submitted to the depart-
39 ment, or a person is required to report to the department, under ORS 819.010, 819.012, 819.014 or
40 819.030.

41 (d) Any vehicle if the department has received notice that the vehicle has been or will be
42 wrecked, dismantled, disassembled or substantially altered under ORS 819.010 or 822.135.

43 (e) Replicas.

44 (f) Other than a racing activity vehicle as defined in ORS 801.404, any vehicle the department
45 has reason to believe was not certified by the original manufacturer as conforming to federal vehicle

1 standards.

2 (3) The requirements of this section do not apply to the following vehicles if the person shown
3 as the owner on an out-of-state title for the vehicle applies for an Oregon title in that person's name:

4 (a) A rental truck, rental truck tractor or rental trailer that is registered in Oregon under an
5 interstate agreement that provides that a portion of the owner's fleet is to be registered in each
6 state in which the fleet operates.

7 (b) A trailer or semitrailer that has permanent registration.

8 **(4) The requirement to inspect a vehicle identification number or numbers of the vehicle**
9 **under subsection (1) of this section does not apply to park model recreational vehicles, as**
10 **defined in ORS 803.036.**

11 **SECTION 17.** ORS 807.072 is amended to read:

12 807.072. (1) The Department of Transportation, by rule, may waive any examination, test or
13 demonstration required under ORS 807.065 (1)(b) or 807.070 (2) or (3) if the department receives
14 satisfactory proof that the person required to take the examination, test or demonstration has
15 passed an examination, test or demonstration approved by the department that:

16 (a) Is given in conjunction with a traffic safety education course certified by the department
17 under ORS 336.802;

18 (b) Is given in conjunction with a motorcycle rider education course established under ORS
19 802.320;

20 (c) Is given in conjunction with a course conducted by a commercial driver training school
21 certified by the department under ORS 822.515; or

22 (d) Is given in conjunction with an application for a special limited vision condition learner's
23 permit under ORS 807.359.

24 (2) The department, by rule, may waive the actual demonstration required under ORS 807.070
25 (3) for a person who is applying for a commercial driver license or a Class C license if the person
26 holds a valid out-of-state license or applies for an Oregon license within one year of the expiration
27 of a valid out-of-state license. A demonstration may be waived under this subsection only if the
28 person has applied for the same driving privileges as those granted under the person's out-of-state
29 license or for privileges granted by a lower class of license.

30 (3) The department may waive the actual demonstration required under ORS 807.070 for a per-
31 son who is applying for a commercial driver license, an endorsement related to a commercial driver
32 license or the removal of a restriction from a commercial driver license:

33 (a) If the person has been certified, as defined by rule, under ORS 807.080 or a similar statute
34 of another jurisdiction as competent to safely exercise the driving privileges granted by a Class A
35 commercial driver license, a Class B commercial driver license or a Class C commercial driver li-
36 cense; or

37 (b) Under circumstances, established by the department by rule, that establish the person's
38 ability to drive without an actual demonstration.

39 (4) The department may issue a Class A farm endorsement without requiring additional tests to
40 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
41 the department that the person is experienced in driving a vehicle that may be driven only by per-
42 sons who have a Class A commercial driver license and the person's two-part driving record does
43 not show either a traffic accident within two years of the date of application for the endorsement
44 or a conviction for one of the following traffic crimes within five years of the date of application for
45 the endorsement:

1 (a) Reckless driving, as defined in ORS 811.140.

2 (b) Driving while under the influence of intoxicants, as defined in ORS 813.010.

3 (c) Failure to perform the duties of a driver involved in a collision, as described in ORS 811.700
4 or 811.705.

5 (d) Criminal driving while suspended or revoked, as defined in ORS 811.182.

6 (e) Fleeing or attempting to elude a police officer, as defined in ORS 811.540.

7 (5) The department may issue a Class B farm endorsement without requiring additional tests to
8 a person who has a Class C driver license if a farm employer or a self-employed farmer certifies to
9 the department that the person is experienced in driving a vehicle that may be driven only by per-
10 sons who have a Class B commercial driver license and the person's two-part driving record does
11 not show either a conviction for a traffic crime specified in subsection (4) of this section within five
12 years of the date of application for the endorsement or a traffic accident within two years of the
13 date of application for the endorsement.

14 (6) The department by rule may establish other circumstances under which a farm endorsement
15 may be issued without an actual demonstration. The authority granted by this subsection includes,
16 but is not limited to, authority to adopt rules specifying circumstances under which the endorsement
17 may be granted to a person despite the appearance of traffic accidents on the person's record.

18 (7) The department by rule may waive the test required under ORS 807.070 (2) for a person who
19 applies for a motorcycle endorsement if the person:

20 (a) Holds a valid out-of-state driver license that authorizes the person to operate a motorcycle;
21 or

22 (b) Applies for a motorcycle endorsement within one year after the expiration date of a valid
23 out-of-state driver license that authorizes the person to operate a motorcycle.

24 (8) The department by rule may waive the actual demonstration required under ORS 807.070 (3)
25 for a person who is applying for a restricted motorcycle endorsement that only authorizes the person
26 to operate a motorcycle with more than two wheels.

27 **(9) The department by rule may waive the test or demonstration required under ORS**
28 **807.070 for a person who applies for a Class C driver license if the person holds a valid out-**
29 **of-state driver license that authorizes the person to operate a motor vehicle.**

30 **SECTION 18.** ORS 320.400 is amended to read:

31 320.400. As used in ORS 320.400 to 320.490 and 803.203:

32 (1)(a) "Bicycle" means:

33 (A) A vehicle that is designed to be operated on the ground on wheels **for the transportation**
34 **of humans** and is propelled exclusively by human power; or

35 (B) An electric assisted bicycle as defined in ORS 801.258.

36 (b) "Bicycle" does not include:

37 (A) Carts;

38 (B) Durable medical equipment;

39 (C) In-line skates;

40 (D) Roller skates;

41 (E) Skateboards;

42 (F) Stand-up scooters;

43 (G) Strollers designed for the transportation of children;

44 (H) Trailer cycles or other bicycle attachments; or

45 (I) Wagons.

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

3 (b) "Retail sales price" does not include the retail value of:

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

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

8 (3) "Seller" means:

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

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

13 (4) "Taxable bicycle" means a new bicycle that has a retail sales price of \$200 or more.

14 (5) "Taxable motor vehicle" means a vehicle that:

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

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

17 (B) If not equipped with an odometer, has a manufacturer's certificate of origin or a
18 manufacturer's statement of origin; and

19 (c) Is:

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

21 (B) A camper as defined in ORS 801.180;

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

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

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

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

26 (G) A moped as defined in ORS 801.345;

27 (H) A motor home as defined in ORS 801.350;

28 (I) A motor truck as defined in ORS 801.355;

29 (J) A tank vehicle as defined in ORS 801.522;

30 (K) A trailer as defined in ORS 801.560 that is required to be registered in this state;

31 (L) A truck tractor as defined in ORS 801.575; or

32 (M) A worker transport bus as defined in ORS 801.610.

33 (6) "Taxable vehicle" means a taxable bicycle or a taxable motor vehicle.

34 (7) "Transportation project taxes" means the privilege tax imposed under ORS 320.405, the use
35 tax imposed under ORS 320.410 and the excise tax imposed under ORS 320.415.

36 (8)(a) "Vehicle dealer" means:

37 (A) A person engaged in business in this state that is required to obtain a vehicle dealer cer-
38 tificate under ORS 822.005; and

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

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

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

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

1 **SECTION 19.** The amendments to ORS 320.400 by section 18 of this 2020 Act apply to
2 taxable bicycles sold before, on or after the effective date of this 2020 Act.

3 **SECTION 20.** ORS 319.020, as amended by section 4, chapter 700, Oregon Laws 2015, and sec-
4 tion 41, chapter 750, Oregon Laws 2017, is amended to read:

5 319.020. (1) Subject to subsections (2) to (4) of this section, in addition to the taxes otherwise
6 provided for by law, every dealer engaging in the dealer's own name, or in the name of others, in
7 the first sale, use or distribution of motor vehicle fuel or aircraft fuel or withdrawal of motor vehicle
8 fuel or aircraft fuel for sale, use or distribution within areas in this state within which the state
9 lacks the power to tax the sale, use or distribution of motor vehicle fuel or aircraft fuel, shall:

10 (a) Not later than the 25th day of each calendar month, render a statement to the Department
11 of Transportation of all motor vehicle fuel or aircraft fuel sold, used, distributed or so withdrawn
12 by the dealer in the State of Oregon as well as all such fuel sold, used or distributed in this state
13 by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the
14 applicable license tax during the preceding calendar month. The dealer shall render the statement
15 to the department in the manner provided by the department by rule.

16 (b) Except as provided in ORS 319.270, pay a license tax computed on the basis of 34 cents per
17 gallon on the first sale, use or distribution of such motor vehicle fuel or aircraft fuel so sold, used,
18 distributed or withdrawn as shown by such statement in the manner and within the time provided
19 in ORS 319.010 to 319.430.

20 (2) When aircraft fuel is sold, used or distributed by a dealer, the license tax shall be computed
21 on the basis of *[nine]* **13 cents** per gallon of fuel so sold, used or distributed, except that when air-
22 craft fuel usable in aircraft operated by turbine engines (turbo-prop or jet) is sold, used or distrib-
23 uted, the tax rate shall be *[one cent]* **five cents** per gallon.

24 (3) In lieu of claiming refund of the tax paid on motor vehicle fuel consumed by such dealer in
25 nonhighway use as provided in ORS 319.280, 319.290 and 319.320, or of any prior erroneous payment
26 of license tax made to the state by such dealer, the dealer may show such motor vehicle fuel as a
27 credit or deduction on the monthly statement and payment of tax.

28 (4) The license tax computed on the basis of the sale, use, distribution or withdrawal of motor
29 vehicle or aircraft fuel may not be imposed wherever such tax is prohibited by the Constitution or
30 laws of the United States with respect to such tax.

31 **SECTION 21.** ORS 319.330, as amended by section 5, chapter 700, Oregon Laws 2015, is
32 amended to read:

33 319.330. (1) Whenever any statement and invoices are presented to the Department of Trans-
34 portation showing that motor vehicle fuel or aircraft fuel has been purchased and used in operating
35 aircraft engines and upon which the full tax for motor vehicle fuel has been paid, the department
36 shall refund the tax paid, but only after deducting from the tax paid *[nine]* **13 cents** for each gallon
37 of such fuel so purchased and used, except that when such fuel is used in operating aircraft turbine
38 engines (turbo-prop or jet) the deduction shall be *[one cent]* **five cents** for each gallon. No deduction
39 provided under this subsection shall be made on claims presented by the United States or on claims
40 presented where a satisfactory showing has been made to the department that such aircraft fuel has
41 been used solely in aircraft operations from a point within the State of Oregon directly to a point
42 not within any state of the United States. The amount so deducted shall be paid on warrant of the
43 Oregon Department of Administrative Services to the State Treasurer, who shall credit the amount
44 to the State Aviation Account for the purpose of carrying out the provisions of the state aviation
45 law. Moneys credited to the account under this section are continuously appropriated to the Oregon

1 Department of Aviation.

2 (2) If satisfactory evidence is presented to the Department of Transportation showing that air-
3 craft fuel upon which the tax has been paid has been purchased and used solely in aircraft oper-
4 ations from a point within the State of Oregon directly to a point not within any state of the United
5 States, the department shall refund the tax paid.

6 **SECTION 22. (1) The amendments to ORS 319.020 by section 20 of this 2020 Act apply to**
7 **aircraft fuel sold, used or distributed on or after January 1, 2022.**

8 **(2) The amendments to ORS 319.330 by section 21 of this 2020 Act apply to fuel purchased**
9 **and used in operating aircraft engines on or after January 1, 2022.**

10 **SECTION 23.** Section 7, chapter 700, Oregon Laws 2015, as amended by section 80a, chapter
11 750, Oregon Laws 2017, section 1, chapter 485, Oregon Laws 2019, and section 26, chapter 491,
12 Oregon Laws 2019, is amended to read:

13 **Sec. 7.** (1) The following amounts shall be distributed in the manner prescribed in this section:

14 (a) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines that is
15 computed on a basis in excess of one cent per gallon and any amount of tax on all other aircraft fuel
16 that is computed on a basis in excess of nine cents per gallon, under ORS 319.020 (2); and

17 (b) Any amount of tax on aircraft fuel usable in aircraft operated by turbine engines in excess
18 of one cent per gallon and any amount of tax on all other aircraft fuel in excess of nine cents per
19 gallon, that is deducted before the refunding of tax under ORS 319.330 (1).

20 (2)(a) Applications for distributions under [*subsections (5) and (6)*] **subsection (5)** of this section
21 may not be approved unless the applicant demonstrates a commitment to contribute at least five
22 percent of the costs of the project to which the application relates. The Oregon Department of
23 Aviation shall adopt rules for purposes of this paragraph.

24 (b) The department may adopt rules that:

25 (A) Set higher minimum contribution commitment requirements; or

26 (B) Establish maximum grant amounts.

27 (3)(a) The State Aviation Board shall establish a review committee composed of one member
28 from each of the area commissions on transportation chartered by the Oregon Transportation Com-
29 mission.

30 (b) The review committee shall meet as necessary to review applications for distributions of
31 amounts pursuant to this section. In reviewing applications, the review committee shall consider:

32 (A) Whether a proposed project:

33 (i) Reduces transportation costs for Oregon businesses or improves access to jobs and sources
34 of labor in this state;

35 (ii) Results in an economic benefit to this state;

36 (iii) Connects elements of Oregon's aviation system in a way that will measurably improve
37 utilization and efficiency of the system;

38 (iv) Is ready for construction or implementation; and

39 (v) Has a useful life expectancy that offers maximum benefit to this state; and

40 (B) How much of the cost of the proposed project can be borne by the applicant from sources
41 other than Oregon Department of Aviation funds or the Connect Oregon Fund.

42 (c) The review committee shall recommend applications to the State Aviation Board for ap-
43 proval.

44 (4)(a) Five percent of the amounts described in subsection (1) of this section are appropriated
45 to the Oregon Department of Aviation for the costs of the department and the State Aviation Board

1 in administering this section.

2 (b) The remaining 95 percent of the amounts described in subsection (1) of this section shall be
3 distributed pursuant to subsections (5) *[to (7)]* **and (6)** of this section.

4 (5)(a) *[Fifty]* **Seventy-five** percent of the amounts described in subsection (4)(b) of this section
5 shall be *[prioritized in the following order and]* distributed for the following purposes:

6 [(a)] **(A)** *[First,]* To assist airports in Oregon with match requirements for Federal Aviation
7 Administration Airport Improvement Program grants.

8 [(b)] **(B)** *[Second,]* To make grants for emergency preparedness and infrastructure projects, in
9 accordance with the Oregon Resilience Plan or the Oregon Aviation Plan.

10 [(c)] **(C)** *[Third,]* To make grants for:

11 [(A)] **(i)** Services critical or essential to aviation, including, but not limited to, fuel, sewer, water
12 and weather equipment;

13 [(B)] **(ii)** Aviation-related business development, including, but not limited to, hangars, parking
14 for business aircraft and related facilities; *[or]* **and**

15 [(C)] **(iii)** Airport development for local economic benefit, including, but not limited to, signs and
16 marketing.

17 **(D)(i) To assist commercial air service to rural Oregon.**

18 **(ii) The Oregon Department of Aviation may adopt a definition of “rural Oregon” for**
19 **purposes of this subparagraph.**

20 **(b) The State Aviation Board may establish by rule priorities for the distributions made**
21 **pursuant to this subsection.**

22 *[(6) Twenty-five percent of the amounts described in subsection (4)(b) of this section shall be dis-*
23 *tributed for the purpose of assisting commercial air service to rural Oregon.]*

24 [(7)] **(6)** Twenty-five percent of the amounts described in subsection (4)(b) of this section shall
25 be distributed to state-owned airports for the purposes of:

26 (a) Safety improvements recommended by the State Aviation Board and local community air-
27 ports.

28 (b) Infrastructure projects at public use airports.

29 [(8)(a)] **(7)(a) Not later than September 15 of each year, the State Aviation Board shall**
30 **submit the reports described in paragraph (b) of this subsection, in the manner provided in**
31 **ORS 192.245, to the interim committees, as applicable, of the Legislative Assembly related**
32 **to air transportation.**

33 **(b)** *[The State Aviation Board shall submit reports, in the manner provided in ORS 192.245 and*
34 *paragraph (b) of this subsection, that]* **The reports required under this subsection shall** describe
35 in detail the projects for which applications have been submitted and approved, the airports affected,
36 the names of the applicants and the persons who will perform the work proposed in the applications,
37 the progress of projects for which applications have been approved and any other information the
38 board considers necessary for a comprehensive analysis of the implementation of this section.

39 *[(b) The reports described in paragraph (a) of this subsection shall be submitted:]*

40 [(A) *Not later than February 10 of each year to the committees of the Legislative Assembly related*
41 *to air transportation; and]*

42 [(B) *Not later than September 30 of each year to the interim committees of the Legislative Assembly*
43 *related to air transportation.]*

44 **SECTION 24. The amendments to section 7, chapter 700, Oregon Laws 2015, by section**
45 **23 of this 2020 Act apply to applications for distributions submitted on or after the effective**

1 **date of this 2020 Act.**

2 **SECTION 24a. Sections 6 and 8, chapter 700, Oregon Laws 2015, are repealed.**

3
4 **CONFORMING AMENDMENTS**

5
6 **SECTION 25.** ORS 824.990 is amended to read:

7 824.990. (1) In addition to all other penalties provided by law:

8 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060
9 (1), 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the Department of
10 Transportation shall incur a civil penalty of not more than \$1,000 for every such violation.

11 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule
12 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
13 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

14 (2) Each such violation shall be a separate offense and in case of a continuing violation every
15 day's continuance is a separate violation. Every act of commission or omission that procures, aids
16 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty
17 provided in subsection (1) of this section.

18 (3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner
19 provided in ORS 183.745.

20 (4) The department may reduce any penalty provided for in subsection (1) of this section on such
21 terms as the department considers proper if:

22 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
23 duction of the penalty; or

24 (b) The defendant submits to the department a written request for reduction of the penalty
25 within 15 days from the date the penalty order is served.

26
27 **REPEALS GENERALLY**

28
29 **SECTION 26. ORS 184.631 and 824.104 and sections 2 and 3, chapter 24, Oregon Laws 2018,**
30 **are repealed.**

31
32 **REPEAL OF ELDERLY AND DISABLED TRANSPORTATION FUND**

33
34 **SECTION 27. ORS 391.800, 391.802, 391.810, 391.815, 391.820 and 391.830 are repealed.**

35 **SECTION 28. No later than July 1, 2021, the Department of Transportation shall transfer**
36 **from the Elderly and Disabled Special Transportation Fund established under ORS 391.800 to**
37 **the Statewide Transportation Improvement Fund established under ORS 184.751 any amounts**
38 **remaining in the Elderly and Disabled Special Transportation Fund.**

39
40 **PUBLIC TRANSPORTATION SERVICE PROVIDERS**

41
42 **SECTION 29.** ORS 184.751 is amended to read:

43 184.751. (1) The Statewide Transportation Improvement Fund is established in the State Treas-
44 ury, separate and distinct from the General Fund. Interest earned by the Statewide Transportation
45 Improvement Fund shall be credited to the fund. Moneys in the fund are continuously appropriated

1 to the Department of Transportation to finance investments and improvements *[in]* **or to maintain**
 2 **existing** public transportation services, except that the moneys may not be used for light rail capital
 3 expenses but may be used for light rail operation expenses.

4 (2) The Statewide Transportation Improvement Fund consists of:

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

6 (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;
 7 *[and]*

8 (c) **Moneys transferred to the fund under ORS 184.642, 323.455 or 323.457 (1)(d) and (2)(b);**

9 **(d) Distribution repayments, if any; and**

10 *[(c)]* (e) Other moneys deposited in the fund from any source.

11 **(3) Unless approved by the department, the moneys in the Statewide Transportation Im-**
 12 **provement Fund may not be used to supplant local and regional agency moneys currently**
 13 **directed to public transportation service providers.**

14 **SECTION 30.** ORS 184.758 is amended to read:

15 184.758. (1) The Oregon Transportation Commission shall distribute the moneys in the Statewide
 16 Transportation Improvement Fund established under ORS 184.751 *[as follows:]* **to the Department**
 17 **of Transportation to pay for:**

18 (a) **Program administration; and**

19 (b) **Projects of statewide significance that support the transit network and manage the**
 20 **operation of public transportation services.**

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

23 (a) Conditioned upon the commission's approval of a public transportation improvement plan, 90
 24 percent to qualified entities;

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

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

29 (d) One percent to the Department of Transportation *[to pay the department's administrative costs*
 30 *and expenses associated with carrying out the provisions of ORS 184.752 to 184.766 and]* to establish
 31 a statewide public transportation technical resource center, the purpose of which is to assist public
 32 transportation service providers in rural areas with technical assistance, training, transportation
 33 planning and information technology.

34 **(3) A portion of the percentage distributions under subsection (2)(a) of this section shall**
 35 **be dedicated to transit services for older adults and individuals with disabilities. Each**
 36 **biennium the commission shall first distribute the moneys transferred to the fund under**
 37 **ORS 184.751 as needed to maintain funding that benefits older adults and individuals with**
 38 **disabilities in the amount distributed during the 2019-2021 biennium. However, this amount**
 39 **shall be adjusted upwards or downwards by the commission biennially based on the rate of**
 40 **growth or decline of the Statewide Transportation Improvement Fund. The percentage dis-**
 41 **tributions under subsection (2)(a) of this section shall be distributed as follows:**

42 (a) Each transportation district and mass transit district shall receive that share of the
 43 moneys as the population of the counties in which the district is situated, determined under
 44 ORS 190.510 to 190.610 last preceding apportionment of the moneys, bears to the total popu-
 45 lation of this state. However, if two or more districts are situated in a single county, dis-

1 **tribution of moneys under this subsection shall be determined as though only the mass**
2 **transit district is located in that county or, if there are two or more transportation districts**
3 **in the county, as though only the transportation district with the highest population is lo-**
4 **cated in that county.**

5 **(b) Each county in which no part of a mass transit district or transportation district is**
6 **located shall receive that share of the moneys as its population, determined under ORS**
7 **190.510 to 190.610 last preceding apportionment of the moneys, bears to the total population**
8 **of this state.**

9 **(c) Each federally recognized Indian tribe shall receive that share of the moneys as the**
10 **population of the tribe residing in Oregon, determined by the commission by rule, bears to**
11 **the total population of this state.**

12 **(4) Each qualified entity under subsection (3) of this section shall receive an annual**
13 **amount of no less than \$67,700. However, this amount shall be adjusted upwards or down-**
14 **wards by the commission biennially based on the rate of growth or decline of the Statewide**
15 **Transportation Improvement Fund.**

16 [(2)] (5) For purposes of the percentage distributions under subsection [(1)(a)] (2)(a) of this sec-
17 tion:

18 (a) Each distribution must be in such shares that the amount of tax paid, as required under ORS
19 320.550, in the area of each qualified entity bears to the total amount of the tax paid statewide,
20 provided that each qualified entity receives an annual amount of [at least \$100,000] **no less than**
21 **\$100,000. However, this amount shall be adjusted upwards or downwards by the commission**
22 **biennially based on the rate of growth or decline of the Statewide Transportation Improve-**
23 **ment Fund.**

24 (b) If more than one mass transit district or transportation district is located within a single
25 county, the commission shall distribute the moneys to the larger district.

26 [(3)] (6) The commission shall adopt by rule:

27 (a) A competitive grant program, by which a public transportation service provider may apply
28 for a percentage distribution under subsection [(1)(b)] (2)(b) of this section, and the terms and con-
29 ditions of grants.

30 (b) A competitive grant program, by which a public transportation service provider may apply
31 for a percentage distribution under subsection [(1)(c)] (2)(c) of this section, and the terms and con-
32 ditions of grants.

33 (c) A process to review and approve a public transportation improvement plan submitted under
34 subsection [(4)] (7) of this section.

35 (d) Procedures for appealing a rejection of a public transportation improvement plan submitted
36 under subsection [(4)] (7) of this section.

37 (e) Any other provisions or procedures that are necessary for the commission to carry out the
38 provisions of ORS 184.758 to 184.766.

39 [(4)] (7) To be eligible to receive a percentage distribution under subsection [(1)(a)] (2)(a) of this
40 section, a qualified entity shall prepare and submit a public transportation improvement plan to the
41 commission. The commission must approve the plan submitted by the qualified entity before the
42 commission may make a percentage distribution to the qualified entity.

43 [(5)] (8) At a minimum, a public transportation improvement plan submitted under this section
44 must include:

45 (a) For each proposed project, the amount of moneys from the percentage distribution that would

1 be allocated to the project to fund the following:

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

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

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

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

10 (E) Improvement in the frequency and reliability of service connections between communities
11 inside and outside of the qualified entity's service area;

12 (F) Coordination between public transportation service providers to reduce fragmentation in the
13 provision of transportation services; *[and]*

14 (G) Implementation of programs to provide student transit services for students in grades 9
15 through 12; **and**

16 **(H) Services for older adults and people with disabilities;**

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

19 (c) If a qualified entity was a recipient of a percentage distribution in the preceding fiscal year,
20 the amount of moneys received from the distribution that were allocated to a project for the pur-
21 poses described under paragraph (a) of this subsection.

22 *[(6)]* **(9)** If practicable, as determined by the commission by rule each qualified entity shall spend
23 at least one percent of the amount received each year under subsection *[(1)(a)]* **(2)(a)** of this section
24 to implement programs to provide student transit services for students in grades 9 through 12.

25 *[(7)]* **(10)** After the commission makes a distribution under subsection *[(1)]* **(2)** of this section,
26 qualified entities may enter into intergovernmental agreements under ORS chapter 190 to combine
27 the moneys received for public transportation improvements.

28 *[(8)]* **(11)** If the commission rejects a public transportation improvement plan or a grant appli-
29 cation submitted under this section, the commission shall notify the entity or provider in writing
30 and state the reasons for the rejection.

31 *[(9)]* **(12)** The Department of Transportation shall make all grant applications submitted under
32 this section available to the public.

33 **SECTION 31.** ORS 184.761 is amended to read:

34 184.761. (1) The governing body of each qualified entity shall appoint an advisory committee to
35 advise and assist the governing body in prioritizing plans or projects to be funded from the moneys
36 received from a percentage distribution under ORS 184.758 to public transportation service provid-
37 ers that provide services within the jurisdiction of the qualified entity.

38 (2) Before receiving funding for a project under ORS 184.758 **(2)(a)**, a public transportation
39 service provider that provides services *[within the jurisdiction of a qualified entity]* shall submit a
40 plan or project proposal to the governing body of the qualified entity and receive the advisory
41 committee's approval of the plan or project proposal. The plans or project proposals submitted under
42 this subsection must describe how the funds would be used. **Client-only projects, as defined by the**
43 **Oregon Transportation Commission by rule, may be eligible for consideration if the project**
44 **is part of a planned and coordinated community transportation program.**

45 (3) An advisory committee appointed under this section shall review every plan or project pro-

1 posal required under subsection (2) of this section and may propose any changes to the policies or
2 practices of the governing body **relating to the distribution of funding under ORS 184.758 (2)(a)**
3 **and** that the advisory committee considers necessary to ensure that:

4 (a) A public transportation service provider that has received funding under ORS 184.758 (2)(a)
5 has applied the moneys received in accordance with and for the purposes described in the provider's
6 plan or project proposal; and

7 (b) A plan or project proposal submitted by a public transportation service provider does not
8 fragment the provision of public transportation services.

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

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

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

13 (c) A process by which an advisory committee shall review and approve a plan or project pro-
14 posal.

15 (5) Notwithstanding subsection (1) of this section, the governing bodies of two or more qualified
16 entities may appoint advisory committee members to a joint advisory committee under conditions
17 determined by the commission by rule.

18 **SECTION 32.** ORS 184.766 is amended to read:

19 184.766. (1) Every qualified entity that receives a percentage distribution under ORS 184.758
20 shall submit the following to the Department of Transportation:

21 [(1)] (a) No later than 60 days after the end of the fiscal year, a report on any actions taken
22 by a public transportation service provider located within the area of a qualified entity to mitigate
23 the impact of the tax imposed under ORS 320.550 on passengers who reside in low-income commu-
24 nities;

25 [(2)] (b) No later than 30 days after adoption, the annual budget for the upcoming fiscal year;
26 and

27 [(3)] (c) No later than 30 days after receipt of the final results of any audits of the qualified
28 entity or of a public transportation service provider located within the area of the qualified entity
29 as required by a local, state or federal oversight agency for purposes of statewide reporting, the
30 final results including, but not limited to:

31 [(a)] (A) The state financial report required under ORS 291.040;

32 [(b)] (B) The results of any comprehensive review completed by the Federal Transit Adminis-
33 tration or the department; [and]

34 [(c)] (C) Any information submitted by the qualified entity as a part of the requirements of a
35 statewide audit in accordance with the federal Single Audit Act of 1984 (31 U.S.C. 7501 to 7507), as
36 amended by the Single Audit Act Amendments of 1996 (P.L. 104-156)[.]; **and**

37 **(D) Any quarterly reports that detail project progress, outcomes achieved and the ex-**
38 **penditure of funds described under ORS 184.758 (2)(a).**

39 **(2) The Oregon Transportation Commission shall establish rules concerning the making**
40 **of agreements for the distributions made to qualified entities under ORS 184.758. Each**
41 **agreement must include a condition that requires a qualified entity to repay, in full, distrib-**
42 **utions paid to the qualified entity, if the commission determines that the recipient has failed**
43 **meet to any terms or conditions of the agreement.**

44 **SECTION 33.** The amendments to ORS 184.766 by section 32 of this 2020 Act apply to
45 **distributions made on or after the effective date of this 2020 Act.**

1 **CONFORMING AMENDMENTS FOR PUBLIC TRANSPORTATION SERVICE PROVIDERS**

2
3 **SECTION 34.** ORS 184.642 is amended to read:

4 184.642. (1) The Department of Transportation Operating Fund is established in the State
5 Treasury separate and distinct from the General Fund and separate and distinct from the State
6 Highway Fund. Except as otherwise provided in subsection (3)(e) of this section, moneys in the De-
7 partment of Transportation Operating Fund are continuously appropriated to the Department of
8 Transportation to pay expenses of the department that are incurred in the performance of functions
9 the department is statutorily required or authorized to perform and that may not constitutionally
10 be paid from revenues described in section 3a, Article IX of the Oregon Constitution.

11 (2) The operating fund shall consist of the following:

12 (a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor vehicle for which a person
13 is entitled to a refund under a provision described in this paragraph but for which no refund is
14 claimed, in amounts determined under ORS 184.643. This paragraph applies to refund entitlements
15 described in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

16 (b) Fees collected under ORS 822.700 for issuance or renewal of:

17 (A) Dismantler certificates;

18 (B) Vehicle dealer certificates;

19 (C) Show licenses;

20 (D) Vehicle transporter certificates;

21 (E) Driver training instructor certificates;

22 (F) Commercial driver training school certificates; and

23 (G) Vehicle appraiser certificates.

24 (c) Late fees collected under ORS 822.700.

25 (d) Fees collected under ORS 822.705.

26 (e) Moneys from civil penalties imposed under ORS 822.009.

27 (f) Fees collected under ORS 807.410 for identification cards.

28 (g) Fees collected by the department for issuance of permits to engage in activities described in
29 ORS 374.302 to 374.334 that are not directly connected to the construction, reconstruction, im-
30 provement, repair, maintenance, operation and use of a public highway, road, street or roadside rest
31 area.

32 (h) Fees collected under ORS 835.017 for services provided to the Oregon Department of Avi-
33 ation.

34 (i) Interest and other earnings on moneys in the operating fund.

35 (3) Moneys in the Department of Transportation Operating Fund established by subsections (1)
36 and (2) of this section may be spent only as follows:

37 (a) Taxes described in subsection (2)(a) of this section may be used only for payment of expenses
38 of the Department of Transportation that:

39 (A) May not constitutionally be paid from revenues described in section 3a, Article IX of the
40 Oregon Constitution;

41 (B) Are incurred in the performance of functions the department is statutorily required or au-
42 thorized to perform; and

43 (C) Are not payable from moneys described in paragraphs (b) to (e) of this subsection.

44 (b) Fees collected under subsection (2)(b) of this section may be used only to carry out the reg-
45 ulatory functions of the department relating to the businesses that generate the fees.

1 (c) Fees collected under ORS 822.705 may be used only for the purposes described in ORS
2 822.705.

3 (d) Moneys collected from civil penalties imposed under ORS 822.009 may be used only for reg-
4 ulation of vehicle dealers.

5 (e) Moneys collected under ORS 807.410 from fees for identification cards shall be used first to
6 pay the expenses of the department for performing the functions of the department relating to
7 identification cards. After paying the expenses related to identification cards, the department shall
8 transfer the remaining moneys collected under ORS 807.410 to the *[Elderly and Disabled Special*
9 *Transportation Fund established in ORS 391.800]* **Statewide Transportation Improvement Fund**
10 **established in ORS 184.751.**

11 (f) Moneys from the permits described in subsection (2)(g) of this section may be used for costs
12 of issuing the permits and monitoring the activities that generate the fees.

13 (g) Moneys from interest and other earnings on moneys in the operating fund may be used for
14 any purpose for which other moneys in the fund may be used.

15 **SECTION 35.** ORS 323.455 is amended to read:

16 323.455. (1) All moneys received by the Department of Revenue from the tax imposed by ORS
17 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established
18 under ORS 293.445. The department may pay expenses for administration and enforcement of ORS
19 323.005 to 323.482 out of moneys received from the tax imposed under ORS 323.030 (1). Amounts
20 necessary to pay administrative and enforcement expenses are continuously appropriated to the de-
21 partment from the suspense account. After the payment of administrative and enforcement expenses
22 and refunds, 89.65 percent shall be credited to the General Fund, 3.45 percent is appropriated to the
23 cities of this state, 3.45 percent is appropriated to the counties of this state and 3.45 percent is
24 continuously appropriated to the Department of Transportation for the purpose of financing and
25 improving transportation services for *[elderly individuals]* **older adults** and individuals with disa-
26 bilities *[as provided in ORS 391.800 to 391.830]*.

27 (2) The moneys appropriated to cities and counties under subsection (1) of this section shall be
28 paid on a monthly basis within 35 days after the end of the month for which a distribution is made.
29 Each city shall receive such share of the money appropriated to all cities as its population, as de-
30 termined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total popu-
31 lation of the cities of the state, and each county shall receive such share of the money as its
32 population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
33 total population of the state.

34 (3) The moneys appropriated to the Department of Transportation under subsection (1) of this
35 section shall be distributed and transferred to the *[Elderly and Disabled Special Transportation Fund*
36 *established by ORS 391.800]* **Statewide Transportation Improvement Fund established in ORS**
37 **184.751** at the same time as the cigarette tax moneys are distributed to cities and counties under
38 this section.

39 (4) Of the moneys credited to the General Fund under subsection (1) of this section, 51.92 per-
40 cent shall be dedicated to funding the maintenance and expansion of the number of persons eligible
41 for the medical assistance program under ORS chapter 414, or to funding the maintenance of the
42 benefits available under the program, or both, and 5.77 percent shall be credited to the Tobacco Use
43 Reduction Account established under ORS 431A.153.

44 (5) All moneys received by the Department of Revenue from the tax imposed by ORS 323.030 (4)
45 shall be paid over to the State Treasurer to be held in a suspense account established under ORS

1 293.445. After the payment of refunds, the balance shall be credited to the Oregon Health Authority
 2 Fund established by ORS 413.101 and shall be used to provide the services described in ORS 430.630.

3 **SECTION 36.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved by the voters at the
 4 general election held throughout this state on November 3, 2020, ORS 323.455, as amended by sec-
 5 tion 4, chapter 525, Oregon Laws 2019, is amended to read:

6 323.455. (1) All moneys received by the Department of Revenue from the tax imposed by ORS
 7 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established
 8 under ORS 293.445. The department may pay expenses for administration and enforcement of ORS
 9 323.005 to 323.482 out of moneys received from the tax imposed under ORS 323.030 (1), after all
 10 amounts available under section 3, chapter 525, Oregon Laws 2019, for expenses for administration
 11 and enforcement of ORS 323.005 to 323.482 have been used. Amounts necessary to pay administrative
 12 and enforcement expenses are continuously appropriated to the department from the suspense ac-
 13 count. After the payment of administrative and enforcement expenses and refunds, 89.65 percent
 14 shall be credited to the General Fund, 3.45 percent is appropriated to the cities of this state, 3.45
 15 percent is appropriated to the counties of this state and 3.45 percent is continuously appropriated
 16 to the Department of Transportation for the purpose of financing and improving transportation ser-
 17 vices for *[elderly individuals]* **older adults** and individuals with disabilities *[as provided in ORS*
 18 *391.800 to 391.830]*.

19 (2) The moneys appropriated to cities and counties under subsection (1) of this section shall be
 20 paid on a monthly basis within 35 days after the end of the month for which a distribution is made.
 21 Each city shall receive such share of the money appropriated to all cities as its population, as de-
 22 termined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total popu-
 23 lation of the cities of the state, and each county shall receive such share of the money as its
 24 population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
 25 total population of the state.

26 (3) The moneys appropriated to the Department of Transportation under subsection (1) of this
 27 section shall be distributed and transferred to the *[Elderly and Disabled Special Transportation Fund*
 28 *established by ORS 391.800]* **Statewide Transportation Improvement Fund established in ORS**
 29 **184.751** at the same time as the cigarette tax moneys are distributed to cities and counties under
 30 this section.

31 (4) Of the moneys credited to the General Fund under subsection (1) of this section, 51.92 per-
 32 cent shall be dedicated to funding the maintenance and expansion of the number of persons eligible
 33 for the medical assistance program under ORS chapter 414, or to funding the maintenance of the
 34 benefits available under the program, or both, and 5.77 percent shall be credited to the Tobacco Use
 35 Reduction Account established under ORS 431A.153.

36 (5) All moneys received by the Department of Revenue from the tax imposed by ORS 323.030 (4)
 37 shall be paid over to the State Treasurer to be held in a suspense account established under ORS
 38 293.445. After the payment of refunds, the balance shall be credited to the Oregon Health Authority
 39 Fund established by ORS 413.101 and shall be used to provide the services described in ORS 430.630.

40 **SECTION 37.** ORS 323.457 is amended to read:

41 323.457. (1) Moneys received under ORS 323.031 shall be paid over to the State Treasurer to be
 42 held in a suspense account established under ORS 293.445. After the payment of refunds:

43 (a) 29.37/30 of the moneys shall be credited to the Oregon Health Plan Fund established under
 44 ORS 414.109;

45 (b) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-

1 trative Services for distribution to the cities of this state;

2 (c) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
3 trative Services for distribution to the counties of this state;

4 (d) 0.14/30 of the moneys are continuously appropriated to the Department of Transportation to
5 be distributed and transferred to the [*Elderly and Disabled Special Transportation Fund established*
6 *under ORS 391.800*] **Statewide Transportation Improvement Fund established in ORS 184.751;**
7 and

8 (e) 0.21/30 of the moneys shall be credited to the Tobacco Use Reduction Account established
9 under ORS 431A.153.

10 (2)(a) Moneys distributed to cities and counties under this section shall be distributed to each
11 city or county using the proportions used for distributions made under ORS 323.455.

12 (b) Moneys shall be distributed to cities, counties and the [*Elderly and Disabled Special Trans-*
13 *portation Fund*] **Statewide Transportation Improvement Fund** at the same time moneys are dis-
14 tributed to cities, counties and the [*Elderly and Disabled Special Transportation Fund*] **Statewide**
15 **Transportation Improvement Fund** under ORS 323.455.

16 **SECTION 38.** If chapter 525, Oregon Laws 2019 (IRR 402), is approved by the voters at the
17 general election held throughout this state on November 3, 2020, ORS 323.457, as amended by sec-
18 tion 5, chapter 525, Oregon Laws 2019, is amended to read:

19 323.457. (1) Moneys received under ORS 323.031 (1) shall be paid over to the State Treasurer to
20 be held in a suspense account established under ORS 293.445. After the payment of refunds:

21 (a) 29.37/30 of the moneys shall be credited to the Oregon Health Authority Fund established
22 under ORS 413.101;

23 (b) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
24 trative Services for distribution to the cities of this state;

25 (c) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
26 trative Services for distribution to the counties of this state;

27 (d) 0.14/30 of the moneys are continuously appropriated to the Department of Transportation to
28 be distributed and transferred to the [*Elderly and Disabled Special Transportation Fund established*
29 *under ORS 391.800*] **Statewide Transportation Improvement Fund established in ORS 184.751;**
30 and

31 (e) 0.21/30 of the moneys shall be credited to the Tobacco Use Reduction Account established
32 under ORS 431A.153.

33 (2)(a) Moneys distributed to cities and counties under this section shall be distributed to each
34 city or county using the proportions used for distributions made under ORS 323.455.

35 (b) Moneys shall be distributed to cities, counties and the [*Elderly and Disabled Special Trans-*
36 *portation Fund*] **Statewide Transportation Improvement Fund** at the same time moneys are dis-
37 tributed to cities, counties and the [*Elderly and Disabled Special Transportation Fund*] **Statewide**
38 **Transportation Improvement Fund** under ORS 323.455.

39 **SECTION 39.** ORS 184.675 is amended to read:

40 184.675. As used in ORS 184.670 to 184.733, unless the context requires otherwise:

41 (1) "Director" means Director of Transportation.

42 (2) "Department" means the Department of Transportation.

43 (3) **"Indian tribe" means a federally recognized Indian tribe in Oregon that has members**
44 **residing on a reservation or tribal trust lands in Oregon.**

45 [(3)] (4) "Operating agreement" means an agreement for the operation or maintenance on behalf

1 of the Department of Transportation of all or part of a public transportation system, but does not
2 include agreements by which the department provides only financial or technical assistance or
3 transportation facilities or equipment and which do not control routes, rates or levels of service,
4 or agreements under which such control is exercised by the federal government through the de-
5 partment.

6 [(4)] (5) "Public transportation system" means any form of passenger transportation system,
7 whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi
8 and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized
9 areas, and including related passenger terminal facilities and motor vehicle parking facilities.

10 [(5)] (6) "Person" means the United States or any state or any department or agency of any of
11 the above, or any nonprofit corporation or entity or any other individual, corporation or entity, ei-
12 ther public or private.

13 [(6) "Bus" means a motor vehicle designed for carrying 15 or more passengers, exclusive of the
14 driver, and used for the transportation of persons.]

15 (7) "Public transportation entity" includes a city, county, transportation district, mass transit
16 district, metropolitan service district, Indian tribe [as defined in ORS 391.802] or private nonprofit
17 corporation operating a public transportation system.

18 **SECTION 40.** ORS 293.701 is amended to read:

19 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

20 (1) "Council" means the Oregon Investment Council.

21 (2) "Investment funds" means:

22 (a) Public Employees Retirement Fund referred to in ORS 238.660;

23 (b) Industrial Accident Fund referred to in ORS 656.632;

24 (c) Consumer and Business Services Fund referred to in ORS 705.145;

25 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

26 (e) Insurance Fund referred to in ORS 278.425;

27 (f) Funds under the control and administration of the Department of State Lands;

28 (g) Oregon Student Assistance Fund referred to in ORS 348.570;

29 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.569 or
30 rules adopted thereunder;

31 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
32 General Obligation Bond Fund referred to in ORS 530.280;

33 (j) Oregon War Veterans' Fund referred to in ORS 407.495;

34 (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;

35 (L) World War II Veterans' Compensation Fund;

36 (m) World War II Veterans' Bond Sinking Fund;

37 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
38 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
39 commingled investment vehicle;

40 (o) State funds that are not subject to the control and administration of officers or bodies spe-
41 cifically designated by law;

42 (p) Funds derived from the sale of state bonds;

43 (q) Social Security Revolving Account referred to in ORS 237.490;

44 (r) Public University Fund established by ORS 352.450;

45 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;

1 *[(t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;]*

2 *[(u)] (t) Education Stability Fund established by ORS 348.696;*

3 *[(v)] (u) Deferred Compensation Fund established under ORS 243.411;*

4 *[(w)] (v) Trust for Cultural Development Account established under ORS 359.405; and*

5 *[(x)] (w) The State Library Donation Fund and the Talking Book and Braille Library Endowment*
6 *Fund subaccount established under ORS 357.195.*

7 (3) “Investment officer” means the State Treasurer in the capacity as investment officer for the
8 council.

9 **SECTION 41.** ORS 293.701, as amended by section 64, chapter 678, Oregon Laws 2019, is
10 amended to read:

11 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

12 (1) “Council” means the Oregon Investment Council.

13 (2) “Investment funds” means:

14 (a) Public Employees Retirement Fund referred to in ORS 238.660;

15 (b) Industrial Accident Fund referred to in ORS 656.632;

16 (c) Consumer and Business Services Fund referred to in ORS 705.145;

17 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

18 (e) Insurance Fund referred to in ORS 278.425;

19 (f) Funds under the control and administration of the Department of State Lands;

20 (g) Oregon Student Assistance Fund referred to in ORS 348.570;

21 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.569 or
22 rules adopted thereunder;

23 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry
24 General Obligation Bond Fund referred to in ORS 530.280;

25 (j) Oregon War Veterans’ Fund referred to in ORS 407.495;

26 (k) Oregon War Veterans’ Bond Sinking Account referred to in ORS 407.515;

27 (L) World War II Veterans’ Compensation Fund;

28 (m) World War II Veterans’ Bond Sinking Fund;

29 (n) Funds in the hands of the State Treasurer that are not required to meet current demands
30 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another
31 commingled investment vehicle;

32 (o) State funds that are not subject to the control and administration of officers or bodies spe-
33 cifically designated by law;

34 (p) Funds derived from the sale of state bonds;

35 (q) Social Security Revolving Account referred to in ORS 237.490;

36 (r) Public University Fund established by ORS 352.450;

37 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;

38 *[(t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;]*

39 *[(u)] (t) Education Stability Fund established by ORS 348.696;*

40 *[(v)] (u) Deferred Compensation Fund established under ORS 243.411;*

41 *[(w)] (v) Trust for Cultural Development Account established under ORS 359.405;*

42 *[(x)] (w) The State Library Donation Fund and the Talking Book and Braille Library Endowment*
43 *Fund subaccount established under ORS 357.195;*

44 *[(y)] (x) Funds in the Unclaimed Property Revolving Fund created in ORS 98.388; and*

45 *[(z)] (y) Funds in the Common School Fund that are available for investment.*

1 (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the
2 council.

3 **SECTION 42.** ORS 541.561 is amended to read:

4 541.561. (1) The Water Resources Department shall establish a grant program to pay the quali-
5 fying costs of planning studies performed to evaluate the feasibility of developing a water conser-
6 vation, reuse or storage project, as described in ORS 541.566. A grant under this section may be
7 made to a local government as defined in ORS 174.116, [*to an Indian tribe as defined in ORS*
8 *391.802*] **a federally recognized Indian tribe in Oregon that has members residing on a reser-**
9 **vation or tribal trust lands in Oregon** or to a person.

10 (2) In lieu of grants, the department may pay the cost of providing direct services, including but
11 not limited to technical planning services, for a planning study that is eligible for a grant under this
12 section.

13 (3) A grant or the cost of direct services provided under this section may not exceed \$500,000
14 per project. A grant or payment for direct services may be provided only if the amount of the grant
15 or the cost of the direct services is matched by funding from another source that is not less than
16 a dollar-for-dollar match of the amount or cost.

17 (4) Grants and the cost of direct services provided under this section must be paid for from
18 moneys available in the Water Conservation, Reuse and Storage Investment Fund.

19 (5)(a) In evaluating above ground storage projects for awards of grants or payments for direct
20 services under this section, the department shall give priority to projects that include provisions for
21 using stored water to augment in-stream flows to conserve, maintain and enhance aquatic life, fish
22 life or other ecological values.

23 (b) In evaluating all other eligible projects, the department shall give priority to projects iden-
24 tified by the department in a statewide water assessment and inventory for the award of grants or
25 provision of payment for direct services under this section.

26 **SECTION 43.** ORS 541.659 is amended to read:

27 541.659. Loans and grants may be made from the Water Supply Development Account to persons
28 as defined in ORS 536.007, [*Indian tribes as defined in ORS 391.802*] **a federally recognized Indian**
29 **tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon**
30 and nonprofit organizations. If an applicant is required to have a water management and conserva-
31 tion plan, the plan must be submitted to the Water Resources Department and receive approval prior
32 to department acceptance of an application for a loan or grant from the account.

33
34 **CAPTIONS**
35

36 **SECTION 44.** **The unit captions used in this 2020 Act are provided only for the conven-**
37 **ience of the reader and do not become part of the statutory law of this state or express any**
38 **legislative intent in the enactment of this 2020 Act.**

39
40 **EFFECTIVE DATE**
41

42 **SECTION 45.** **This 2020 Act takes effect on the 91st day after the date on which the 2020**
43 **regular session of the Eightieth Legislative Assembly adjourns sine die.**
44